

<p>1 Monday, 16 January 2012 2 (10.00 am) 3 LORD JUSTICE LEVESON: Yes, Mr Jay? 4 MR JAY: May I start by reading out a letter from Reed 5 Smith: 6 "Dear Judge 7 "We represent the right honourable Gordon Brown MP. 8 You heard evidence from Kelvin McKenzie on Monday, 9 9 January. His evidence about an alleged call at the 10 time of the Labour party conference of September 2009 11 was, I quote: 12 ""That night, a furious Brown called Murdoch and, in 13 Rupert's words, "roared at me for 20 minutes".' 14 "When asked for the source for the story, 15 Mr MacKenzie replied, 'It was Mr Murdoch.' His evidence 16 was that: 17 ""At the end, Brown said, "You're trying to destroy 18 me and my party. I will destroy you and your company." 19 "The story is completely untrue. It is important 20 that it does not become accepted as a fact. A respected 21 national newspaper has already raised it as if it were 22 a fact in the course of a PCC investigation of 23 a complaint by Mr Brown which was upheld. Mr Brown has 24 a clear recollection of the calls he had with Mr Murdoch 25 when he was Prime Minister. He had no such conversation</p> <p style="text-align: center;">Page 1</p>	<p>1 MR BROWNE: They, as I understand it, have now been listened 2 to. I won't remind the Tribunal of how many times we've 3 asked that that should be done but they have now been 4 listened to and with his customary courtesy, Mr Barr 5 informed me at 7 o'clock on Friday night that they would 6 be transcribed. 7 We have agreed, I hope, between us that no questions 8 will be put to the editors about the contents of the 9 transcripts insofar as they bear on the state of mind of 10 the two reporters, Sarah Jellema and Nick Owens, and 11 Mr Owens' evidence has been deferred until the 12 transcripts are available. 13 LORD JUSTICE LEVESON: Yes. That's as a result of 14 a conversation that I have had, and I entirely agree 15 with that approach. Thank you. 16 Yes, Mr Barr. 17 MR BARR: Thank you, sir. I don't wish to appear 18 oversensitive but I ought to say that the Inquiry had 19 access to the audio tapes on Friday afternoon. 20 LORD JUSTICE LEVESON: Yes, I understand that too. 21 MR BARR: The running order for today, sir, is going to be 22 Mr Wallace, Ms Weaver, Mr Penman this morning, and then 23 Mr Embley and Mrs Bailey this afternoon. Mr Owens, of 24 course, for the reasons just explained, is going to give 25 evidence at a later date.</p> <p style="text-align: center;">Page 3</p>
<p>1 with Mr Murdoch at any time during the conference. Thus 2 the words attributed to him by Mr MacKenzie were not 3 said by him to Mr Murdoch and the statement attributed 4 to Mr Murdoch by Mr MacKenzie is likewise factually 5 wrong. The account is not an accurate reflection of 6 events. Mr MacKenzie's hearsay statement was not tested 7 as to its reliability or credibility in the Inquiry, yet 8 the press reported it and that evidence substantially as 9 fact. 10 "This incident provides an insight into the 11 difficulties any individual faces in establishing a true 12 and fair record of events. 13 "Yours faithfully." 14 LORD JUSTICE LEVESON: It's entirely appropriate to do that 15 in light of the fact that Mr Brown is not a core 16 participant and core participants have been able to make 17 comment to provide balance during the course of the 18 Inquiry. 19 MR JAY: Yes. These matters warrant further investigation 20 and that will be considered. 21 LORD JUSTICE LEVESON: They certainly do. Thank you. 22 Yes, Mr Barr? 23 MR BROWNE: Sir, just before we start, very shortly, can 24 I mention the position in relation to Mr Atkins' tapes? 25 LORD JUSTICE LEVESON: Yes.</p> <p style="text-align: center;">Page 2</p>	<p>1 LORD JUSTICE LEVESON: Right. 2 MR BARR: I have been asked today to start by telling the 3 Inquiry who is going to be read into evidence, and if 4 you're content, sir, I'll mention those names now. 5 The read witnesses are Vincent Moss, Kevin 6 O'Sullivan, Vijay Vaghela and Paul Vickers. 7 LORD JUSTICE LEVESON: Thank you. 8 MR JAY: Against that background, may I now call Mr Richard 9 Wallace. 10 LORD JUSTICE LEVESON: Thank you. 11 MR RICHARD DAVID WALLACE (sworn) 12 Questions by Mr BARR 13 MR BARR: Mr Wallace, good morning. 14 A. Good morning. 15 Q. Could you confirm your full name, please? 16 A. Richard David Wallace. 17 Q. You've provided the Inquiry with two witness statements. 18 Are the contents of those witness statements true and 19 correct to the best of your knowledge and belief? 20 A. They are. 21 LORD JUSTICE LEVESON: Mr Wallace, you're the first witness 22 from Trinity Mirror. As you know and as I've made 23 clear, Trinity Mirror allowed me to enter their various 24 newsrooms prior to the commencement of the oral 25 hearings. I'm very grateful to you and to everybody</p> <p style="text-align: center;">Page 4</p>

<p>1 else who made that possible. 2 MR BARR: You tell us in your first witness statement -- and 3 I'm looking now at page 3 -- a little about your career 4 in journalism. You've worked in journalism for about 30 5 years. 6 A. Yes. 7 Q. You started on a local newspaper, the Leicester Mercury. 8 You then moved on to a news agency, the Ox and Bucks 9 news agency, before becoming a shifter on national 10 newspapers and then working for the Daily Mail and the 11 Sun? 12 A. Yes. 13 Q. Since then, for the past 21 years, you've worked for 14 Trinity Mirror? 15 A. That's correct. 16 Q. Can I ask you, before moving on to the details of your 17 career with Trinity Mirror, a little about the culture 18 and the differences in culture, if any, between the 19 Daily Mail, the Sun and the Trinity Mirror. All three 20 are tabloid newspapers. Was there, in your opinion, any 21 discernible difference in the journalistic culture at 22 those three titles? 23 A. No. 24 Q. I think it's right, isn't it, that there's a fair degree 25 of movement of journalists between titles, including</p> <p style="text-align: center;">Page 5</p>	<p>1 in 1999 and remained in that position until October 2 2000, when you were promoted to the head of news. Could 3 I ask you, first of all: did you sit with the 4 showbusiness team? 5 A. Yes. 6 Q. Did you have extensive contact with the showbusiness 7 team while you were the showbusiness editor? 8 A. Yes. 9 Q. Were you aware of the source of the stories that were 10 published about showbusiness whilst you were the 11 showbusiness editor? 12 A. Generally, yes. 13 Q. Generally? Does that suggest there were, on occasions, 14 stories that you weren't aware of the source? 15 A. Yes. 16 Q. How frequent was that? 17 A. Not very often. 18 Q. I'm asking you these questions, Mr Wallace, because 19 James Hipwell gave evidence to this Inquiry that he sat 20 close to the showbusiness team in the period 1998 to 21 2000. Did you know Mr Hipwell? 22 A. Yes. 23 Q. Is it right that he sat in close proximity to the 24 showbusiness team? 25 A. Yes.</p> <p style="text-align: center;">Page 7</p>
<p>1 between titles owned by different newspaper groups? 2 A. That's correct. 3 Q. Does that help explain, perhaps, why there is not 4 a discernible difference in journalistic culture? 5 A. Absolutely. 6 Q. To pick up with your career with Trinity Mirror, you 7 joined the Daily Mirror as a showbiz report in 1990 and 8 reported on the entertainment world. We know that you 9 have now risen up to become the editor of the 10 Daily Mirror. Could I ask you this: you're not the 11 first witness to appear before this Inquiry who has 12 become the editor of a tabloid newspaper having been 13 a reporter on the showbiz column. It seems to be 14 something of a well-trodden path to the editorship. Can 15 you help us with why it is such a common route to the 16 top? 17 A. I think the main reason -- if you work in the 18 entertainment world, and it's not dissimilar to the 19 political world, it's about cultivating contacts and 20 generating your own stories. Self-generating is 21 a critical factor in successful journalists and I think 22 that is a specific -- that all of us who have come via 23 that route have in common. 24 Q. Thank you. If we move now to your time as the 25 showbusiness editor. You became the showbusiness editor</p> <p style="text-align: center;">Page 6</p>	<p>1 Q. His evidence is that he saw phone hacking going on 2 amongst members of the showbusiness team on more than 3 one occasion, and effectively gave the impression that 4 it was commonplace. I'd like to ask you: from your 5 position as editor sitting with that team at that time, 6 is it true that there was phone hacking going on amongst 7 the showbusiness team? 8 A. No. Not to my knowledge. 9 Q. You say "not to my knowledge". Can I take it, 10 therefore, that it's possible that it was going on but 11 being hidden from you? 12 A. Might well have been. 13 Q. If I may pick up now your career. You spent some time 14 in the United States as a United States editor before 15 returning in August 2003 to this country to be the 16 deputy editor of the Sunday Mirror, working to our next 17 witness, Ms Weaver. When you were appointed as deputy 18 editor of a national Sunday newspaper, were you given 19 any specific training in the role of deputy editor? 20 A. Not specifically, no. 21 Q. Were you given any briefing about the role? 22 A. Not a formal briefing, no. 23 Q. Were you given any advice as to how to discharge the 24 function of deputy editor? 25 A. Yes.</p> <p style="text-align: center;">Page 8</p>

<p>1 Q. Was that formal advice or informal? 2 A. Informal. 3 Q. What form did that take, please? 4 A. I spoke with Ms Weaver and I spoke with various other 5 senior executives around the group, as it was the 6 biggest job I'd had to that date, on what made a good 7 deputy editor and they gave me some pointers and it 8 proved to be good advice. 9 Q. You then were promoted to the position of editor of the 10 Daily Mirror in 2004. Can I ask you the same questions. 11 At that point, were you given any specific training in 12 how to be the editor of a national tabloid newspaper? 13 A. No. 14 Q. Were you given any briefing? 15 A. Not specifically. 16 Q. Were you given any advice? 17 A. Yes, lots of advice. 18 Q. Lots of informal advice? 19 A. Yes. 20 Q. We see there a pattern in how this promotion happened. 21 With the benefit of hindsight, or perhaps really looking 22 forward for the future, do you think that that was 23 sufficient preparation for the job or would it be better 24 if it had been a more formal process with formal 25 training and instruction?</p> <p style="text-align: center;">Page 9</p>	<p>1 to you as GQ magazine's editor of the year. Was that 2 arising from one particular scoop or story or was it 3 a more general -- 4 A. It was a more general series of good stories, and also 5 I think the overall quality of the paper. 6 Q. You tell us next that you think that the role of the 7 leader is to run a steady ship and provide strong 8 leadership and to follow the traditions and values of 9 the newspaper you're editing. We'll return later to the 10 role of the editor, but before we do that, can I ask you 11 about what you address in paragraph 13 of your witness 12 statement, which is your position as a member of the 13 Editors' Code of Practice Committee. 14 A. Yes. 15 Q. You've been a member since June 2010? 16 A. That's correct. 17 Q. You tell us that the Code Committee has 13 members from 18 a range of publications and is responsible for the 19 Editors' Code of Practice? 20 A. Yes. 21 Q. You're keen to emphasise that the Code Committee is 22 entirely separate from the PCC and that the committee 23 has been busy because there have been nearly 30 changes 24 to the original code since its inception in 1991? 25 A. That's correct.</p> <p style="text-align: center;">Page 11</p>
<p>1 A. No. I think if you are promoted and given big jobs to 2 do, there is a view from whoever appoints you that you 3 would be a competent individual to carry out those 4 tasks. 5 Q. You took over from Mr Piers Morgan, didn't you? 6 A. Indeed. 7 Q. Were you told anything about why it was that Mr Morgan 8 had lost his position as the editor? 9 A. I was around in the building when that saga unfolded, so 10 I was aware of what had happened and why he was 11 dismissed. 12 Q. To your knowledge, why was he dismissed? 13 A. Because we published a series of hoax Iraqi prisoner 14 abuse pictures. 15 Q. Did it go further than that? Were you given any 16 explanation as to why it was that the publication of 17 those particular photographs should cost Mr Morgan his 18 job? 19 A. As we have seen throughout this Inquiry, editors can 20 make errors of judgment. I think this was 21 a catastrophic error of judgment and he paid the price. 22 Q. You then tell us more about your career. We see that in 23 2006, on your watch, your newspaper won a series of 24 awards: newspaper of the year, news team of the year and 25 daily newspaper of the year, as well as a personal award</p> <p style="text-align: center;">Page 10</p>	<p>1 Q. Can I ask you, please: who appoints members of the Code 2 of Practice Committee? 3 A. PressBoF. 4 Q. Is it by application or by invitation? 5 A. By invitation. 6 Q. What are the terms about the length of your tenure on 7 the committee? 8 A. It's open-ended. 9 Q. How frequent, in your experience, have been the meetings 10 of the Code Committee? 11 A. Three times a year. 12 Q. Are they periodic or ad hoc? 13 A. Periodic. 14 Q. What is the basis for an amendment? Does there have to 15 be a majority vote, does it have to be unanimous or is 16 there some other approach? 17 A. By and large it's unanimous. It's not formal as such, 18 but there needs to be a majority/unanimous view in the 19 room, it's fair to say. 20 LORD JUSTICE LEVESON: Consensus? 21 A. Yes. 22 LORD JUSTICE LEVESON: So there's no formal putting up of 23 hands? 24 A. No. 25 LORD JUSTICE LEVESON: Yes.</p> <p style="text-align: center;">Page 12</p>

<p>1 MR BARR: You next tell us some background to the 2 Daily Mirror newspaper on page 5. You explain that it 3 is a newspaper which has backed the Labour Party ever 4 since the 1945 general election. You sell around 5 1.2 million copies a day but think that your readership 6 is nearly 3 million per day. In addition, you have 7 800,000 unique users on your website. Is your website 8 a distinct separate operation or is it linked to the 9 hard copy -- 10 A. Partially linked. 11 Q. The average age of your newspaper readers is 50. 12 I think we're going to hear there's a common trend that 13 the average age of newspaper readers is quite high. Am 14 I right in that? Is that a feature? 15 A. Yes, but it hasn't moved that much in the last 20 or so 16 years. It's always remained about that median. 17 Q. So you don't think it's anything to do with the impact 18 of the digital age? 19 A. I think that will be a factor in the mix somewhere, but 20 not by and large. 21 Q. You say that 30 per cent are retired and that 22 15 per cent are from ethnic minorities, the highest 23 percentage in the tabloid mid-market sector. Is there 24 any particular reason why you think you have such a high 25 proportion of ethnic minority readers?</p> <p style="text-align: center;">Page 13</p>	<p>1 Britain awards which is run by Trinity Mirror, watched 2 by 7 million people. Are you there trying to 3 communicate to us the good works, the positive side -- 4 A. Absolutely. 5 Q. -- of tabloid journalism? 6 A. Absolutely. I think -- we've heard obviously, and we 7 will be hearing more, I'm sure, today, about the 8 negative aspects of tabloids, but I think there are 9 significant positives, not least that we can inform and 10 explain to people the complexities of an increasingly 11 complex world. 12 Q. You continue in this same vein by pointing out at 13 paragraph 18 that you have a weekly investigations 14 column run by Messrs Penman and Sommerlad -- and we're 15 going to hear from Mr Penman later this morning -- 16 a Caring For Carers campaign and a Get Britain Working 17 campaign. 18 A. And today we started a We Love Reading campaign. We 19 have a tie-up with Ladybird books which has been very 20 successful and we're doing that for the second year, to 21 encourage parents and children to do more reading. 22 Q. Can we now move to the corporate governance system of 23 the Daily Mirror and Trinity Mirror. You set out 24 a great deal about systems and we're going to be taking 25 the vast majority of that as read.</p> <p style="text-align: center;">Page 15</p>
<p>1 A. I think, again, it plays to the Daily Mirror's 2 traditions and values of justice and fairness, and -- 3 certainly in the 1950s and the 1960s, when we saw a lot 4 of immigration and the paper was supportive of 5 minorities coming into the country, unlike probably most 6 of the rest of the press, so we were felt to be on the 7 side of the underdog and people struggling to make their 8 way in a new country. We identified with and supported. 9 Q. Moving from the 1960s to the 21st century, do you think 10 it's still the case that there are tabloid newspapers 11 which have editorial lines which are not supportive of 12 people from ethnic minority backgrounds? 13 A. Indeed. 14 Q. You say that your core values as a newspaper are 15 fairness, justice and compassion, and that's a matter to 16 which I'll return later. At the bottom of paragraph 16, 17 you quote with approval the highly regarded silk, Hugh 18 Tomlinson QC, who told the Law Society: 19 "A tabloid that can explain complex issues in 20 a comprehensible form is a good democratic resource." 21 Is that what you drive to do on your title? 22 A. Absolutely. 23 Q. You explain a number of campaigns have been run -- 24 Honour the Brave, Hope Not Hate, Asbestos Timebomb, Fair 25 Tips -- and then you also talk about the Pride of</p> <p style="text-align: center;">Page 14</p>	<p>1 A. Mm-hm. 2 Q. Paragraph 22, though, deals with what happened after 3 News of the World journalist Mr Clive Goodman was 4 imprisoned for intercepting communications illegally. 5 You say that you recall a meeting in 2007 where the 6 chief executive and the legal secretary reminded Trinity 7 Mirror's national newspaper editors of these 8 responsibilities following the jailing of Mr Goodman. 9 There was then an email explaining to staff a zero 10 tolerance policy on Data Protection Act breaches. 11 In your view, was impact, if any, did that action 12 have? 13 A. In what regard? 14 Q. Sending out a zero tolerance message by email and 15 reminding editors of the national titles of their 16 responsibilities? 17 A. I think it was delivering a very strong message from the 18 corporate arm of the business that any illegality is 19 just not on. 20 Q. On the question of phone hacking, Mr Morgan has written 21 in his book about listening to a voicemail message -- or 22 it may not have been expressly as a voicemail message, 23 but listening to a record message of Sir Paul McCartney 24 for Heather Mills. Had you heard that story before it 25 was published?</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 A. No.</p> <p>2 Q. Had you heard the message?</p> <p>3 A. No.</p> <p>4 Q. Had you heard any talk about it?</p> <p>5 A. No.</p> <p>6 Q. You go on in paragraph 23 to talk about risk management</p> <p>7 certification. You explain that you are responsible for</p> <p>8 the risks to your business objectives and you have to</p> <p>9 certify that internal controls exist so that at any</p> <p>10 given time they provide you -- and, of course, those</p> <p>11 above you -- with assurance that the risks are</p> <p>12 appropriately identified, evaluated and managed.</p> <p>13 In your view, as one of the editors who has to sign</p> <p>14 such a certificate every year, what is the purpose of</p> <p>15 the certificate in practice?</p> <p>16 A. I think it's a written reminder of one's</p> <p>17 responsibilities and also seeks to clarify that I am</p> <p>18 responsible for this particular part of a very big</p> <p>19 business, and that what happens within that business is</p> <p>20 my responsibility.</p> <p>21 Q. Does it have an accountability purpose?</p> <p>22 A. Yes.</p> <p>23 Q. Does it mean that if something goes wrong, making heads</p> <p>24 roll is that much easier?</p> <p>25 A. That would be a view, but yes. I mean, if I make</p> <p style="text-align: center;">Page 17</p>	<p>1 Q. You explain that the editor of most newspapers sets the</p> <p>2 tone and should lead by example?</p> <p>3 A. That's correct.</p> <p>4 Q. Do you strive to do that at the Daily Mirror?</p> <p>5 A. Yes.</p> <p>6 Q. If I use the expression "talking the talk and walking</p> <p>7 the walk", could you help us a little bit about what you</p> <p>8 do to talk the talk?</p> <p>9 A. Ultimately it's about leadership, and I think one has to</p> <p>10 show leadership in great things and in small things. In</p> <p>11 great things by the direction of the paper,</p> <p>12 communicating to one's team and the journalists the</p> <p>13 vision that I have for the paper, the direction I want</p> <p>14 it to go in, and pointing the way, and in sort of the</p> <p>15 smaller issues it's just my day-to-day interaction with</p> <p>16 staff, the questions I ask, my personal behaviour.</p> <p>17 Q. This Inquiry is, of course, interested in culture,</p> <p>18 practice and ethics.</p> <p>19 A. Yes.</p> <p>20 Q. What do you do to promote ethical practice through your</p> <p>21 personal leadership?</p> <p>22 A. I think just as I described there. I regard myself as</p> <p>23 a fair and tolerant individual and encourage others to</p> <p>24 show fairness and tolerance as well.</p> <p>25 Q. Do you personally send out any communications to your</p> <p style="text-align: center;">Page 19</p>
<p>1 a catastrophic error, then I'm out.</p> <p>2 Q. To put it less dramatically, let's look at exactly what</p> <p>3 it is that you have to certify. By certifying that your</p> <p>4 business objectives and internal controls exist, you're</p> <p>5 not actually certifying there that nothing is wrong;</p> <p>6 you're simply certifying that the systems are in place</p> <p>7 which should prevent something going wrong?</p> <p>8 A. That's correct.</p> <p>9 Q. Is it your view that it would be too onerous to expect</p> <p>10 a certification scheme to ask you to certify any more</p> <p>11 than it already does?</p> <p>12 A. I think it's a competent document.</p> <p>13 Q. You explain in paragraph 24 that all desk heads and</p> <p>14 reporters receive a copy of the code annually. Can you</p> <p>15 recall when that practice was introduced?</p> <p>16 A. For as long as I can remember, to be honest.</p> <p>17 Q. It's one thing to circulate a copy of a code -- I'm not</p> <p>18 saying it's a bad thing; it is, of course, a good thing</p> <p>19 if it's not to hand. But how confident are you had that</p> <p>20 those who work for you are generally familiar with the</p> <p>21 code and its contents?</p> <p>22 A. I'm very confident. In order to become a journalist on</p> <p>23 the Daily Mirror, there is a high expectancy of</p> <p>24 professionalism, and part of being a professional</p> <p>25 journalist is to understand and know the code.</p> <p style="text-align: center;">Page 18</p>	<p>1 staff about ethical matters?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. I believe that the culture of my newsroom -- ethical</p> <p>5 issues are embedded within that culture, so reminders</p> <p>6 are not necessary.</p> <p>7 LORD JUSTICE LEVESON: It's also going to come out pretty</p> <p>8 quickly, isn't it, because you're very close to the</p> <p>9 newsroom, you have meetings all the time, as we've heard</p> <p>10 lots of the newspapers --</p> <p>11 A. Yes, and we're a small team.</p> <p>12 LORD JUSTICE LEVESON: And if somebody said something which</p> <p>13 you were concerned about, presumably you'd raise it?</p> <p>14 A. Yes.</p> <p>15 MR BARR: You explain at paragraph 25 your editorial team,</p> <p>16 which is 213 strong, so small in comparison to that of</p> <p>17 some other newspapers?</p> <p>18 A. Yes, indeed.</p> <p>19 Q. But 213 people -- in reality, how much contact do you</p> <p>20 have with each one of those?</p> <p>21 A. Some I have very little contact with, other than to say</p> <p>22 hello to or exchange pleasantries. Others I have</p> <p>23 a great deal of contact with.</p> <p>24 Q. Can I move now to your relations as an editor with those</p> <p>25 perhaps, if I may say broadly, above you. Presumably</p> <p style="text-align: center;">Page 20</p>

<p>1 you have discussions with board members quite 2 frequently? 3 A. No. 4 Q. Infrequently? 5 A. Hardly ever, other than an informal gathering with where 6 I might chat with them. 7 Q. Do they express opinions to you about the direction that 8 the newspaper should be taking or the sorts of stories 9 that it should be publishing? 10 A. No. 11 Q. Do you have contact with advertisers? 12 A. Yes, occasionally. 13 Q. Do they ever express views about the content of the 14 newspaper? 15 A. Yes, they express views. 16 Q. Do they ever try and put any pressure on you as to how 17 you should report issues? 18 A. Never. 19 Q. Shareholders? 20 A. No. 21 Q. Is it your evidence that these people don't even try to 22 influence your editorial control of the paper? 23 A. No. I think within Trinity Mirror they are very 24 strict -- and you'll no doubt hear from my chief 25 executive later -- very strict delineation between Page 21</p>	<p>1 deliberate? 2 A. No. I mean -- well, it is always my intention not to 3 break the law or to break the code. 4 Q. Accepting that, if it's always your intention, the other 5 part of the sentence deals with what the reality is in 6 practice -- 7 A. Well, absolutely. I mean, I have -- and I'm sure we'll 8 be going through them later -- broken the code on 9 occasion. But it was not my intention to, and often one 10 believes that maybe one will have a good argument or 11 debate as to why we could defend our position. 12 Q. Yes. You're not the only newspaper, by any means, in 13 that position. Perhaps I can explore it with you in 14 this way: it's a true position that you strive to adhere 15 to the law but don't always manage to succeed. Could 16 you give us some indication: how many times, in your 17 career as the editor, has the Daily Mirror falling foul 18 of the criminal law? 19 A. As editor, I don't think -- I'd need to -- I don't think 20 at all, actually. No. 21 Q. And the number of libel and privacy cases brought 22 against the Daily Mirror successfully, either because 23 they're settled or because you lose at trial; is that 24 a statistic that you monitor? 25 A. I don't have it to hand but it will be lurking Page 23</p>
<p>1 editorial and the business per se. 2 Q. I'm not suggesting that the editorial decision is 3 anything other than, ultimately, one for you. 4 A. No, I understand. 5 Q. I was trying to explore whether there was any attempt to 6 persuade you one way or the other. 7 A. No, no. 8 Q. Adherence in practice is a section that starts at 9 paragraph 27 of your witness statement. Can we look at 10 paragraph 28 in particular, please. 11 A. Yes. 12 Q. You say there: 13 "To the best of my knowledge, the law and the code 14 are adhered to in practice: certainly this is always my 15 intention." 16 As we will come to in more detail later, Trinity 17 Mirror has, on occasions, fallen foul of the law. We're 18 going to come to the question of the contempt in the 19 Mr Jefferies case, and we know that there have been some 20 civil cases -- 21 A. Yes. 22 Q. -- which have been brought and either settled or 23 otherwise disposed of. 24 A. Mm-hm. 25 Q. So is the use of the present tense in paragraph 28 Page 22</p>	<p>1 somewhere. But yes, we have made mistakes and yes, 2 we've made corrections, but by and large we seek to 3 settle any issues before it gets to proceedings. 4 Q. Can we move now to the PCC. I'm looking at paragraph 32 5 of your statement. 6 A. Yes. 7 Q. You say: 8 "As an editor, I take complaints and adverse rulings 9 from the PCC seriously." 10 I'd like to explore that a little bit, please. Do 11 you have any evidence of a PCC ruling ever having an 12 adverse consequence on circulation of the Daily Mirror? 13 A. No. 14 Q. Has there ever been any adverse financial consequences 15 of a ruling from the PCC? 16 A. How do you mean, financial consequences? 17 Q. In any way? 18 A. No, no. 19 Q. Because they don't have the power to fine -- 20 A. No, exactly. Sorry, I thought you meant some -- 21 profitability or something. No. 22 Q. So if there aren't any consequences on circulation or 23 any financial consequences, is the consequence purely 24 reputational? 25 A. Yes. Page 24</p>

<p>1 Q. Do you --</p> <p>2 A. Sorry, just adding there, the readers see this. So</p> <p>3 they're not going to be happy either.</p> <p>4 Q. That's part of the reputational damage, is it?</p> <p>5 A. Yes.</p> <p>6 Q. Because what I want to ask your opinion on is: do you</p> <p>7 think it would be better if, whatever form future</p> <p>8 regulation takes, there was a power to fine for breaches</p> <p>9 of the code?</p> <p>10 A. To be frank, I'm in two minds about that. I think that</p> <p>11 there's -- certain serious misdemeanours there might be</p> <p>12 a view on introducing fines. I certainly wouldn't rule</p> <p>13 that out.</p> <p>14 Q. We've had various suggestions emerging in the evidence.</p> <p>15 One is that an offending publication should be required</p> <p>16 to pay for the apology to be printed in a rival</p> <p>17 newspaper. An imaginative suggestion.</p> <p>18 A. Quirky, I would say.</p> <p>19 Q. What's your reaction to that?</p> <p>20 A. I'd not heard that until just now, so -- well, it's</p> <p>21 unusual and creative. I'm not sure what it achieves.</p> <p>22 Q. It would sting, wouldn't it, having to pay a rival for</p> <p>23 your own apology?</p> <p>24 A. Yes. Yes, it would, I suppose, yes.</p> <p>25 Q. And there's been a suggestion that whatever form future</p> <p style="text-align: center;">Page 25</p>	<p>1 the paper, and when the Daily Mail moved to page 2</p> <p>2 towards the beginning of this Inquiry, I thought maybe</p> <p>3 there is an industry standard that we could move</p> <p>4 towards, so I moved our "For the Record" to page 2, and</p> <p>5 other Trinity Mirror titles have similar mechanisms on</p> <p>6 page 2 throughout the group now.</p> <p>7 Q. As far as statistics may inform your experience or</p> <p>8 experience may inform you, how read is page 2 in</p> <p>9 comparison to other pages?</p> <p>10 A. It is -- well, probably -- well, it is one of the top</p> <p>11 two most read pages in the paper for one simple reason:</p> <p>12 it has the weather on it. Despite all our brilliant</p> <p>13 journalism, the most popular pages in the paper is the</p> <p>14 TV listings and page 2 because it has the weather, so...</p> <p>15 Q. We've had some evidence about the crosswords as well,</p> <p>16 but I won't detain you with that.</p> <p>17 A. Well, you're with me on that. I know that within this</p> <p>18 room people would say, "Well, that's not a very prime</p> <p>19 spot." Within the readers' focus, it is very much</p> <p>20 a prime spot.</p> <p>21 Q. The alternative suggestion is that the prominence of the</p> <p>22 apology should be commensurate to the place of the</p> <p>23 offending article, so if it's an offending</p> <p>24 front-page article, there should be a front-page apology</p> <p>25 and so on and so forth. Do you see merit in that?</p> <p style="text-align: center;">Page 27</p>
<p>1 regulation may take, if there is some control over</p> <p>2 advertising and some sanctions in terms of advertising</p> <p>3 because that's such an important revenue for you, that</p> <p>4 would be one way of --</p> <p>5 A. Well, I think we're probably moving to an area that is</p> <p>6 slightly too draconian. Advertisers generally, if they</p> <p>7 don't like the product or a product is consistently in</p> <p>8 trouble, they tend not to advertise. To actually then</p> <p>9 sort of formalise that in some way I'd be a bit</p> <p>10 concerned about.</p> <p>11 Q. There's also been talk of an independent disciplinary</p> <p>12 function outside much the reporters' employer.</p> <p>13 A. Yes.</p> <p>14 Q. What do you think of that?</p> <p>15 A. I think a standards panel/ombudsman is an excellent</p> <p>16 idea. I very much support that.</p> <p>17 Q. Can I move now to the question of the placement of</p> <p>18 apologies and corrections. Your newspaper runs a "For</p> <p>19 the Record" column?</p> <p>20 A. Yes.</p> <p>21 Q. Is that always on page 2?</p> <p>22 A. No. We actually began that column -- I think it was</p> <p>23 around 13 years ago. We were the first and, at that</p> <p>24 time, only tabloid to do such a column and we had it on</p> <p>25 the letters page, which is one of the most read pages in</p> <p style="text-align: center;">Page 26</p>	<p>1 A. I see that there is a mechanism in having something on</p> <p>2 page 1 to draw attention to an apology within the paper.</p> <p>3 I believe the Sun did it quite recently, which I thought</p> <p>4 was a satisfactory way of addressing the page 1 issue.</p> <p>5 Q. If that's just drawing attention to the fact of the</p> <p>6 apology, that's not quite as proportionate as actually</p> <p>7 publishing the apology in the same place as the</p> <p>8 offending article, is it?</p> <p>9 A. No.</p> <p>10 Q. Do you see a problem with that?</p> <p>11 A. No.</p> <p>12 LORD JUSTICE LEVESON: It's a question of the commerciality.</p> <p>13 Your front page is your --</p> <p>14 A. Yes, that's our shop window, as it were.</p> <p>15 MR BARR: Resuming this theme of the PCC, there's much</p> <p>16 debate about its perceived lack of independence.</p> <p>17 A. Yes.</p> <p>18 Q. Do you think, moving forwards, it would be better to</p> <p>19 have a body which was more conspicuously independent of</p> <p>20 the media, both in fact and appearance?</p> <p>21 A. I think we need to sort of divide this up. I think the</p> <p>22 complaints and mediation mechanism that the PCC has now,</p> <p>23 I think everyone broadly agrees, is fast, efficient, and</p> <p>24 most importantly services the public well, and I think</p> <p>25 in that capacity there needs to be a degree of</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 representation from experts, ie editors that are serving 2 editors. I think on any arbitration or standards body, 3 I think there needs to be former editors, former 4 lawyers, people that have been here and done that, who 5 can sit in judgment but in qualified judgment. 6 Also, I think it's important, in the same way that 7 the Inquiry does, is to have access to a panel of 8 serving individuals, be they lawyers or editors, who 9 can -- because, you know, editing a newspaper even seven 10 years ago, when I took over, is a very different thing 11 now than it was then, so ex-editors who have perhaps not 12 sat in the seat for some time may not be fully up to 13 speed on certain aspects of the job these days. So to 14 have access to, again, a panel who provides strictly 15 advice, they have no other input, I think would be 16 a wise way. 17 Q. Is there a difficulty that as soon as you have serving 18 editors, you have rivals judging one another, whether 19 directly or indirectly? 20 A. No. I think that probably the PCC as it is set up at 21 the moment could be open to that charge. I think, as 22 I said, any new body, if it was a wholly independent -- 23 as I said, there wouldn't be serving editors upon that. 24 They would be perhaps in an advisory role, but no. 25 Q. Do you think that if there was an advisory role for Page 29</p>	<p>1 here?" and: "We're going to need to see that 2 documentation." 3 So as I said, it would depend on the individual 4 case, but as a general rule, "Right, we want anything 5 and everything", no. 6 Q. You think in a case where it was proportionate to do so? 7 A. Exactly. 8 Q. And is the lack of extensive investigative powers 9 a drawback to the present system? 10 A. I think with the events that have unfolded, absolutely. 11 Q. You point out in 39 the not unnoticed difficulty of 12 dealing with regulation in the digital age and the 13 emergence of the Internet and social media sites such as 14 Twitter. Do you have any suggestions, as the newspaper 15 industry moves into the digital age, as to how -- shall 16 we start, first of all, with search engines, how they 17 can be incorporated into the regulatory framework. 18 A. I think there is already an opportunity here, and we 19 just need to grasp it, is -- whatever this Inquiry kind 20 of throws up as a new body, I believe that there is 21 a willingness in the digital world amongst Internet news 22 providers to themselves sign up to some kind of 23 framework because it gives them, frankly, cachet. 24 In the world of the Internet, there is just a lot of 25 noise, and what the consumers are seeking and business Page 31</p>
<p>1 serving editors, that would give sufficient separation 2 to get over the problem that these are commercial 3 rivals -- 4 A. Oh -- 5 Q. -- offering an opinion? 6 A. Absolutely. The way that I would envisage it is there 7 are experts formally in jobs who would say, "Is this the 8 reality of editing your paper today?" and being able to 9 call on the expertise of serving editors or serving 10 media lawyers or what-have-you to say, "Actually that is 11 not the experience any more; this is how it is." So 12 purely in an advisory capacity. 13 Q. Do you think that, moving forwards, whatever shape 14 future regulation takes, there should be investigative 15 powers for the regulator? 16 A. I think it should be able to call editors or individuals 17 from organisations to account for their actions. 18 Q. What about documents? 19 A. It depends -- it would have to depend on what 20 circumstances. I think that I've said earlier, in 21 another forum, that the idea of having an audit trail on 22 every single story that is published is probably not 23 practical. However, if there is a story where there is 24 a clear debate over public interest, then any standards 25 panel should be able to say, "What were the exchanges Page 30</p>	<p>1 is seeking is some kind of order, and I think that 2 legitimate bloggers, legitimate Internet news providers 3 would welcome the opportunity to join such a body, to be 4 kite-marked or branded in some kind of way, because it 5 would have a direct effect on their businesses. 6 At the moment, Google does actually select, with one 7 of its magical algorithms, the order in which results 8 are thrown up, so if you were to Google "Leveson 9 Inquiry", it would obviously go to the website but on 10 the news function it would throw up stories from 11 newspapers, because they are regarded by the algorithm 12 as the most reliable, and there is a grade of 1 to 10. 13 BBC is the highest in this country with number 9, ie. 14 this is premium content, reliability. I think we're at 15 7, along with most national papers. In the US, it's the 16 New York Times. 17 So there is a kind of gradient in existence, and as 18 I said -- we've had 15 years, 20 years of disruption 19 with technology, and we're now trying to seek some 20 order, and I think actually this could be a great 21 positive for this process, is to start to harness some 22 of the content that is online. 23 LORD JUSTICE LEVESON: I'm very interested in that. It may 24 be that we're getting some of the Internet service 25 providers to come along, but when you talk about Page 32</p>

<p>1 a willingness to engage, has there been, to your 2 knowledge, some sort of meeting, some sort of collective 3 view? Is that public? 4 A. No. There is an online association -- I can't remember 5 the name of the organisation -- which a colleague of 6 mine at Trinity Mirror is a member of, and we were 7 talking informally a few weeks ago about this sort of 8 subject, and he said to me that this organisation would 9 be -- it's like an online publishers association, 10 something like that -- would definitely like to talk 11 about such issues. 12 LORD JUSTICE LEVESON: Okay. 13 MR BARR: Your observations seem to be directed at those who 14 publish news, perhaps news aggregators, on the Internet. 15 What about the social media, Facebook and Twitter? 16 A. I mean, I think that here is -- I have no answer for. 17 This is a huge difficulty which goes, I think, way 18 beyond the press and is potentially challenging to the 19 law. You know, Ryan Giggs was probably the most high 20 profile example, but I know sort of in jury trials now, 21 the biggest fear is that in a couple of clicks on the 22 phone, a juror is going to see what they shouldn't be 23 seeing online, which has been thrown up by social media 24 or by a relative or what-have-you. It is still lawless, 25 as such, and I think the greater threat is undermining</p> <p style="text-align: center;">Page 33</p>	<p>1 LORD JUSTICE LEVESON: That's the great value of the press, 2 because that's supposed to mediate stories and present 3 them in a way that is accurate, truthful and provides 4 comment that is consistent with the first two of those 5 principles. 6 A. Look, I think our reputational value is great. We have 7 800,000 users online but less than 10 per cent of those 8 people buy the paper and the average age is 28, ie. 9 there's a completely different audience who wouldn't 10 dream of buying the paper in its traditional form, but 11 understand: "Oh, the Mirror, they might be a bunch of 12 lefties, but actually they know news, they know sport, 13 and what I'm seeing here is truthful and interesting." 14 So our traditional values of being a mature brand 15 actually have got very positive aspects in that digital 16 environment. 17 MR BARR: Can I move now to the completely separate topic of 18 your relationships with the police. I use "your" both 19 in the personal sense and the corporate sense. 20 A. Yes. 21 Q. Paragraph 41 of your statement tells us that the 22 Daily Mirror has a longstanding relationship with the 23 police. That paragraph goes on to explain some of the 24 things you do to assist the police: co-operating with 25 the dissemination of information about crimes and</p> <p style="text-align: center;">Page 35</p>
<p>1 the law. 2 Q. I'm going to move to bloggers in a moment, but before we 3 do that, on the question of undermining injunctions and 4 so on with social media, there's been some evidence of 5 a suspicion that on occasions such disruption is 6 deliberately instigated by the print media. Have you 7 ever heard of any suggestion of that happening? 8 A. I've not seen evidence or heard any suggestion. 9 Q. Bloggers, then. There appear to be bloggers of almost 10 every size and description. It's a term which covers 11 a very broad church of different Internet publications. 12 Do you see any need for regulation of bloggers or 13 certain types of bloggers? 14 A. No. Look, you know, one of the essences of the Internet 15 is the freedom of expression, but I think that those 16 who -- and I think it's emerging now -- those who are 17 responsible and take their responsibilities to pass 18 comment in a reasonable manner are showing that, and 19 more importantly are more successful. The out-and-out 20 cowboys, of which obviously the Inquiry has had an 21 experience already, I don't see in the long term that 22 they can survive because, again, I think people -- they 23 want information and it's their right to have 24 information, but they want information that is competent 25 and is true.</p> <p style="text-align: center;">Page 34</p>	<p>1 suspects. You give an example, being the promulgation 2 of CCTV head shots of alleged rioters from the troubles 3 in the summer, and you say that on occasion the police 4 seek evidence from you about suspected crimes, and on 5 other occasions they ask you not to publish information 6 so as not to interfere with their enquiries. 7 A. Yes. 8 Q. What the police want from you appears to be pretty 9 clear. Is there anything you would like to add to that? 10 A. No. I think I've laid it out. 11 Q. In terms of contact, you move on in paragraph 42 to tell 12 us that you've had dinner on a number of occasions with 13 Sir Paul Stephenson. 14 A. Yes. 15 Q. Is that when he was chief constable of the Metropolitan 16 Police? 17 A. That is correct, yes. 18 Q. Can you recall how many occasions? 19 A. Around four or five. 20 Q. Have you had dinner with any other chief constables? 21 A. No. I was at a dinner where I was seated next to the 22 current chief constable of the Metropolitan Police -- or 23 Police Commissioner, rather -- recently, but not 24 mano-o-mano, as it were. 25 Q. You explain that you would regard it as customary to pay</p> <p style="text-align: center;">Page 36</p>

<p>1 for dinner with this sort of person. 2 A. Mm-hm. 3 Q. Is that, as far as you are aware, an industry standard 4 practice? 5 A. Yes. 6 Q. Have you had contact with lower-ranking police officers? 7 A. Not that can I recall. 8 Q. So if we stick with the dinners that you had with 9 Sir Paul Stephenson. You say that you think it's 10 important to hear the views of senior public figures 11 under Chatham House rules, and you think that they find 12 it useful as well? 13 A. That's correct. 14 Q. What sort of views are expressed to you by the chief 15 constable of the Metropolitan Police about matters which 16 are relevant to your newspaper? 17 A. I mean, the discussions were always general, and it was 18 around policing, his views on policing, the challenges 19 that -- your know, certainly if you're head of the Met, 20 this is a unique challenge, dealing with the political 21 noise as well as the day-to-day policing, so it would be 22 a general discussion around -- you know, terrorism might 23 come up, whatever was really on people's radar at that 24 time. 25 Q. Did you sense a desire by the Metropolitan Police to be</p> <p style="text-align: center;">Page 37</p>	<p>1 A. No, but I -- yes, part of the function of an editor is 2 to meet with other senior figures in a variety of 3 different roles that affect society, and particularly 4 our readers, so it's important to have those kind of 5 contacts and the ability to sit down and talk frankly. 6 They're not sort of love-ins; there can be some very 7 firm exchanges of views. 8 MR BARR: Can I move now to politicians. Again, you explain 9 it's been a close relationship between politicians and 10 the press, and you describe the perception in this 11 country that politicians need the backing of the tabloid 12 press. Is that a perception that you agree with? 13 A. Not personally, no. 14 Q. But it's right, isn't it, that the mass media has an 15 opinion-forming influence? 16 A. Yes. 17 Q. So what the papers are saying about politicians matters, 18 doesn't it? 19 A. Yes. 20 Q. Is that the root of politicians' interest? 21 A. It matters, but it doesn't matter as much as they think 22 it matters, in my belief. Sorry, I interrupted you. 23 Q. No, no, not at all. That's an important clarification, 24 because you go on at the end of paragraph 43 to say: 25 "What any politician might want does not influence</p> <p style="text-align: center;">Page 39</p>
<p>1 portrayed favourably in your newspaper? 2 A. I don't -- I mean, Paul Stephenson is a good, honest 3 man, and what I would call a copper's copper. He just 4 wanted to nick bad guys and keep the streets safe, and 5 I continue to be a great admirer of him as an 6 individual, but it wasn't about sort of getting a good 7 write-up in the Daily Mirror. 8 Q. If that's what he was telling you, what was it that you 9 were seeking from him in these meetings? 10 A. Again, it's more of a background conversation. So when 11 stories are coming in, I can have a sense at the back of 12 my mind when I'm making various judgments of, you know, 13 what the police -- why the police took certain actions, 14 so that frankly, we don't start applauding or condemning 15 certain actions without knowing the full context, and as 16 I said, meetings liking this were very, very useful in 17 understanding, you know, how policing actually works. 18 It's a very complicated business. 19 LORD JUSTICE LEVESON: Is this just the police? You might 20 also meet -- I'm asking you the question -- generals or 21 bishops -- 22 A. Yes. 23 LORD JUSTICE LEVESON: Or any -- 24 A. I've done a couple of bishops. 25 LORD JUSTICE LEVESON: I don't think you quite mean that.</p> <p style="text-align: center;">Page 38</p>	<p>1 and has never influenced my editorial decision-making." 2 Which gives rise to the question: why do they keep 3 on meeting with you? 4 A. Because they're always seeking to blunt the edges. It 5 does make it harder to traduce somebody in print if you 6 actually find them rather good company. They're always 7 seeking to influence. Politicians everywhere seek to -- 8 if they can't hold the medium, certainly influence the 9 message. 10 Q. You give quite a stark example at the top of 11 paragraph 44. You say that just after you were 12 appointed editor of the Daily Mirror, the then 13 Prime Minister, Tony Blair, invited you to 10 Downing 14 Street. One of the first things he asked you was when 15 you were going to sack one of your journalists who had 16 been a consistent critic of the government and Mr Blair 17 in particular. You say you didn't react to it? 18 A. No. He's still employed by us. 19 Q. Was that sort of comment an aberration or was it 20 something that happened from time to time? 21 A. I think in Mr Blair's case it was more of an aberration. 22 He, at this stage in his premiership, had become -- 23 I wouldn't say "immune" because he went on to describe 24 us all as feral beasts, but sort of went with the flow 25 when it came to the press, so you view that as an</p> <p style="text-align: center;">Page 40</p>

<p>1 aberration rather than a general trend from certainly 2 Mr Blair.</p> <p>3 Q. You say you met Mr Blair in a variety of forms between 4 10 and 15 times before he left office and that you 5 visited Gordon Brown at the Treasury and later at 6 Number 10 on a number of occasions and that you were 7 invited to Chequers by Mr Brown on two occasions and 8 accepted. You've met Mr David Cameron privately twice. 9 Is the disparity between the number of times that you 10 met Labour leaders and the number of times you've met 11 the Conservative leader a reflection of your paper's 12 political stance or is it a reflection simply that the 13 Labour Party were in office for very much longer?</p> <p>14 A. It's a reflection of our political stance. I think 15 Mr Cameron views us as a lost cause.</p> <p>16 Q. And then you go on to explain, having dealt with 17 meetings with the party leaders and the Prime Minister, 18 that you have also had contact with other politicians. 19 For example, Ed Miliband, David Miliband, Ed Balls and 20 Yvette Cooper also attended your 50th birthday party. 21 Is it quite common for senior political figures to 22 attend things like the birthday parties of editors of 23 the national newspapers?</p> <p>24 A. I don't think it's uncommon. I mean, I know these 25 particular individuals quite well, so they were there in</p> <p style="text-align: center;">Page 41</p>	<p>1 about the business of the day?</p> <p>2 A. Oh, absolutely. You know, politics is one of the key 3 sort of prongs in all our newspapers, and it's something 4 with massive public interest, so our contact with 5 politicians is much more common and does get down to 6 sort of nuts and bolts of the issues of the day, rather 7 than just general discussions. I will have -- 8 politicians will come on the phone going -- certainly 9 when Labour were in government, saying, "We need your 10 help on this. Can you do X, Y and Z?" On occasion -- 11 on many occasions, I said, "No, I can't. I can't help 12 you. I represent our readers, not the Labour Party or 13 the Labour government."</p> <p>14 LORD JUSTICE LEVESON: I don't suppose you keep a note of 15 these contacts?</p> <p>16 A. No. I think I'm anticipating your next question: should 17 there be a note? No, I don't think so. Part of our 18 democracy, I think, is the free flow of information 19 between politicians and those who can deliver the 20 messages and argue the points and have differing 21 opinions, and I think that free flow has to be 22 maintained and to formalise every meeting that 23 a politician would have with a journalist would, 24 I think, be too much. I think it would really damage 25 the abilities for a cabinet minister to sit down in</p> <p style="text-align: center;">Page 43</p>
<p>1 a personal capacity rather than --</p> <p>2 Q. Is the net effect of that that many of the politicians 3 move in the same social circles as tabloid editors?</p> <p>4 A. I think we cross over from time to time, but we don't go 5 around in a sort of big gang, as it were.</p> <p>6 Q. In your meetings with politicians, do they ever ask you 7 not to publish something?</p> <p>8 A. Yes.</p> <p>9 Q. Presumably you take what they have to say into account, 10 evaluate it and make your own decision?</p> <p>11 A. Absolutely.</p> <p>12 Q. Is that right?</p> <p>13 A. That's correct.</p> <p>14 Q. Do you ever feel pressured to make the decision that 15 they're asking you to make?</p> <p>16 A. Not pressured. No, that's not the right -- I come under 17 a lot of pressure but I don't feel the pressure, as 18 such. And again, these are on isolated occasions. It's 19 not that I --</p> <p>20 LORD JUSTICE LEVESON: Is this sort of contact different? 21 I mean, you've said that you meet lots of different 22 groups of people. You mentioned bishops, generals. 23 I think the press have met judges as well, entirely 24 informally, simply to understand what the pressures are. 25 But are these meetings with the politicians rather more,</p> <p style="text-align: center;">Page 42</p>	<p>1 a quiet corner and just run ideas. It's often the case: 2 "What do you think of this? We're thinking about doing 3 that."</p> <p>4 LORD JUSTICE LEVESON: I understand that, but then you have 5 to deal with and confront the question whether the 6 relationship can be perceived to be too close and have 7 an adverse influence.</p> <p>8 A. I think, it obviously -- I mean, again, I think this is 9 an exception here. It clearly became -- from all sides 10 of the political persuasions, they became much too close 11 to a particular organisation. I don't think anybody 12 could dispute that. But I, at the same time, would say 13 that, you know, the reason -- to my mind, and it's only 14 a personal expression, the reason Rupert Murdoch had so 15 much power is because we choose to give it to him. When 16 President Obama was a Senator, he met with Mr Murdoch at 17 the Waldorf Astoria and Mr Murdoch was saying that he 18 was going to be backing him and he said, "I'm not 19 interested." I understand Mr Murdoch wasn't too happy 20 about that but Obama was saying, "I don't care, I have 21 my own agenda and I can deliver it in my own way", and 22 I think politicians perhaps should have shown a lot more 23 backbone when it came to dealing with -- they're there 24 to represent and look after the welfare of the people, 25 not to represent or look after the welfare of</p> <p style="text-align: center;">Page 44</p>

<p>1 a particular media organisation. 2 LORD JUSTICE LEVESON: Or indeed media generally. So, for 3 example -- I mean, I'm sure you're following what's been 4 happening here, but the discussion about whether the 5 amendments to the DPA should be implemented and the very 6 clear message going about concern about it, whether that 7 gives the press a rather large entree into government 8 which is unhappy. I say nothing more. 9 A. I can't really add to what I've said. I think because 10 of a particular organisation -- I don't think that the 11 whole of the media is too close to politicians. I think 12 even politicians would agree with that. I think there 13 was a particular organisation which had a particular big 14 influence, I think 40 per cent of the market, and 15 relationships became way too close. 16 LORD JUSTICE LEVESON: So how would one cope with that? 17 A. Mm. 18 LORD JUSTICE LEVESON: It's not a compulsory question. 19 A. No, I have to say I knew you were going to ask that. 20 I need to think some more about it. I'd be happy to 21 address it. 22 MR BARR: Having asked you what pressures politicians might 23 have put on you, can I ask you whether you've ever 24 dangled an incentive in front of a politician to run 25 a particular policy, for example, by saying you'll give</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. No, you say in your statement that the primary 2 responsibility for checking sources lies with the 3 individual journalist. 4 A. That's correct, yes. 5 Q. But there are responsibilities all the way up the 6 editorial chain and ultimately the buck stops with you? 7 A. Yes. 8 Q. Against that background, though, in paragraph 49, you 9 say that you don't believe that you necessarily, or even 10 in some cases properly, should be aware of your 11 journalists' sources and methods? 12 A. Mm. 13 Q. Can I explore that can you a little while. If you are 14 ignorant of the source, that increases the risk, doesn't 15 it -- 16 A. Yes. 17 Q. -- that something may go wrong? So should a case in 18 which you are ignorant of the source be reserved for 19 exceptional cases? 20 A. Yes. I mean, I think that's the case at the moment. If 21 there is a particularly delicate story, which -- I'm 22 going to sort of probe that in a lot more aggressive 23 fashion than I would others. I mean, it depends on the 24 nature of the story. 25 Q. Can you help us with why it should be that a source</p> <p style="text-align: center;">Page 47</p>
<p>1 it good coverage in your paper? Is that the sort of 2 thing -- 3 A. I've said, "I like this idea, I think our readers will 4 like this idea, I'm going to give it a good whack." 5 Yes, I've said that. 6 Q. And presumably you've said the contrary: "I don't like 7 this idea and we'll give it a hard time"? 8 A. Yes. 9 Q. And it's your impressions that politicians listen to 10 that sort of opinion? 11 A. I think they listen. They don't -- you know, they don't 12 sort of necessarily react to it, but yes, they listen. 13 Q. Moving on to sources and the checking of sources, you're 14 very clear that the responsibility for checking sources 15 lies with the individual journalist. I'm looking now at 16 page 13 of your witness statement. 17 A. Mm-hm. 18 Q. Would it be right to describe that as the primary 19 responsibility? Because there are responsibilities, 20 aren't there, further up the line for ensuring truth and 21 accuracy? 22 A. Sorry, I missed the start. The primary responsibility 23 for ...? 24 Q. Checking sources. 25 A. My primary responsibility?</p> <p style="text-align: center;">Page 46</p>	<p>1 reveals something to one of your journalists and you, as 2 the journalist's editor who is going to make the 3 ultimate decision about whether or not the story is run, 4 should not, in confidence, know the same source? 5 A. Well, I mean the confidentiality of sort of sources goes 6 to sort of -- there's a moral obligation here, and -- 7 Q. I understand -- 8 A. I will, on occasion, ask, but if the journalist goes: 9 "I'm sorry, I can't tell you", then I will respect that 10 and then I will make my decision accordingly. "Well, do 11 you know what, on that basis I can't run this story 12 because I don't feel happy about it." 13 Q. Can you push it a bit further and say, "No, I want you 14 to go back and tell the source that I want to be told in 15 confidence who it is"? 16 A. Yes, I have said that in the past. 17 Q. Have you had occasions where the answer has been: "No"? 18 A. Yes. 19 Q. And have you gone on to publish such a story? 20 A. No. 21 Q. In paragraph 50, you're dealing with editorial 22 responsibility, and I'm looking now at the sentence 23 which starts at the bottom and runs over the page. You 24 say: 25 "Since, in my experience, acting within the law in</p> <p style="text-align: center;">Page 48</p>

<p>1 obtaining stories happens in practice, our focus is on 2 establishing accuracy, always against the backdrop of 3 the law." 4 Is there perhaps some complacency in that statement, 5 if you're focusing on accuracy against a presumption of 6 your subordinates acting lawfully? 7 A. One could view it in that way, yes. 8 Q. If we could take this as an opportunity now to look at 9 the Information Commissioner's reports, "What price 10 privacy?" and "What price privacy now?" It's right to 11 say that the Daily Mirror had a prominent position in 12 the league table, if I call it that, published in the 13 second report. The Daily Mirror had 681 transactions 14 from 45 journalists. 15 A. Yes. 16 Q. There were various forms of information which had been 17 obtained, some which are not specified but others 18 included, for example, obtaining vehicle registration 19 numbers. To do that requires illegality, doesn't it? 20 A. Sorry? 21 Q. To obtain a vehicle registration number. 22 A. Yes. 23 Q. Similarly if you want to obtain a criminal record? 24 A. Yes. 25 Q. I don't mean you personally.</p> <p style="text-align: center;">Page 49</p>	<p>1 Daily Mirror when these reports were published? In 2 particular, did the Daily Mirror hold an investigation 3 to try and establish whether or not any of its 4 journalists had acted illegally? 5 A. No. 6 Q. Why not? 7 A. I think when the report was first published, it was 8 viewed as an industry-wide issue and the reaction was 9 also industry wide. There was a change, if I recall 10 correctly, to the PCC code, and certainly -- I can only 11 speak for Trinity Mirror -- we made it very clear to all 12 our staff that any such behaviour was -- we just did not 13 tolerate. 14 Q. So was it a question of looking forwards and 15 deliberately not looking backwards? 16 A. It was about looking forwards, and I think as the 17 current Information Commissioner has said, that since 18 2006 there has been no transgressions at all and he's 19 more concerned in other industries. 20 Q. Is the bottom line: because there was no investigation, 21 you can't tell the Inquiry categorically one way or the 22 other which of those 681 transactions had a public 23 interest defence and which did not? 24 A. That's correct. 25 Q. Given the sheer volume, it would be surprising, wouldn't</p> <p style="text-align: center;">Page 51</p>
<p>1 A. No, no. 2 Q. Equally, getting data from the DVLA database, converting 3 a vehicle registration number into an address, something 4 which Mr Whittamore was offering, is illegal? 5 A. Yes. 6 Q. Obtaining friends and family lists from BT or other 7 phone companies? 8 A. Yes. 9 Q. That's illegal, isn't it? 10 A. Mm. 11 LORD JUSTICE LEVESON: But all these are subject to the 12 exception of public -- 13 MR BARR: Subject to public interest exceptions. Accessing 14 ex-directory telephone numbers and mobile phone numbers, 15 can that be done legally or is that another example of 16 illegal activity? 17 A. Illegal activity. 18 Q. Converting mobile and landline numbers, not addresses, 19 by accessing billing information is clearly illegal, 20 isn't it? 21 A. Yes. 22 Q. Or, as the chairman very rightly says, subject to 23 a public interest defence. Given the prominent number 24 of transactions in the "What price privacy now?" report, 25 can I ask you first of all what the reaction was of the</p> <p style="text-align: center;">Page 50</p>	<p>1 it, if all of them had a public interest defence? 2 A. It would indeed. 3 Q. When did you first hear about the involvement of 4 journalists from your newspaper in this saga, the 5 Motorman case? 6 A. I can't recall the exact date, but it would have been 7 around probably early, mid-2004. 8 Q. So that's before the trial? 9 A. Yes. 10 Q. Well before the trial. Why was no action taken at that 11 stage, when it wasn't clear what the 12 Information Commissioner was going to do about it? 13 A. Well, I can -- I mean, I can't really speak in detail to 14 this because that was during the period when I took over 15 as editor of the Daily Mirror and there was something of 16 a great trauma within our organisation as a result of 17 what happened then, so the responsibilities for the 18 Information Commissioner's report, et cetera, sort of 19 fell to the managing editor's office and the corporate 20 legal department. So I didn't have sort of detailed 21 knowledge of what had gone on. 22 Q. These are people below you, the managing editor and 23 the -- 24 A. Well, within -- no, not within the organisation. The 25 managing editor's office runs, effectively, the business</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 end of the newspapers: budgets --</p> <p>2 Q. Are you talking about the from group managing editor?</p> <p>3 A. Yes, sorry.</p> <p>4 Q. I see. So you're saying that it was a decision to be</p> <p>5 taken further up?</p> <p>6 A. Yes, because I was sort of moving between roles within</p> <p>7 that period as that story unfolded, so it was sort of</p> <p>8 felt that my priorities needed to be elsewhere, I think.</p> <p>9 Q. Was it a topic you discussed with senior managers above</p> <p>10 you in Trinity Mirror or not at the time?</p> <p>11 A. I'm sure that there would have been, but I mean, I can't</p> <p>12 recall, to be honest with you.</p> <p>13 Q. More recently, the ICO has announced that it's prepared</p> <p>14 to disclose the names of journalists to their employers.</p> <p>15 That was done in 2009. Has the Daily Mirror taken up</p> <p>16 that invitation?</p> <p>17 A. No, I don't believe we have. I have no knowledge of it.</p> <p>18 Q. Again, did you regard that as a decision for you to take</p> <p>19 or a decision for those further up the corporate chain</p> <p>20 at Trinity Mirror?</p> <p>21 A. Further up the corporate chain.</p> <p>22 Q. Were you party to any discussions about whether or not</p> <p>23 to do anything at that stage?</p> <p>24 A. No.</p> <p>25 Q. Does it remain the position that you, as editor of the</p> <p style="text-align: center;">Page 53</p>	<p>1 out in that regard.</p> <p>2 Q. Some of the examples you give in this section of your</p> <p>3 witness statement about sources make it clear that you</p> <p>4 sometimes ensure that you have multiple sources to</p> <p>5 corroborate the truth of a story?</p> <p>6 A. Yes.</p> <p>7 Q. My question for you is: do you have any rule or practice</p> <p>8 that there must be at least two sources for a story or</p> <p>9 do you sometimes publish on the basis of a single</p> <p>10 source?</p> <p>11 A. Sometimes publish on the basis of a single source.</p> <p>12 Q. Presumably that is commensurately more risky?</p> <p>13 A. Yes, absolutely.</p> <p>14 Q. I want to put some of the occasions on which everything</p> <p>15 has not gone right to you. There should be a bundle</p> <p>16 called "Trinity Mirror miscellaneous articles". Do you</p> <p>17 have that?</p> <p>18 A. Was that the one you sent late Friday?</p> <p>19 Q. Yes.</p> <p>20 A. Right, okay, I have it.</p> <p>21 Q. The one I'd like to put to you, Mr Wallace, is the</p> <p>22 second one in the bundle:</p> <p>23 "Dragons' Den producer claims £70,000 damages over</p> <p>24 court report blunder."</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 55</p>
<p>1 Daily Mirror, have not sought to do anything to</p> <p>2 establish who it was who was seeking that information?</p> <p>3 A. Yes.</p> <p>4 Q. You now move in your witness statement to the question</p> <p>5 of supervision, and you say that one of the checks you</p> <p>6 have is that you have senior reporters sitting at the</p> <p>7 shoulders of more junior reporters.</p> <p>8 In theory, that sounds as if the benefit of the</p> <p>9 experienced reporter can assist that of the junior</p> <p>10 reporter, but we've had a lot of evidence about</p> <p>11 reporters competing with one another for stories.</p> <p>12 A. Yes.</p> <p>13 Q. Indeed, the junior reporters hoping to get a permanent</p> <p>14 seat and the senior reporters hoping not to lose theirs.</p> <p>15 So in practice, can you really effectively run</p> <p>16 a mentoring scheme?</p> <p>17 A. Well, yes. That's how it does run. I would take issue</p> <p>18 that the senior journalists are living in fear of young</p> <p>19 whippersnappers. I think certainly on the Daily Mirror</p> <p>20 we have something of a reputation within Fleet Street of</p> <p>21 developing the young talent and bringing it on. We had</p> <p>22 a graduate trainee scheme which we're going to be</p> <p>23 reintroducing, so finding, discovering and nurturing</p> <p>24 talent is one of our great strengths as a newspaper, and</p> <p>25 as part of that process, senior members of staff help</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. The position here was that your newspaper had alleged</p> <p>2 that a man with the name Smith had been charged with</p> <p>3 quite unspeakable child porn image offences and it</p> <p>4 transpired ultimately that there were two Mr Smiths.</p> <p>5 A. Mm-hm.</p> <p>6 Q. And you named the wrong one, didn't you?</p> <p>7 A. Yes.</p> <p>8 Q. Can I ask you how that happened?</p> <p>9 A. Yes. We received a court report from the</p> <p>10 Press Association, which is a reputable agency with</p> <p>11 a reputation around the world, and the reporter made</p> <p>12 a mistake and got the wrong Mr Smith and we, along with,</p> <p>13 I think, the Telegraph and the Times, published that in</p> <p>14 good faith because, you know, PA is, as I said,</p> <p>15 a normally reliable service. When we realised there had</p> <p>16 been a terrible mistake, we took immediate action and in</p> <p>17 the next edition of the paper we published a full</p> <p>18 apology and I believe we gave Mr Smith some damages as</p> <p>19 well. So we confronted and took on the issue within 24</p> <p>20 hours.</p> <p>21 Q. There's no doubt that when you realised the mistake you</p> <p>22 acted quickly, but you would agree with me readily that</p> <p>23 that sort of allegation can have life-shattering</p> <p>24 consequences, can't it?</p> <p>25 A. Indeed.</p> <p style="text-align: center;">Page 56</p>

<p>1 Q. And with a name as common as Smith, you need to be 2 particularly careful to make sure you're getting the 3 right one, don't you? 4 A. Yes. 5 Q. Does that point to an inadequacy of systems for checking 6 material coming from agencies or was there a lapse in 7 the system? 8 A. No, I think this plays into human error. It was highly 9 regrettable, but it was a straightforward mistake, 10 something that all of us do every day in some way, shape 11 or form. Obviously Mr Smith -- for him, it was a very 12 traumatic experience but the reporter made a mistake, 13 and I think no amount of tightening up of rules or 14 regulations can stop human error. 15 LORD JUSTICE LEVESON: I'm sure you said something to the 16 Press Association? 17 A. Indeed. Very firmly. 18 LORD JUSTICE LEVESON: Yes, because actually everybody 19 should be aware that -- I mean, it's a famous problem, 20 isn't it, people with the same name? 21 A. Mm. 22 MR BARR: Another example the Inquiry has heard evidence 23 about is that a picture of Sienna Miller on the floor 24 was published along with a story that she was drunk at 25 a party.</p> <p style="text-align: center;">Page 57</p>	<p>1 published, and I think it was another two weeks, around 2 that period approximately, when finally the lawyers 3 agreed whatever it is that they had to agree and we paid 4 the charity of Miss Miller's choice £25,000 in damages. 5 Q. Do you agree with me that at best this was a vivid 6 example of the perils of relying on a single source? 7 A. Absolutely. But also I think that we took the bull by 8 the horns and, realising that we'd made a very large 9 error, we wanted to correct it. 10 Now, if I can deal with the picture aspect. I think 11 there was an allegation that we'd doctored the pictures 12 or cropped -- or had done something with the pictures. 13 Part of my picture editor's evidence in his bundle are 14 the actual copies of the pictures taken at the time, and 15 the decision was taken not to publish pictures of 16 Miss Miller with children, (1) because of the obvious 17 adult nature of the story, but more importantly is that 18 we didn't have the permission of the children's guardian 19 or parents, so to have a picture of her with, you know, 20 young children in that environment of that story is -- 21 I felt was not appropriate. And I'm very glad that 22 I took that decision now, certainly with hindsight, 23 because I think it would have been an even bigger 24 mistake than we'd already made. 25 Q. So you took the editorial decision at the time, did you?</p> <p style="text-align: center;">Page 59</p>
<p>1 A. Yes. 2 Q. The truth was she was entirely sober and playing with 3 a child whilst on a visit. 4 A. Yes. 5 Q. Can you help us with how it was that the corporate 6 systems fell down on that occasion? 7 A. I'd like to split this into two halves: one, the story, 8 and then we'll come back to the picture. The story was 9 from somebody who was at the event, who had been judged 10 to be a reliable source. That was clearly not the case; 11 in fact, a very unreliable source. It's a long time 12 ago, but as I recall there were attempts to contact 13 Miss Miller's public relations representative. I don't 14 know if conversations happened but we published a very 15 inaccurate, in fact plain wrong, story. Two days 16 afterwards, we had a complaint from Miss Miller's then 17 lawyers. It became apparent very quickly that the 18 negotiations between lawyers were going to be going at 19 a somewhat glacial pace, so in consultation with my 20 legal department, I said, "I want to publish a 21 unilateral apology to Miss Miller, so that we cannot be 22 accused at a later date of not seeking to rectify what 23 was a horrendous mistake." 24 We published that apology, which was within four 25 days, I think, if I recall, of the article being</p> <p style="text-align: center;">Page 58</p>	<p>1 A. Yes. 2 Q. Doesn't it strike you that if you had pictures of 3 Sienna Miller with children, chances of the account that 4 was being given to you being true were very dubious and 5 that should have called for further checking? 6 A. Well, with hindsight, yes. 7 Q. You've said, I think, in places that editors act on 8 instinct a good deal. Does the failure of instinct on 9 occasions like this point to a need for more rigorous 10 systems, such as double sourcing? 11 A. No. I think -- you know, looking at that point 12 generally -- I mean, today is the 2,364th edition of the 13 Daily Mirror on my watch. I have made some errors of 14 judgment within my seven and a half years in the 15 editor's chair but I think to view my record in its 16 totality, that without wishing to appear immodest, 17 I don't have a bad track record and probably could count 18 on the fingers of one and a half hands real serious 19 grave errors that I have made which have been down to my 20 judgment, and to my mind, I don't think that 21 a tightening of regulations or around my decision-making 22 processes would necessarily be an answer to those 23 issues. 24 Q. Can I move to some waters which you might find a little 25 quieter, personally, to financial and commercial</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 pressures? Your evidence, along with that of many 2 others, is that there is a lot of financial pressure on 3 the industry at the moment. 4 A. Yes. 5 Q. Does that have any effect on the quality of training 6 that you are able to provide to your staff? 7 A. No. 8 Q. Does it affect staffing levels? 9 A. Yes. One would always like more staff, but one has to 10 be realistic about the challenging world we live in at 11 the moment. 12 Q. Does it affect the extent to which you can go to check 13 a story? 14 A. No. 15 Q. Does it affect the type of sources that you can and 16 cannot afford to use? 17 A. No. 18 Q. Are you sure about that? Presumably you have a budget 19 and can't pay any money for any story? 20 A. If there was a particular story that I thought was of 21 great value to the paper, I've never had an issue with 22 my corporate paymasters over money. If I need money for 23 a particular project, they will give it to me, provided 24 I give them a reasonable argument for wanting that 25 funding.</p> <p style="text-align: center;">Page 61</p>	<p>1 have paid public sector employees connected with the 2 health and prison services for information about 3 prisoners or prison conditions. There is, in the 4 bundle, an article about the crossbow cannibal -- 5 A. Yes. 6 Q. -- as your newspaper styled him, Stephen Griffiths, 7 being urged to make a death bed confession. There is 8 a lot of detail in that story which appears to have come 9 from within the prison hospital unit. 10 A. Mm-hm. 11 Q. Is that an example in which you paid to obtain 12 information from the prison service or from prison 13 service health workers? 14 A. I don't recall if we paid for any information that 15 contributed to that story. 16 Q. If that's not a particular example, can we take it from 17 your witness statement that on occasions people working 18 for the prison service have been paid for information? 19 A. Yes. 20 Q. Is this confidential information? 21 A. Yes, probably. 22 Q. Do you think that that raises the same ethical issues as 23 paying police officers for information or not? 24 A. No, because by and large I believe there is a public 25 interest in -- if somebody is -- from the hospital is</p> <p style="text-align: center;">Page 63</p>
<p>1 Q. Does it limit the number of in-depth investigations that 2 the paper can conduct? 3 A. No. 4 Q. Does it lead to a temptation to rely upon and print 5 material from public relations agents and agencies? 6 A. I think actually in some senses it sharpens one's 7 senses. 8 Q. I'm moving now to page 19 of your witness statement, 9 paragraph 67. You say: 10 "After controversy surrounding the activities of 11 private investigators emerged in earnest in 2011, I was 12 verbally instructed to halt the use of such 13 investigators by Mirror Group managing director Mark 14 Hollinshead. This was communicated verbally to our 15 content desk executives by myself at the first available 16 opportunity." 17 Does it follow that private investigators were used 18 up to 2011 by the Daily Mirror? 19 A. I'm not sure we did, but yes, probably. 20 Q. Are you able to help us with when you stopped using 21 Mr Whittamore? 22 A. I believe it was August 2004. 23 Q. You move then in your witness statement to deal with the 24 payment of external sources and you say that you're not 25 aware of any payments to the police, but on occasion you</p> <p style="text-align: center;">Page 62</p>	<p>1 saying, "We have patients lying in the corridor, there's 2 general chaos and here's some pictures, but I'd like 3 some money for that", then you know, I'm quite happy 4 with that because I think there's a strong public 5 interest. 6 Q. So from a Data Protection Act point of view, you think 7 the answer is that it's in the public interest? 8 A. Yes. 9 Q. Expenses and remuneration, just very quickly. Do you 10 still make cash payments to sources? 11 A. We do on occasion, but quite rarely now. 12 Q. Can I move now to your second witness statement, which 13 deals with your newspaper's coverage of the 14 Christopher Jefferies story. 15 LORD JUSTICE LEVESON: Before we do that, Mr Barr, I think 16 we'd better just have seven minutes. 17 (11.32 am) 18 (A short break) 19 (11.40 am) 20 MR BARR: We're going to resume by moving to the coverage of 21 Mr Jefferies at the very end of 2010, the very beginning 22 of 2011. It would be right, wouldn't it, that you, as 23 the sitting editor, take personal responsibility for 24 this? 25 A. Yes.</p> <p style="text-align: center;">Page 64</p>

<p>1 Q. In addition with your responsibility arising simply from 2 your position, as a major story with major front 3 page splashes, is this something that you had personal 4 involvement in? 5 A. Yes. 6 Q. You said in your witness statement that the values of 7 Trinity Mirror and of the Daily Mirror were fairness, 8 justice and compassion. Would you agree with me that on 9 this occasion the Daily Mirror fell down on all three of 10 those values? 11 A. Yes. 12 Q. The articles we don't need to go to in detail. The 13 Inquiry has seen them before and you have copies in 14 front of you. It was a story which, it is clear from 15 your statement, the paper threw a lot of resources at. 16 A lot of enquiries were made -- 17 A. Yes. 18 Q. -- to investigate Mr Jefferies. There were a number of 19 off-the-record conversations with police that you tell 20 us about and you summarise them in your statement at 21 paragraph 10. Can I ask you to look in particular at 22 the one at 10(c). 23 A. Mm. 24 Q. It says: 25 "In the article of 31 December, we reported that Page 65</p>	<p>1 particularly his family and friends who had to see this 2 unfold. We obviously caused him and his nearest and 3 dearest great distress, which I regret personally 4 greatly, and I regard it as very much a black mark on my 5 editing record. 6 But yes, that piece of information would have been 7 probably front and centre of my thoughts when I was 8 making decisions that evening. 9 Q. But it was plain that the police were still 10 investigating and that you'd only been told off the 11 record. 12 LORD JUSTICE LEVESON: Could I interrupt about that? I'm 13 just a bit concerned about this. Do you have a view 14 about off-the-record briefings of this nature? 15 A. In what regard? Whether they should be -- 16 LORD JUSTICE LEVESON: Yes. Why -- 17 A. I think it can work -- as I expressed, I think, in my 18 first witness statement, is that the to-ing and fro-ing 19 of information on a live investigation, certainly a high 20 profile investigation, is often quite critical to 21 finding -- you know, solving the issue. An example 22 happened within this story, where we interviewed a pub 23 landlord who had CCTV of Ms Yeates walking home, and 24 I think it was if not the last, then certainly the 25 penultimate piece of CCTV footage of her that evening. Page 67</p>
<p>1 a source close to the police investigation said that it 2 was believed Jo's murderer had tried to conceal her 3 body. This information, to the best of my knowledge, 4 came from one of the off-the-record briefings referred 5 to above." 6 Was that typical of the sort of thing that you were 7 getting from the Avon and Somerset police off the 8 record? 9 A. Yes. As I set out in my statement, throughout these 10 investigations it's not untypical the police provide 11 guidance. 12 Q. Then if we move perhaps to what appears to the nub of 13 the matter -- and I'm going to ask you if it is the nub 14 of the matter -- at paragraph 11, you say: 15 "The police also give more general guidance to the 16 press. When Mr Jefferies was arrested on 30 December, 17 the content desk informed me that off the record the 18 police were saying that they were confident Mr Jefferies 19 was their man." 20 Were you aware of that? 21 A. Yes. 22 Q. And what influence did that have on your decision to 23 feature Mr Jefferies prominently in your newspaper? 24 A. Before I answer that, can I just say that I wish to 25 express my sincere regret to Mr Jefferies, and Page 66</p>	<p>1 The police had interviewed the landlord but neglected to 2 take away for some reason this CCTV, so we highlighted 3 in the paper that we had this CCTV. As a result, the 4 police went back to the pub and asked for the CCTV 5 footage because obviously it might have contained some 6 help. 7 So the point I'm making is that there is a general 8 to-ing and fro-ing behind the scenes because we can be 9 helpful to any investigation. 10 LORD JUSTICE LEVESON: I understand that had entirely, and 11 obviously there is an important dialogue to be had as to 12 getting information or whatever. I can give an example 13 from my own recollection, that during the investigation 14 of the murders in Gloucester, I think -- I won't 15 identify the tabloid but a tabloid newspaper found 16 a photographer who had taken a photograph of one of the 17 dead girls which was absolutely critical to part of the 18 case. So I see the great value of the power of the 19 press to help the police solve crime. What I'm really 20 concerned about here is off-the-record briefings of 21 opinion which may then colour how you present what you 22 can present within the confines of the law. I'm not 23 going into whether it's contempt or not -- I appreciate 24 you have a view about that and you're pursuing an 25 appeal -- but it's much, much more than the police could Page 68</p>

<p>1 ever say. Their opinion is really neither here nor 2 there. It's a question of evidence. 3 I'm bothered about that sort of currency of 4 information which might very well encourage you to go 5 further than propriety would otherwise suggest. It's 6 that which I'm really asking you about. 7 A. Indeed. I think that's -- to be honest with you, again, 8 parking the contempt to one side, it would have greatly 9 coloured my judgment on the way that we treated that 10 story. 11 LORD JUSTICE LEVESON: But does that say something about the 12 relationship between the press and the police which 13 actually does require thinking about? 14 A. Perhaps. I'm not seeking to be difficult; I haven't 15 thought about it from that point of view until now. You 16 know, this -- I mean, I think Mr Jefferies is pursuing 17 an action against Avon and Somerset as well as a result 18 of other matters, but I think again these were 19 exceptional circumstances -- 20 LORD JUSTICE LEVESON: Mr Wallace, that doesn't really work 21 because they're always going to be exceptional. It's 22 always these extremely high-profile cases that capture 23 the public imagination that are going to run this sort 24 of risk. One talks about Jefferies, one could talk 25 about the McCanns. There are periodically coming along</p> <p style="text-align: center;">Page 69</p>	<p>1 had. The fact that it was off the record and the police 2 were still investigating ought to have been a reason for 3 treating it cautiously, oughtn't it? 4 A. Yes. 5 Q. What in fact appear to have happened is it sowed a firm 6 idea in your mind as to who the culprit was and led to 7 his vilification, didn't it? 8 A. Yes. 9 Q. As an editor with great experience, quite accepting that 10 you have very properly described this as a black mark in 11 your book, shouldn't it have been very clear to you that 12 reporting about a murder investigation in these terms 13 was very dangerous indeed, first of all to the 14 reputation of Mr Jefferies? 15 A. Yes. 16 Q. And should have called for very considerable 17 fact-checking? 18 A. Well, I think -- and I think you're seeing the 19 journalists involved at a later date, but these are 20 highly competent professional journalists who gathered 21 facts. 22 Q. And secondly, from the point of view of the 23 administration of justice. On 31 December, the Attorney 24 General put out a statement about contempt, didn't he? 25 A. I mean, I can't really get too far into this because</p> <p style="text-align: center;">Page 71</p>
<p>1 the ladder this sort of case and it's these sort of 2 cases which actually we have to think about. 3 A. Yes. 4 LORD JUSTICE LEVESON: You can't just say each time: "Well, 5 it's exceptional." 6 A. No, I understand. To be frank, I need to give it some 7 more thought. I hadn't -- 8 LORD JUSTICE LEVESON: If you would like to think about it 9 and let me have any views you have -- 10 A. No, definitely. 11 LORD JUSTICE LEVESON: -- I'd be interested, because I am 12 very, very keen that the press are harnessed to help the 13 police detect crime. It's of critical importance, and 14 I've said publicly my concern about the decreasing 15 willingness of witnesses to come forward, so the press 16 have a vital role to play. 17 A. Yes. 18 LORD JUSTICE LEVESON: But there's a difference between that 19 role and acting as a sort of opinion-former -- 20 A. Yes. 21 LORD JUSTICE LEVESON: -- if you see what I mean. 22 A. I do. 23 MR BARR: Thank you, sir. 24 I was asking about getting off-the-record 25 information from the police and the influence that it</p> <p style="text-align: center;">Page 70</p>	<p>1 obviously we're appealing, but I think broad -- where we 2 draw the line is really quite difficult. You only have 3 to look at, in the last few years, terror cases. The 4 one that springs to mind was the arrest of the 21/7 5 terror suspects, who were filmed being arrested live on 6 ITV news, if I remember rightly, and one national 7 newspaper said the following morning: "We got the 8 bastards", with no follow-up from the Attorney General. 9 So as I said, I can't get too far into that for obvious 10 reasons, but I think that where the line is kind of 11 oscillates, shall we say, on that regard. 12 Q. So what was it that was driving you to take such a risky 13 decision? Was it simply such a big story that you 14 couldn't afford to ignore it? 15 A. No, I made a very serious misjudgment. 16 Q. I'm trying to explore what pressures were on you. Was 17 it because of the competition with your rivals, who were 18 also covering the story very extensively and in lurid 19 terms? 20 A. Competition is always keen within Fleet Street. That 21 has led us to have a very -- and continue to have a very 22 vibrant press. The envy of the world, I might add. 23 But -- one always wants to beat the competition, but one 24 should not become reckless in seeking to beat your 25 competition.</p> <p style="text-align: center;">Page 72</p>

<p>1 Q. How, in your view, would you learn from the mistake that 2 you made on this occasion to avoid something like this 3 happening again? 4 A. I think Mr Jefferies' name will be imprinted on my brain 5 forever more. It will change very much the way I deal 6 with any story of this nature in the future. 7 Q. Apart from that, is there any practical change that 8 could be made to reduce the risk of something like this 9 happening again? 10 A. I don't believe so, because ultimately it's down to the 11 judgments of editors and, you know, as I found in this 12 regard and other mistakes have been highlighted, we all 13 make mistakes. I'm not seeking to downplay those 14 mistakes or dismiss them; I'm just saying you can have 15 as many safeguards and checks and balances in place as 16 you would like but these errors are going to happen. 17 It's about creating a climate, I believe, which makes 18 all editors think perhaps a little bit longer than they 19 have previously. 20 Q. Can I move now to some particular allegations that have 21 been made about alleged phone hacking at the 22 Daily Mirror. They concern Sven Goran Eriksson and 23 Ulrika Jonsson. There are some materials in your 24 bundle, tab 17. 25 A. Yes.</p> <p style="text-align: center;">Page 73</p>	<p>1 forward, to be honest. 2 Q. So you're not in a position today to positively assert 3 one way or the other what the source was? 4 A. That's right. 5 Q. Is it possible, even if you weren't told, that it was 6 phone hacking? 7 A. It's possible, yes. 8 Q. Because there's been subsequent allegations in the 9 press -- I'm looking first of all at tab 24. There's an 10 article in the Press Gazette, July of this year, 11 alleging phone hacking in relation to that particular 12 part of Ms Jonsson's private life. There's also been, 13 I think, allegations made by the political blogger 14 Guido Fawkes. 15 A. Yes. 16 Q. Is the bottom line that you're not able to help us with 17 the details but you're not able to rule out hacking? 18 A. No, this is -- as I said, I cannot recall. The reason 19 I went into the then-editor's office is really quite 20 straightforward. Piers had made his name being probably 21 the most successful showbusiness journalist in recent 22 memory and knew a lot of celebrities and agents 23 personally outside his professional capacity. We'd had 24 this information came in, and I thought rather than 25 going around the houses and knowing that Piers knew</p> <p style="text-align: center;">Page 75</p>
<p>1 Q. The extracts from Mr Morgan's book, "The Insider". Can 2 I ask you to turn to page 330, by which time we're at 3 2002, Thursday, 18 April -- 4 A. Mm-hm. 5 Q. -- where Mr Morgan describes you coming into his office 6 saying, "I think you may have to sit down for this one", 7 and you looking even more pleased with yourself than 8 usual, with a wicked grin on your face, saying, "You'll 9 genuinely never guess", and then going into details 10 about Ulrika Johnson's private life. 11 A. Mm-hm. 12 Q. My question to you is: how did you obtain that 13 information? 14 A. Well, at that point we'd only had a tip as such. It 15 wasn't a confirmed piece of information, which is why 16 I'd gone to the editor's office. 17 Q. Where had that tip come from? 18 A. I don't recall the exact nature of it, but it was from 19 within the showbusiness department. It could have 20 been -- I don't know. It could have come from anywhere, 21 really. 22 Q. Did you ask any questions about the ultimate source? 23 A. I probably would have done because it was a fairly 24 sensational story at the time, but I can't recall the 25 exact -- I can't even recall who actually put the story</p> <p style="text-align: center;">Page 74</p>	<p>1 Ulrika and her agent well, I thought -- and he did this 2 quite regularly. If there was a celebrity that he knew 3 and that we had a story about, I'd go: "Can you make the 4 call?" because it cuts through the agents and all the 5 other periphery, and I think as he goes on to say is 6 that he did call the agent, who confirmed the story and 7 then he came out and told me that, yes, the story was 8 true. 9 MR BARR: Thank you very much, Mr Wallace. Those are all 10 the questions that I have for you. 11 LORD JUSTICE LEVESON: Can I ask something quite different? 12 There's been a lot of concern that tabloid newspapers 13 are different from other newspapers and that removing 14 some of the fun from such papers is going to damage 15 their commerciality. 16 A. Mm. 17 LORD JUSTICE LEVESON: I'd just like to test that with you, 18 if I could. Nothing I have seen in what you've said 19 suggests that your newspaper depends in any way upon 20 stories that have been obtained inappropriately or might 21 breach somebody's privacy. Is that right? 22 A. Yes. I mean, unfortunately the Inquiry's come through 23 the prism of celebrity, that somehow there's a -- that 24 our papers are just full of celebrity scandal all the 25 time and something must be done. I think, as you</p> <p style="text-align: center;">Page 76</p>

<p>1 pointed out throughout the Inquiry and again today, 2 there is actually a lot of positive things and the 3 papers are not just filled -- or certainly the more 4 well-regarded tabloid newspapers are not full of, 5 frankly, salacious rubbish, and I think that one of the 6 key drivers in all this -- and we've not really heard 7 much from them in this Inquiry thus far -- are the 8 public themselves, who -- 7 million people buy the 9 tabloids each day, 20 million people read them. Another 10 15 million or so buy weekly magazines. We are 11 a significant part of how the public get their 12 information, their entertainment, even to a certain 13 extent their education. So we're a significant force in 14 the land, and by and large we take those 15 responsibilities very carefully. 16 Frankly, I don't see that what this Inquiry is 17 trying to do is to eliminate the fun from the tabloid 18 newspapers. 19 LORD JUSTICE LEVESON: It most certainly isn't, and I'm 20 happy to say that, but I ought to just say: I don't 21 accept that it's simply the prism of celebrities that 22 the Inquiry is concerned with. I think it is wider than 23 that. 24 A. Oh yes, but they're the ones that got most attention is 25 what I meant.</p> <p style="text-align: center;">Page 77</p>	<p>1 look at the trends and then look at the recent history 2 of the tabloid press in particular, there has been an 3 improvement and there will continue to be an 4 improvement. The main reason there will be is because 5 the readers let us know. If there is rubbish in the 6 Daily Mirror, my readers tend to let me know in the most 7 blunt terms: "Why are you doing stories about 8 ex-celebrities? Why do we have to read this rubbish?" 9 They're the ones that let you know. 10 LORD JUSTICE LEVESON: I think that's very helpful, but it 11 follows, therefore, that looking at ways of putting 12 a mechanism in place that provides resolution of 13 disputes other than simply through editors, do you 14 believe that that would change the way in which you 15 wanted to publish your newspaper? 16 A. I don't -- no, I don't think it would change the way 17 I would want to publish the paper, but it would make me 18 more mindful of certain issues, and frankly help 19 concentrate the mind on certain issues. 20 LORD JUSTICE LEVESON: Is that good or bad? 21 A. That is a good thing. It can only be a good thing. 22 I mean, I'm not proud of what we did to Mr Jefferies at 23 all, and, you know, if there are ways, without obviously 24 impeding our work, that we can lessen the chances of 25 that happening again without regulation and statute,</p> <p style="text-align: center;">Page 79</p>
<p>1 LORD JUSTICE LEVESON: One could talk about the McCanns, the 2 Jefferies, these other examples where, of course, 3 they're exceptional, but then they come up and then they 4 happen again and everybody says, "It won't happen 5 again." Then there's a period when everybody improves 6 and then I have the sense that things slip back a bit. 7 A. It's interesting because I know you've made that remark 8 on several occasions throughout the Inquiry, and I think 9 somebody tried to give you an arm graph on it. I do 10 think -- you say, right, we're all going to be on our 11 best behaviour and then when the dust settles, we'll all 12 go back to our dastardly ways. 13 LORD JUSTICE LEVESON: I don't think I quite put it like 14 that. 15 A. No. I'm being all tabloid, I'm sorry. But there has 16 been -- certainly in -- I mean, one of the sources of 17 great controversy is the whole issue of paparazzi 18 photographers. There has been a real move, certainly 19 during my editorship, of an acknowledgment of the 20 behaviours of some of the extremes of this and positive 21 ways of dealing with that and preventing it. So the 22 climate, which I mentioned earlier, I think is changing 23 and that there is a greater thoughtfulness and that will 24 continue. It's not a case of: right, we're all going to 25 be good boys today and then tomorrow ... I think if you</p> <p style="text-align: center;">Page 78</p>	<p>1 then I'm all for that, and I believe compulsory 2 arbitration, an independent standards panel/ombudsman, 3 are the way forward. 4 LORD JUSTICE LEVESON: But once you talk about compulsory 5 anything, somewhere along the line, somebody has to say, 6 "It has to happen", which means there has to be some 7 form of backing to it. 8 A. Yes. 9 LORD JUSTICE LEVESON: I'm struggling to see how that could 10 happen without a piece of legislation, but in the very, 11 very far back. 12 A. Yes, exactly. 13 LORD JUSTICE LEVESON: So that's all I'm worrying about. 14 But the reason I say, "Is it good or bad?" is to press 15 it with this further question, which is that some people 16 have suggested that it would make you all very, very 17 defensive as editors and therefore affect the tone of 18 your newspapers. Do you think it would? 19 A. Broadly speaking, no. I mean, editors get different -- 20 I mean, for instance, when I took over as editor seven 21 and a half years ago, the Internet as a real threat to 22 the paper and the business was only really just 23 emerging. Now it's front and centre of my thoughts. 24 Actually, the structural changes that are going -- 25 within our industry are front and centre of my thoughts.</p> <p style="text-align: center;">Page 80</p>

<p>1 So one adapts and moves the tiller, as it were, 2 accordingly to factor into the equation these new 3 pressures and what have you. 4 So, no, I don't see it as an impediment. 5 LORD JUSTICE LEVESON: Thank you. Is there anything else 6 you want to add? 7 A. No, I think we've covered -- 8 LORD JUSTICE LEVESON: Thank you very much. 9 MR BROWNE: Not a speech and not a question but can I raise 10 two points before he leaves the box? 11 LORD JUSTICE LEVESON: Of course you may. 12 MR BROWNE: Firstly he was asked about occasions when he'd 13 fallen foul of the criminal law and Mr Jefferies was 14 obviously one. During the break, we found a judgment of 15 the Divisional Court and Lord Justice Richards in 16 another contempt case involving a man called Jammer(?). 17 I'll hand up a copy of the judgment. 18 LORD JUSTICE LEVESON: Thank you. 19 MR BROWNE: In a nutshell, what happened is that 20 Mr Partington, who sits on my right and brought this 21 case to my attention, reading an article about the 22 forthcoming trial of Mr Jammer, warned of the potential 23 dangers. He made what they call a legal mark, 24 paragraph 28, and regrettably there's some in relation 25 to the Yorkshire edition, some 10 per cent of the Page 81</p>	<p>1 could be found in the evidence. 2 LORD JUSTICE LEVESON: Thank you very much indeed. Thank 3 you. 4 MR BARR: Sir, the next witness is Ms Weaver. 5 MS TINA LORRAINE WEAVER (sworn) 6 Questions by MR BARR 7 MR BARR: Good morning. Could you confirm to the Inquiry 8 your full name, please? 9 A. Tina Lorraine Weaver. 10 Q. You have provided statements to the Inquiry, two of 11 them. I understand that before you confirm the accuracy 12 of their contents, there are two corrections that you 13 wish to make to the first statement. The first one is 14 in paragraph 20, on page 6, and I'm told that you want 15 to make a correction to the sentence: 16 "The last government agreed to a study for the 17 children and grandchildren of the vets." 18 What is the change? 19 A. It originally was a study of the children and 20 grandchildren, but it changed to just a study of the 21 vets. 22 Q. Paragraph 42, page 11. I understand that you wish to 23 make a correction to the number of in third line, where 24 it says: 25 "The PCC currently deals with 10,000 complaints each Page 83</p>
<p>1 Daily Mirror's circulation, failed to see the mark, and 2 as a result, the Yorkshire edition contained something 3 which was potentially prejudicial of Mr Jammer's trial. 4 As Mr Partington says and as Lord Justice Richards 5 records, this was the first time in 15 years that an 6 important legal mark had been missed. 7 If you go to paragraph 34, you'll see that on that 8 occasion Mr Wallace apologised to the court. 9 LORD JUSTICE LEVESON: Yes. Thank you very much indeed. 10 I wasn't going to hold Mr Wallace to his answer, but I'm 11 sure these cases are all seared on Mr Partington's mind. 12 MR BROWNE: Well, indeed, and it wouldn't be right for us to 13 allow a false impression. 14 LORD JUSTICE LEVESON: Thank you very much. 15 MR BROWNE: The other point relates to Sienna Miller and the 16 alleged cropping of the photograph. That was a charge 17 she made when she gave evidence on, I think, 18 24 November. There is a witness statement that we have 19 put in from Mr Ian Down, the picture editor, in which he 20 deals with this issue at paragraph 37. The child wasn't 21 cropped out. Photographs were selected which didn't 22 show the child because they didn't want any question to 23 arise of intrusion on the child's privacy. 24 LORD JUSTICE LEVESON: Mr Wallace, I think, said that. 25 MR BROWNE: Indeed. I thought I'd just refer to where it Page 82</p>	<p>1 year through a system that is fast, effective and free 2 of charge." 3 Is it right that you wish to make an amendment to 4 the number? 5 A. Yes. I think the number is incorrect. It's 7,000 or 6 thereabouts. 7 Q. Subject to those corrections, are your witness 8 statements true and correct to the best of your 9 knowledge and belief? 10 A. Yes, they are. 11 Q. Can we start, please, with your career? Page 3 of your 12 first witness statement, you tell us that you've worked 13 in tabloid journalism for over 20 years? 14 A. That's correct. 15 Q. Your first national paper was the Sunday People, now the 16 People, and then you moved to the Daily Mirror to Today, 17 and then you moved back to the Daily Mirror and were 18 promoted before being promoted in April 2001 to be 19 become editor of the Sunday Mirror. I asked Mr Wallace 20 about whether journalistic culture in the tabloid papers 21 was the same across the tabloids or whether there were 22 discernible differences. He couldn't discern 23 differences. Do you agree with him? 24 A. Yes, I do. 25 Q. Whilst we're on the subject of your work for the Page 84</p>

<p>1 Daily Mirror, I'm helpfully informed that you can help 2 us with the allegation that Mr Campbell seemed to make 3 in his evidence, or at least a question he posed about 4 what was the source of the story about Cherie Blair's 5 pregnancy. I understand that you wrote the story? 6 A. Yes, I did. 7 Q. Can you help us with the source, please? 8 A. The information came in through the then editor, 9 Piers Morgan. I was his deputy and he asked me to write 10 it. He purchased it from Max Clifford -- I think that's 11 a matter of record -- and he told Mr Morgan where he 12 received the original information from, I believe. 13 Q. Thank you. If we now move to page 4 of your witness 14 statement, where you tell us that you are and have been 15 a member of the Press Complaints Commission since 2008, 16 and you tell us a little bit about the PCC and its work. 17 The Inquiry is quite familiar with this, and so please 18 forgive me if I don't go into the details, but can I put 19 these points to you, please? First of all, it is said 20 in some quarters that one drawback of the PCC is that it 21 doesn't have teeth. Would you agree with that? 22 A. Yes, I would. 23 Q. You will have heard me discussing and exploring with 24 Mr Wallace as to what type of teeth in the future 25 a regulator might have. Do you have any views?</p> <p style="text-align: center;">Page 85</p>	<p>1 editor -- I think the figure is 10 to 7 -- and normally, 2 at any given time, there are less industry members in 3 the room because you leave the room if the adjudication 4 is about a paper within your group. We have 165 papers 5 at Trinity Mirror, including the regionals. I don't sit 6 in judgment on any of the regional papers. 7 I've been around the table. We have very, very 8 robust debates about the rights and the wrongs of the 9 story, and it's very rarely that the editors agree, so 10 it normally goes to a vote and sometimes I'll agree with 11 another editor, sometimes I won't. So I don't think 12 there's a dominance of industry figures swaying the 13 opinions. 14 If you look at the make-up of the Commission, you 15 have a very high calibre of Lay Commissioners. We have 16 a retired judge, a headmaster, a former chief 17 superintendent. We had until recently a bishop. 18 They're not the sort of people who are going to be 19 swayed by newspaper editors. 20 LORD JUSTICE LEVESON: How were you appointed to the PCC? 21 A. The NPA. I was invited to join about three and a half 22 years ago, I think. Editors rotate after three years 23 but as it's in a state of flux, we've stayed on until we 24 know what the new -- 25 LORD JUSTICE LEVESON: Are they all nominated by the NPA?</p> <p style="text-align: center;">Page 87</p>
<p>1 A. I agree with the three-column structure that seems to be 2 emerging from the various discussions that have been had 3 here and outside of the Inquiry. I do think that the 4 PCC has been very effective as a mediator. I look at 5 the number of complaints that come in from members of 6 the public, and -- when you sit on the Commission, you 7 see the complaint from the original day the person has 8 got in touch with the PCC. They are often not sure how 9 to formulate or articulate the complaint, they're not 10 clear about where it comes under the code, and I think 11 the officers do a very good job at helping the public 12 articulate that, and I think that element of it has been 13 successful and should stay. 14 It clearly doesn't have the power that is needed -- 15 that was made quite clear during the phone hacking lack 16 of investigation, where the PCC was misled by 17 News International -- so I think if we kept the 18 Complaints Commission largely as it is, perhaps looking 19 at the panel, the commission and the make-up of it, but 20 actually giving the standards arm greater teeth, with 21 perhaps financial penalties against publishers or -- who 22 consistently breach the code. 23 Q. I see. What about the criticism that it is really too 24 dominated by the press and is not independent? 25 A. There's a greater majority of lay commissioners than</p> <p style="text-align: center;">Page 86</p>	<p>1 A. Yes. 2 LORD JUSTICE LEVESON: All the editors? 3 A. Yes, they are. It works quite well in that there's 4 a fair representation of the industry in there. They 5 have a red top editor, myself, a mid-market and the 6 Sunday Telegraph editor too, because the challenges and 7 issues facing different parts of the media are quite 8 different at times. 9 LORD JUSTICE LEVESON: Who appoints the lay commissioners? 10 A. There's a nominations committee. 11 LORD JUSTICE LEVESON: So it's self-appointing? 12 A nominations committee of the PCC or PressBoF or what? 13 A. I'd have to check with the director of -- actually how 14 that works, would -- 15 LORD JUSTICE LEVESON: All right. 16 A. When we are looking or the Commission are looking for 17 new members, they're normally inundated with 18 applications, and we just -- I mean, Sir Michael Grade 19 has just come on, Lord Grade, and -- a retired judge, as 20 I said, and a senior lawyer from a law firm, retired 21 lawyer. 22 MR BARR: How do you answer the criticism that was raised by 23 Mr Desmond, that it's judgment by one's commercial 24 rivals? 25 A. He's obviously entitled his opinion --</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 LORD JUSTICE LEVESON: Well, he's certainly right. That's 2 not an opinion. He's right. You are judging your 3 commercial rivals.</p> <p>4 A. Yes. Yes, we are. He's right. Sorry. But all I can 5 say is in the three and a half years I've been on the 6 PCC, I've never seen any evidence of commercial rivalry 7 displayed when making judgments on adjudications. 8 I think the editors -- you know, I hope we're too 9 professional to be that petty.</p> <p>10 MR BARR: If your experience is that there is no bias as 11 a result of commercial rivalries, would you agree, 12 though, that a system, if it's going to be robust and 13 hold public and industry confidence, should not only be 14 impartial but also be seen to be impartial?</p> <p>15 A. Well, it has to be effective, and I'm not sure how it 16 can be truly effective when so many of the decisions 17 that are being made by the PCC are about the sort of 18 workings of a newspaper. I think the lay commissioners 19 agree that the input from the serving editors is vital 20 during the decision-making process. They'll often 21 assume there's a process when we have to explain that 22 that really wouldn't have happened and give our expert, 23 if you like, insight into how a newspaper operation 24 really functions, and I would be really loath to lose 25 that from a mediation body.</p> <p style="text-align: center;">Page 89</p>	<p>1 be navigated in the second. What's your view on that 2 particular dilemma?</p> <p>3 A. Well, as we're talking about a new three-pronged 4 approach to future regulation, the third prong of that 5 being the sort of arbitration panel, if you like, which 6 would hopefully deal with libel and privacy claims -- 7 I mean, that would be a very attractive option to any 8 newspaper publisher, if you could reduce the onerous 9 costs we face in legal fees, and I think if you only had 10 access to that arbitration panel if you're a member of 11 whatever the new regulatory body is called, I think that 12 would be the carrot, the incentive, to encourage 13 membership.</p> <p>14 I think everybody so far, including Mr Desmond, has 15 indicated they would be willing to look and join a new 16 regulatory body. I think there is a real willing in the 17 industry to work together. I think we've heard the call 18 to get together and come up with a solution. I think 19 people really are doing that in consultation with 20 Lord Hunt.</p> <p>21 LORD JUSTICE LEVESON: Of course, you would want, wouldn't 22 you, to require those who wished to complain about the 23 press to go through that arbitral system. This was 24 a discussion I had with Mr Barber, who expressed concern 25 that that his newspaper could be squashed by somebody</p> <p style="text-align: center;">Page 91</p>
<p>1 Q. Can it be substituted by the use of retired editors as 2 opposed to serving editors?</p> <p>3 A. I've heard that suggestion, obviously, at the Inquiry, 4 but if you just look at the evidence of the two Sun 5 editors last week, the former editor, Kelvin eventually 6 McKenzie, and the current editor, the approach is 7 entirely different now just to 20 years ago -- well, 8 even five years ago, so I think you really need somebody 9 who is serving with the challenges we face today to give 10 proper input into the decision-making process.</p> <p>11 Q. And voluntary membership. At the moment, there are 12 various publications that have decided not to join the 13 PCC club and therefore are effectively not controlled 14 except by the law. Is it better to have compulsory 15 membership than to have people electing to sit outside 16 any form of regulation?</p> <p>17 A. Yes. I think self-regulation can only really work if 18 everybody's in the tent.</p> <p>19 Q. We've heard various suggestions as to how that might be 20 affected. One theory is: make it so attractive that 21 it's a no-brainer, everybody will join. The other is: 22 make it literally compulsory. Now, there are obvious 23 problems with the first, in that how do you make it so 24 attractive that everybody will always want to be in the 25 club, and there may be some difficulties which need to</p> <p style="text-align: center;">Page 90</p>	<p>1 with enormous amounts of money who would therefore put 2 enormous pressure to suppress a story or not to publish 3 a story or retract a story. How could you make it 4 compulsory unless the law said, "This is the route you 5 have to take"?</p> <p>6 A. I agree with you. I think the arbitration arm, you 7 would need legislation to underpin it to force -- to 8 make it mandatory for people to use that before 9 resorting to the courts.</p> <p>10 I am sort of -- I have thought about that 11 arbitration arm and it does seem extremely appealing. 12 I'm still sort of not quite clear -- I know these are 13 very much rough and ready solutions that need to be 14 worked on --</p> <p>15 LORD JUSTICE LEVESON: We're not really into solutions; 16 we're into thoughts, ideas.</p> <p>17 A. Yes, thoughts, ideas. I'm not quite sure how it would 18 work in a prepublication way, whether there would -- you 19 would -- would it have any --</p> <p>20 LORD JUSTICE LEVESON: What you could do is you could go and 21 say that if an editor wanted not to pre-notify, he would 22 have to get the support of one of the panels or bodies.</p> <p>23 A. Yes, that would be a good idea.</p> <p>24 LORD JUSTICE LEVESON: And if he did, then that would be 25 relevant to a hearing. If he didn't, or chose to ignore</p> <p style="text-align: center;">Page 92</p>

<p>1 what they said, that might be relevant to damages, if it 2 got that far. 3 A. Yes. 4 LORD JUSTICE LEVESON: There are various mechanisms to do 5 it, but again it requires, somewhere in the background, 6 a piece of legislation. A long way in the background, 7 I agree, because one doesn't want any suggestion of 8 government regulation. 9 A. No, I agree, and I think if there was some way you could 10 keep the other two columns which have been discussed, of 11 mediation in some form based on the current process and 12 the standards committee -- which incidentally I don't 13 think should have serving editors on -- if you could 14 keep those free of legislation and then -- 15 LORD JUSTICE LEVESON: All you need do is say that they are 16 set up. But if one is going to say that the court, the 17 arbitral mechanism, is entitled to have regard to what 18 one of the other two says, then they have to be at least 19 recognised. 20 A. Oh, yes. 21 LORD JUSTICE LEVESON: However much you say that the 22 industry, the public, whoever, in some other way 23 nominates people who serve on these things, they have to 24 be recognised, otherwise there isn't a hook on which you 25 can hang the use of that material, if you follow what</p> <p style="text-align: center;">Page 93</p>	<p>1 "Well, you could change the statute", but actually they 2 could always pass a new statute, so it doesn't actually 3 go very far. One of the things that's concerned me 4 about the debate is that everybody talks about the 5 statutory regulation or self-regulation as though they 6 are binary, that you either have to have one or the 7 other. I'm not sure that there isn't, in the type of 8 way that I've been discussing, some alternative 9 mechanism that allows the industry, the business, with 10 independent support, with perhaps some legal support, to 11 identify the standards and to mediate short of resolving 12 disputes. 13 A. Yes. 14 LORD JUSTICE LEVESON: But if you're going to have 15 a mechanism that does allow fining somebody for lying to 16 the standards people or whatever, then that has to be 17 the law because otherwise you could never enforce it. 18 A. Could you not -- if you all sign up to it, if you all 19 agree there are a set level of fines -- I mean, we have 20 talked outside about a commercial contract under civil 21 law. Would that not enforce it? 22 LORD JUSTICE LEVESON: There are all sorts of issues there 23 of contract law which -- 24 A. I'm not an expert on that. 25 LORD JUSTICE LEVESON: No, I won't ask you to discuss.</p> <p style="text-align: center;">Page 95</p>
<p>1 I'm saying. 2 A. Yes, I do. I think I do and I think I'm in agreement, 3 but I was hoping there was a mechanism in which there 4 wasn't any legislation controlling the standards arm and 5 the mediation arm. Are we in agreement there? 6 LORD JUSTICE LEVESON: I'm not agreeing about anything. I'm 7 still thinking about everything. You're not going to 8 catch me out quite like that. 9 A. I meant agreement in our thinking. 10 LORD JUSTICE LEVESON: I think the important word in your 11 sentence is "controlling" the standards. I don't 12 presently believe -- this is my reaction -- that 13 legislation should control anything except provide 14 a potential arbitral arm, but that it provides 15 a framework in which everybody else decides what the 16 standards should be and how the mediation works, with 17 people elected into those arms entirely free of 18 improvement. Do you see the difference -- 19 A. Yes, I do. 20 LORD JUSTICE LEVESON: -- I'm trying to portray? 21 A. Yes, I do. Yes, I do. I think there's just concern, 22 I think, generally if the industry that any outside 23 government interference at all as a backdrop is a sort 24 of thin end of the wedge. 25 LORD JUSTICE LEVESON: I understand that, and they say,</p> <p style="text-align: center;">Page 94</p>	<p>1 A. Good. 2 LORD JUSTICE LEVESON: -- which are not insignificant. The 3 other snag with that, of course, is that that may or may 4 not bind those who sign the contract, but it certainly 5 wouldn't bind anybody who didn't sign the contract, 6 which would include all those people who are 7 complaining. They're not in a contract with you at all. 8 A. You mean non-industry people? 9 LORD JUSTICE LEVESON: Yes. 10 A. But they wouldn't have to be part of -- 11 LORD JUSTICE LEVESON: No, but you'd want them in on the 12 complaints mechanism and you'd certainly want them in on 13 the arbitral mechanism. 14 A. The arbitral mechanism would need legislative support, 15 because there's no way I can see that you could force 16 somebody to use that, to cut out the huge legal fees we 17 all face, unless there was some sort of legislation. 18 LORD JUSTICE LEVESON: Once you're going down that route but 19 you need a hook to bring the others in because it's 20 relevant to decisions that are made in the arbitral 21 system, then that may be sufficient. But it may require 22 that much. Anyway, I'm only raising ideas. 23 A. No, it's very interesting, sir. 24 LORD JUSTICE LEVESON: I'm not making decisions. 25 A. No, I appreciate that.</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 LORD JUSTICE LEVESON: I won't make decisions until the 2 summer, and indeed, it won't be a matter for me 3 ultimately anyway.</p> <p>4 MR BARR: Can I ask you now to imagine a world without CFAs, 5 or at least without CFAs as we know them. Would your 6 point about legal costs, in principle, still hold good?</p> <p>7 A. It's a CFA with success fees and our old friend 8 after-the-event insurance as well. I don't know. I'm 9 sure there would be some other mechanism to be hit by 10 huge costs, whatever. I don't think CFAs are going to 11 completely disappear. I know there is reform under way 12 and discussions under way, but I ...</p> <p>13 Q. I'm going to move on now from the PCC. You tell us in 14 your statement a little bit about the Sunday Mirror. 15 You sell approximately 1.85 million copies each week, 16 although there is a much larger readership, and you have 17 a team of 68 staff, so significantly smaller --</p> <p>18 A. That's full-time staff. I do have part-time staff as 19 well.</p> <p>20 Q. But it's a point that you're significantly smaller than 21 the Daily Mirror?</p> <p>22 A. Yes.</p> <p>23 Q. You work Tuesday to Saturday, so I should apologise to 24 you for ruining your weekend. You then go on at 25 paragraph 18 to say:</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. I see. You then go on to tell us a little bit about the 2 sort of campaigns that the Sunday Mirror has been 3 involved with -- Atomic Veterans, Respect Our Seniors, 4 Homes For Heroes, Justice For Our Troops and The Lost 5 Generation -- again, making a point that Mr Wallace 6 made.</p> <p>7 A. That we're not all bad.</p> <p>8 Q. That you're a force for good.</p> <p>9 We move on to corporate governance and the 10 Sunday Mirror at page 8 of your statement, where we move 11 into grounds where that force for good assertion needs 12 to be scrutinised. At paragraph 29, you explain, as 13 Mr Wallace did, the action that was taken by Trinity 14 Mirror after the convictions of Glenn Mulcaire and 15 Mr Goodman. Convictions, as we know, for intercepting 16 communications.</p> <p>17 Turn to tab 19 of the bundle, please. This is 18 a story published by BBC News on 23 July 2011. It's 19 headlined:</p> <p>20 "Sunday Mirror phone hacking claim revealed by 21 Newsnight. Evidence of possible phone hacking at the 22 Sunday Mirror newspaper has been found by the BBC's 23 Newsnight."</p> <p>24 The source is not revealed -- it's an anonymous 25 source -- but it describes routine phone hacking in the</p> <p style="text-align: center;">Page 99</p>
<p>1 "Each day, I chair an editorial conference." 2 And you describe how you reject some stories and 3 accept others for various reasons. Can I ask you: on 4 a paper with a staff approximately a third of the size 5 of the Daily Mirror, does that mean that you, as the 6 editor, make the decision on every story or not?</p> <p>7 A. No, absolutely not. No.</p> <p>8 Q. At paragraph 19, you're talking about your paper and you 9 say:</p> <p>10 "Readers for many decades have come to expect 11 revelations and exposes of wrongdoing and bad behaviour 12 of the rich and famous from their Sunday paper."</p> <p>13 Can I take it there's therefore a pressure on you to 14 deliver such stories?</p> <p>15 A. It's not really a pressure, no. It's just something 16 that's traditionally been part of the fare of a Sunday 17 tabloid. It is less so now.</p> <p>18 Q. Is that anything to do with developments in the law of 19 privacy?</p> <p>20 A. Partly. I think we just try and reflect public opinion. 21 Our readers vote for us every week by buying the paper, 22 and sometimes if there's a revelatory story they don't 23 like, I will receive many letters complaining, so I try 24 to form my judgments on what I believe the readers will 25 like and find acceptable.</p> <p style="text-align: center;">Page 98</p>	<p>1 newsroom, celebrities including Liz Hurley and 2 footballer Rio Ferdinand being a target and there's 3 a description, under the subheading "Dark arts", that 4 the source, one afternoon in the newsroom, saw Liz 5 Hurley's phone being hacked and a reporter listen to her 6 mobile phone messages and take a note of what was said.</p> <p>7 Do you know whether or not that allegation is true?</p> <p>8 A. I don't believe it to be true.</p> <p>9 Q. Does it follow from your choice of words that this is 10 not a matter which has been the subject of an 11 investigation?</p> <p>12 A. Well -- no, no, it hasn't.</p> <p>13 Q. Has the BBC's article been the subject of a complaint by 14 either your newspaper or by Trinity Mirror Group?</p> <p>15 A. A complaint to the BBC?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. Has any action been taken about it?</p> <p>19 A. No. I think they know that we were unhappy about 20 unsubstantiated, non-specific, anonymous allegations 21 from seven years ago being presented as unearthing 22 evidence.</p> <p>23 Q. The article goes on to say:</p> <p>24 "Designated reporters would be doing it pretty much 25 every day."</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Are you able to help us one way or the other as to 2 whether or not that's true? 3 A. I don't believe it to be true. 4 Q. "One reporter who was very good at it was called the 5 master of the dark arts." 6 Have you ever heard that nickname? 7 A. No, I haven't heard that term. 8 LORD JUSTICE LEVESON: Those paragraphs are general, but 9 there's a specific allegation about one particular 10 person, so presumably it would be possible to research 11 all your stories about this particular person and see 12 whether -- but you've not done that? 13 A. Sorry, which specific -- 14 LORD JUSTICE LEVESON: On the bottom of the first page. 15 A. Leslie Ash? Yes, I did ask someone to look through the 16 cuttings for that year to see if there's any story it 17 could be relating to, but we drew a blank. 18 MR BARR: We're looking at the same names? 19 A. Leslie Ash? 20 Q. The bottom of the first page. 21 A. Second page. 22 LORD JUSTICE LEVESON: There's Liz Hurley and Leslie Ash 23 the same -- 24 A. Well, it was a pretty unspecific allegation -- 25 unspecific detail about Liz Hurley. The Leslie Ash one</p> <p style="text-align: center;">Page 101</p>	<p>1 A. I don't believe we have, no. 2 Q. It says: 3 "He was such a god of a voiceover artist that he 4 could pretend to be famous people or, failing that, he'd 5 pretend to be their lawyer or someone related to them." 6 Are you aware of blagging being used by anyone 7 employed by the Daily Mirror -- 8 A. Sunday Mirror. 9 Q. Sorry, the Sunday Mirror -- to obtain confidential 10 information? 11 A. I don't know. We will occasionally make subterfuge 12 calls if there's a public interest which we think is 13 legitimate. 14 Q. Is it restricted to cases of public interest, so far as 15 you are aware? 16 A. Yes, it is, and staff are instructed that there has to 17 be a good public interest and more recently, just as 18 part of good business practice with everything that's 19 been going on, they've actually been instructed to come 20 and discuss it with myself or the lawyer. 21 Q. I've asked you a general question. Forgive me for 22 putting it more specifically in relation to Leslie Ash. 23 To your knowledge, did the Sunday Mirror ever obtain 24 Leslie Ash's medical records? 25 A. No, to my knowledge, they didn't.</p> <p style="text-align: center;">Page 103</p>
<p>1 I did ask somebody to check out, yes. 2 MR BARR: Sorry, which one? 3 A. The Leslie Ash allegation. 4 Q. With what result? 5 A. I said they drew a blank as to what it could be 6 referring to. 7 Q. Moving to the section of the article that's subheaded 8 "Voiceover artist", it says: 9 "At one point in 2004, it seemed like it was the 10 only way people were getting scoops. If they didn't 11 just randomly hack people in the news, they would use it 12 to stand up stories that people had denied." 13 Have you ever heard any gossip to that effect? 14 A. No. 15 Q. Are you able to help us as to whether or not it's true? 16 A. I'm afraid I'm not. 17 Q. It then says that the source claimed that the 18 Sunday Mirror hired a voiceover artist to imitate famous 19 people in order to get information about them. Is that 20 true? 21 A. I've never heard of that, no. 22 Q. "I was told he had successfully managed to get health 23 records too,' the source said." 24 Have you had in the Sunday Mirror's possession 25 people's health records?</p> <p style="text-align: center;">Page 102</p>	<p>1 Q. Can I take it from your answers that what you're telling 2 us on the question of phone hacking at the Sunday Mirror 3 is that to the best of your belief it hasn't happened, 4 but it hasn't been fully investigated and you are not in 5 a position to give us a guarantee that it didn't happen? 6 A. That's correct. 7 Q. We heard from Mr Morgan, and in his book he talks about 8 listening to a recorded message left by Sir Paul 9 McCartney for Heather Mills. Did you ever hear such 10 a message? 11 A. No, I didn't. 12 Q. Did you ever speak to Mr Morgan about such a message? 13 A. No, I didn't. 14 Q. There are allegations that on the Daily Mirror 15 Mr Hipwell witnessed phone hacking by the showbusiness 16 team. Were you ever aware one way or the other about 17 whether or not the Daily Mirror showbusiness reporters 18 were hacking phones? 19 A. No, I wasn't, I'm afraid. 20 Q. We're going to hear later on evidence from Mr Browne 21 about the People. That will was phone hacking on the 22 People. Do you know anything about that? 23 A. I wouldn't know, I'm afraid. We're completely separate 24 papers. 25 LORD JUSTICE LEVESON: You're actually competitors with the</p> <p style="text-align: center;">Page 104</p>

<p>1 People?</p> <p>2 A. We are.</p> <p>3 MR BARR: Moving now to the question of self-certification.</p> <p>4 We heard from Mr Wallace that every year, as an editor</p> <p>5 of a title in the Trinity Mirror Group, you have to sign</p> <p>6 a certificate. I'm looking at page 9 of your witness</p> <p>7 statement, if that helps. Your evidence points to</p> <p>8 a qualification at page 32 that you've added to your</p> <p>9 certificate?</p> <p>10 A. That's correct.</p> <p>11 Q. It's essentially pointing out that you can't give</p> <p>12 guarantees --</p> <p>13 A. Yes, I am always nervous of giving assurances.</p> <p>14 Q. -- that everything will be all right. It reads:</p> <p>15 "It is not always possible to identify which stories</p> <p>16 are significant. All potential stories include an</p> <p>17 assessment of both downside and upside risk -- however,</p> <p>18 it is necessary to make judgment calls on the</p> <p>19 appropriate degree of risk identification, evaluation</p> <p>20 and management of on a story by story basis. Many</p> <p>21 potential risks fall into the realm of the genuinely</p> <p>22 unknown or unforeseeable -- as such, it will never be</p> <p>23 possible to have a foolproof system of risk</p> <p>24 identification, evaluation and control in this area of</p> <p>25 our business."</p> <p style="text-align: center;">Page 105</p>	<p>1 The chief executive has to ensure that the risks are</p> <p>2 assessed throughout the company and assure the board</p> <p>3 that everybody knows their responsibilities.</p> <p>4 LORD JUSTICE LEVESON: This is all about process. Do you</p> <p>5 have a mechanism to make sure you minimise adverse risk?</p> <p>6 Well, you have a mechanism.</p> <p>7 A. Yes.</p> <p>8 LORD JUSTICE LEVESON: Your words say: "Actually, we have</p> <p>9 a mechanism but we can't guarantee it will always</p> <p>10 succeed."</p> <p>11 A. That's right. In fact, it probably does need a good</p> <p>12 sub-down(?) to address that.</p> <p>13 MR BARR: At the end of paragraph 33, you're telling us</p> <p>14 about stories in general. You talk about using</p> <p>15 instincts based on years of experience, whether as</p> <p>16 a whole the story feels right.</p> <p>17 First of all, a technical question. Do you require</p> <p>18 a minimum number of sources before publishing a story,</p> <p>19 or will you publish on a single source?</p> <p>20 A. There's no specific rule. I look at each story and</p> <p>21 judge it on its merits. I mean, some -- if a story's</p> <p>22 come from -- it's about an individual and they're giving</p> <p>23 us a story, that's a single-source story. I look at how</p> <p>24 legally dangerous it is and consider a whole range of</p> <p>25 factors.</p> <p style="text-align: center;">Page 107</p>
<p>1 So you're pointing out here that by certifying that</p> <p>2 your controls are in place, you're not giving</p> <p>3 a guarantee that everything is going to be all right?</p> <p>4 A. Yes, I'm just pointing out that there are no</p> <p>5 certainties. You're never quite sure where something</p> <p>6 might go wrong. You try your best to ensure it doesn't,</p> <p>7 but occasionally it will do.</p> <p>8 Q. I'm keen to explore why you felt it necessary to add</p> <p>9 this qualification. I'm thinking from the point of view</p> <p>10 of: what is the purpose of the certification? Can you</p> <p>11 help us with why you wanted --</p> <p>12 A. I'm possibly just a cautious person. Before I sign</p> <p>13 anything, I would probably take legal advice and put</p> <p>14 something like that in. I think I'm just trying to</p> <p>15 point out that while we do everything we can to check</p> <p>16 that there are no mistakes and -- there will</p> <p>17 occasionally be times that there are mistakes made.</p> <p>18 Q. If I can put it very bluntly, is this a mechanism which</p> <p>19 helps, in the event of some major problem, very senior</p> <p>20 managers to pin accountability at editorial level, or is</p> <p>21 it genuinely a mechanism which serves to reinforce and</p> <p>22 remind you of your responsibilities and to help you to</p> <p>23 raise or maintain your game?</p> <p>24 A. I don't think it's either, actually. I think it's just</p> <p>25 good corporate governance, it's good business practice.</p> <p style="text-align: center;">Page 106</p>	<p>1 Q. You say you consider a whole range of factors. That</p> <p>2 goes to my next question. I want to know whether, in</p> <p>3 this paragraph, you're really quietly aligning yourself</p> <p>4 with the McKenzie school of editing: if it feels right,</p> <p>5 lob it in --</p> <p>6 A. No, I'm not.</p> <p>7 Q. -- or whether you're trying to tell us about a rather</p> <p>8 more sophisticated approach.</p> <p>9 A. No, I'm not. I'm just trying to say that -- I think I'm</p> <p>10 very risk averse and very cautious, but there will be he</p> <p>11 times that even though you've completed checks and</p> <p>12 you've tried to verify the stories to the best of your</p> <p>13 ability, and you've taken a legal view on it, that</p> <p>14 a story just doesn't feel right, something about it</p> <p>15 troubles you. It's just instinctive. When you've been</p> <p>16 editing for nearly 11 years, you sometimes can almost</p> <p>17 feel where a problem is going to come from. There've</p> <p>18 been a few occasions when I haven't trusted my instincts</p> <p>19 and I've put something in the paper and I've regretted</p> <p>20 it. So that's all I'm trying to say, that if it feels</p> <p>21 right -- I'm not trying to -- there's no lobbing of</p> <p>22 stories into the paper.</p> <p>23 Q. I see. Thank you. At paragraph 34, you say you're not</p> <p>24 aware of any changes to the system of corporate</p> <p>25 governance recently as a result of the phone hacking</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 media interest or prior to that. You say the use of 2 private investigators was banned by the company a few 3 months ago, as Mr Wallace told us. 4 Can I ask you in that regard then a bit about what 5 happened when the ICO published its two reports, "What 6 price privacy?" and "What price privacy now?" in 2006. 7 First of all, is the position the same as with the 8 Daily Mirror, that there has been no specific 9 investigation by the Sunday Mirror as to whether or not 10 its journalists acted illegally in its dealings with 11 Mr Whittamore? 12 A. Yes, that's correct. 13 Q. The table, if it helps you, ranked Sunday Mirror six in 14 the table, with 143 transactions from 25 journalists. 15 When were you first aware that there was an issue about 16 Mr Whittamore? 17 A. I'm not sure of the exact date. I would say it was 18 early 2004 when I believe he was being charged; is that 19 right? 20 Q. Forget the precise date. If we take the point in time 21 at which he was charged, did your newspaper use 22 Mr Whittamore after was charged? Do you know one way or 23 the other? 24 A. No, I do know we hadn't used him for about two years 25 prior to that.</p> <p style="text-align: center;">Page 109</p>	<p>1 my staff and explained the need or reminded them of the 2 need to ensure that whoever they were using to glean 3 material from, that they too were following the law and 4 the code. 5 Q. I am going to move on to the question of apologies. You 6 have a "Get It Right" section on the letters page -- 7 A. That's right. 8 Q. -- you say at the top of page 10. Have you resisted the 9 temptation that the Daily Mail has succumbed to, to move 10 it to page 2? 11 A. I'm sorry, actually last month we have moved it to 12 page 2. That was correct at the time I wrote my 13 statement. It's actually -- it's something we'd carried 14 on the letters page for many years. We carried it on 15 the letters page because it's where the correspondence 16 from the readers is published, so that's where people 17 would normally look, but actually we now put it on 18 page 2. 19 Q. Do you have anything to add to what Mr Wallace said 20 about the prominence of apologies? 21 A. Nothing particular letter, but I would say it works both 22 ways. If you have a mistake on page 40 of the paper, 23 the apology or the correction will now appear on page 2, 24 so it -- so actually sometimes the apology can be more 25 prominent than the original article.</p> <p style="text-align: center;">Page 111</p>
<p>1 Q. Would you agree with me that if the matters concerned 2 are matters which need to be justified by the public 3 interest, if they are to be legal, 143 transactions with 4 25 journalists raises a very big question about whether 5 or not transactions were illegal? 6 A. Well, yes, it does. 7 Q. And it would be rather surprising if all of them were? 8 A. It would be surprising, but I don't know. 9 Q. Does it follow from paragraph 34 that apart from the 10 reminders that we've heard were issued to behave 11 properly and there would be zero tolerance of data 12 protection breaches, there was no actual change to the 13 systems of corporate governance when the ICO published 14 his reports? 15 A. Well, I think it was an industry problem and the 16 industry reacted. There was a change to the code to 17 explicitly ban hacking into -- 18 Q. My question is about corporate governance in the Mirror 19 Group. Is it right there was no change? 20 A. I don't quite understand what you're asking, I'm sorry. 21 Q. I'm asking if there was any change to the way the Sunday 22 Mirror did its business in relation to private 23 investigators? 24 A. Oh, the -- well, we weren't using private investigators 25 then, I don't believe, anyway, but I certainly spoke to</p> <p style="text-align: center;">Page 110</p>	<p>1 LORD JUSTICE LEVESON: That won't help the person who is 2 complaining about your front page splash, will it? 3 A. No, it won't, sir, no. 4 MR BARR: Moving to the question of the perception of the 5 PCC, you tell us that newspaper editors take 6 adjudications from the PCC very seriously and as 7 a member of the PCC itself, it would be surprising if 8 you didn't, but one of your staff appears to have said 9 rather disparaging things to Mr Atkins about the PCC. 10 Do you think that there is a perception amongst 11 journalists that because it doesn't have teeth that it 12 doesn't matter all that much? 13 A. If you don't mind, could I just correct that she wasn't 14 a member of my staff, but -- I don't know if that's 15 relevant. She's a member of the People staff. I don't 16 think it materially matters. But no, I don't think 17 that's the case at all. I think -- judging by the 18 conversations I have around my newsroom with my 19 reporters about the code and their striving to stay and 20 comply with it, I don't think that's the view at all, 21 no. 22 Q. Moving to the question of sources, are you an editor who 23 will publish a story without knowing who the source is? 24 A. The simple answer is yes, but it also depends on a whole 25 range of other contributing facts.</p> <p style="text-align: center;">Page 112</p>

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<p>1 Q. How common is that?</p> <p>2 A. Quite common. A lot of stories are just innocuous and</p> <p>3 unremarkable by their nature, so I wouldn't know the</p> <p>4 source, but on the more controversial, contentious</p> <p>5 larger planks of the paper, if I don't know the name of</p> <p>6 the source, I will know where the source is in relation</p> <p>7 to the story. I will try and ascertain how they've come</p> <p>8 about hearing the information.</p> <p>9 Q. Do you agree that for you as an editor to shoulder the</p> <p>10 responsibility for a story without knowing the source</p> <p>11 gives rise to risk?</p> <p>12 A. It does if I was just printing information without any</p> <p>13 idea who was supplying it, but -- or how it had come</p> <p>14 about, but I normally know a lot about a story which has</p> <p>15 a potential risk before I publish.</p> <p>16 Q. Can I move now to the question of prior notification.</p> <p>17 This is really in stories which might invade privacy.</p> <p>18 What I'd like to know is: when you give prior notice in</p> <p>19 a case which might have a privacy aspect, do you</p> <p>20 hesitate about giving notice for any reason?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Can you tell us more about your thinking?</p> <p>23 A. What I'd say, the majority of times, in fact nearly</p> <p>24 always, we would go to someone before publication. It's</p> <p>25 actually -- often it's essential because you might think</p> <p style="text-align: center;">Page 113</p>	<p>1 with a series of allegations, and they didn't really</p> <p>2 like what you were saying, it might be in their</p> <p>3 interests to ring up a rival paper and present your</p> <p>4 story with their slant on it, so that your work then</p> <p>5 appears elsewhere -- and it might be your exclusive, it</p> <p>6 might be your front page. That's occasionally</p> <p>7 a consideration, but as I said, that is not the norm.</p> <p>8 Q. Is fear of an injunction a consideration?</p> <p>9 A. Occasionally.</p> <p>10 Q. So if the fear of an injunction is occasionally the</p> <p>11 problem, what's the difficulty with submitting to legal</p> <p>12 process?</p> <p>13 A. Well, we're not not submitting to legal process in that</p> <p>14 it's not mandatory. This issue, as we know, went to</p> <p>15 Europe and it was decided that prior notification could</p> <p>16 have a chilling effect on the freedom of speech and</p> <p>17 censor the way we operate.</p> <p>18 The other problem occasionally -- and I don't have</p> <p>19 any examples I can give you, because as I said, this is</p> <p>20 not the norm, but occasionally it could happen that if</p> <p>21 you go to somebody on a Saturday afternoon, they will</p> <p>22 seek injunctive relief, a duty judge will be called and</p> <p>23 naturally they will err on the side of caution. They</p> <p>24 will perhaps want more information than can be</p> <p>25 reasonably provided at that time, and so they will grant</p> <p style="text-align: center;">Page 115</p>
<p>1 you know everything about a story and you'll go to</p> <p>2 someone and they'll put a whole new complexion on it.</p> <p>3 So the majority of times it's something I will insist</p> <p>4 on.</p> <p>5 Occasionally -- and this is not the norm -- there</p> <p>6 will be commercial reasons you might not go to someone.</p> <p>7 We work in a small, incestuous business where agents,</p> <p>8 PRs and representatives have relationships and</p> <p>9 friendships on other papers and it might be something</p> <p>10 that your staff have worked for weeks on, it might have</p> <p>11 cost a lot of money, and it's very commercially damaging</p> <p>12 to see that information, which is your commodity, your</p> <p>13 wares, appear elsewhere as someone tries to sort of stop</p> <p>14 your story.</p> <p>15 Q. So how are you suggesting that in those circumstances</p> <p>16 the story gets out?</p> <p>17 A. Well, there's obviously no proof, but if you go to</p> <p>18 somebody and then, within half an hour, your rivals, say</p> <p>19 the News of the World when they were in existence, or</p> <p>20 the Mail on Sunday, know about it -- I mean, you can</p> <p>21 only make assumptions.</p> <p>22 Q. You're suggesting there are leaks?</p> <p>23 A. No, I'm suggesting it's sometimes in the interests of</p> <p>24 a person to put a story with the complexion they want on</p> <p>25 it, so if you went to an industry leader, for example,</p> <p style="text-align: center;">Page 114</p>	<p>1 an injunction, an interim injunction, and if you want to</p> <p>2 challenge that as a paper, the law as it stands and the</p> <p>3 costs as it stands, within 48 hours you'll suddenly be</p> <p>4 look at £50,000, if not more.</p> <p>5 There is one famous case, I believe, Cream Holdings,</p> <p>6 which involved our company, where it took two years to</p> <p>7 challenge an interim injunction, and I can't remember</p> <p>8 the legal fees, but I think it's safe to say they were</p> <p>9 running into hundreds of thousands of pounds and</p> <p>10 eventually it was decided there was a public interest.</p> <p>11 So it's a very difficult area. I know the Select</p> <p>12 Committee have considered this as well, but I think the</p> <p>13 fact that Europe came back and decided that it shouldn't</p> <p>14 be mandatory sort of speaks for itself.</p> <p>15 LORD JUSTICE LEVESON: Well, they decided something slightly</p> <p>16 different, didn't they? They decided that it wasn't</p> <p>17 a breach of the Convention not to notify, rather than to</p> <p>18 say they decided it shouldn't be mandatory.</p> <p>19 A. Sorry.</p> <p>20 LORD JUSTICE LEVESON: No, they put it in Convention terms.</p> <p>21 A. Yes.</p> <p>22 MR BARR: Which takes me to the other side of the coin,</p> <p>23 which is someone who is deprived of any meaningful</p> <p>24 opportunity to get an effective remedy for an</p> <p>25 irreparable breach of privacy. You do see the other</p> <p style="text-align: center;">Page 116</p>

1 side of the coin, don't you?
 2 A. Yes, I do.
 3 Q. There's a real ethical issue there, isn't there?
 4 A. Yes, there are ethical considerations too. It's not an
 5 easy subject.
 6 Q. And so how, in your experience, have you made judgments
 7 about whether or not to give prior notice?
 8 A. How I've explained, really. The majority of times we
 9 do, it's not normally an issue.
 10 Q. Forgive me, you have said that, but what I'm getting at
 11 is whether the ethical side, fairness to the person
 12 whose privacy you are about to invade --
 13 A. Oh yes, definitely -- I will consider -- well, with good
 14 public interest reason, I hope --
 15 Q. You think, and the other person hasn't an opportunity to
 16 challenge unless you give prior notice. Does that
 17 ethical point, that the other person should have
 18 a chance to say something in the name of fair play --
 19 does that cross your mind?
 20 A. Yes, it does.
 21 Q. Is that taken into account?
 22 A. Yes, it is.
 23 Q. Where does it stand alongside the considerations such as
 24 "my rival might get the story", "we might be sucked into
 25 an expensive legal dispute"?

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1 A. It depends what the story is, really. It depends how
 2 serious it is, how sure we are of it. In Rio Ferdinand,
 3 for example, you know, I felt it was true, I felt there
 4 was a good public interest and the judge agreed.
 5 MR BARR: Sir, I'm about to move on to a different topic --
 6 A. But as I said, it is very rarely that we do not go to
 7 somebody. It is not the normal situation.
 8 LORD JUSTICE LEVESON: Had you pre-notified Mr Ferdinand?
 9 A. No, we hadn't.
 10 LORD JUSTICE LEVESON: I mean, the point that's been made,
 11 as I'm sure you appreciate, is that once it's out, the
 12 damage is done.
 13 A. Yes, I do. I do.
 14 LORD JUSTICE LEVESON: All right. That's a convenient
 15 moment to leave it until 2 o'clock. Thank you.
 16 (1.00 pm)
 17 (The luncheon adjournment)

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30 (Pages 117 to 118)

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