

<p>7 (2.00 pm)</p> <p>8 LORD JUSTICE LEVESON: Before we start, Mr Jay, I ought to</p> <p>9 say that in the light of developments and the nature of</p> <p>10 the evidence, we shall be sitting on Friday morning this</p> <p>11 week. The details will be posted on the website during</p> <p>12 the course of the afternoon.</p> <p>13 MR JAY: Thank you. The next witness is Mr Paxman, please.</p> <p>14 MR JEREMY DICKSON PAXMAN (affirmed)</p> <p>15 Questions by MR JAY</p> <p>16 MR JAY: Thank you, Mr Paxman, sit down, please. You kindly</p> <p>17 provided us with your name. You've also provided us</p> <p>18 with a witness statement, which is dated 25 April of</p> <p>19 this year. You've signed it and confirmed its contents</p> <p>20 are true; is that correct?</p> <p>21 A. Correct.</p> <p>22 LORD JUSTICE LEVESON: Mr Paxman, thank you very much indeed</p> <p>23 for your evidence. I appreciate, of course, that you</p> <p>24 are expressing your own views and not representing those</p> <p>25 of the BBC.</p> <p style="text-align: center;">Page 110</p>	<p>1 figures are unavailable.</p> <p>2 Now, you will if you're lucky still end up with</p> <p>3 a Treasury Minister or a shadow Treasury person or</p> <p>4 whatever, but the really big fish put themselves out</p> <p>5 pretty infrequently, and during the process of these</p> <p>6 conversations government departments or special advisers</p> <p>7 try to put down conditions. They say, for example, "Our</p> <p>8 minister is prepared to be interviewed but he will not</p> <p>9 take part in a discussion unless it is with someone of</p> <p>10 comparable rank". Ordinary people are, you know, not</p> <p>11 welcome in many of these discussions.</p> <p>12 I think we then have to make a decision as to</p> <p>13 whether we're prepared to moderate what our original</p> <p>14 ambition was. If the original ambition was to have an</p> <p>15 interview with A or B, then by and large you stick to</p> <p>16 that position.</p> <p>17 Actually these conditions that are laid down by</p> <p>18 government press departments of varying degrees of</p> <p>19 competence, they quite often are done unbeknownst to the</p> <p>20 minister, and when the minister comes in, and I've been</p> <p>21 told beforehand, "Look, he'll come in but he wants to be</p> <p>22 interviewed discreetly", and we've agreed to that, if</p> <p>23 I ask him or her when they come in, "Will you discuss A</p> <p>24 or B?", very often they'll say, "Yes, I didn't know</p> <p>25 there was any restriction on it". I don't know whether</p> <p style="text-align: center;">Page 112</p>
<p>1 A. Oh sure, yes.</p> <p>2 MR JAY: As you explain, Mr Paxman, indeed as we know, you</p> <p>3 for the past 20 years or so have been presenting</p> <p>4 Newsnight, this is paragraph 1.1 of your statement, and</p> <p>5 you explain what Newsnight does. And you describe your</p> <p>6 current occupation as a journalist and not as</p> <p>7 a presenter, is that fair?</p> <p>8 A. Yes, it's a false distinction in the case of Newsnight,</p> <p>9 but there are -- all sorts of programmes have</p> <p>10 presenters. I would say I was a journalist, yes.</p> <p>11 Q. Thank you. As for arranging the agenda for the evening</p> <p>12 programme, that's paragraph 2 of your statement. Can</p> <p>13 I ask you, though, about the arrangements or the</p> <p>14 negotiations with politicians which you say can become</p> <p>15 very convoluted. This is paragraph 2.3. Can I invite</p> <p>16 you to expand on that for us, please?</p> <p>17 A. Okay. The way it works usually is that we have</p> <p>18 a morning meeting when various ideas are kicked around.</p> <p>19 In an ideal world -- you then cast a discussion, as in</p> <p>20 an ideal world. So you might say, "What we'd really</p> <p>21 like to have in this discussion is the Chancellor, the</p> <p>22 Shadow Chancellor, I don't know, the boss of Marks &</p> <p>23 Sparks." And then during the course of the day there's</p> <p>24 a process of expectation management that takes place</p> <p>25 when you realise that for one reason or another these</p> <p style="text-align: center;">Page 111</p>	<p>1 they're being truthful or falsely naive, I don't know.</p> <p>2 Q. Yes.</p> <p>3 A. So those sort of discussions. In the old days we used</p> <p>4 to say, "We asked so-and-so to take part but they</p> <p>5 declined". This is known as empty chairing. We did get</p> <p>6 to the point once where we actually did show an empty</p> <p>7 chair, which was ungraced by a ministerial bottom, but</p> <p>8 by and large these things -- they got wise to that and</p> <p>9 then they started saying, "It's not that we don't want</p> <p>10 to appear, it is that the minister or the individual</p> <p>11 concerned is unavailable", and there may be perfectly</p> <p>12 good reasons that they are unavailable. That then</p> <p>13 becomes more complicated, and I think you have to make</p> <p>14 a judgment, time after time, as to what is in the public</p> <p>15 interest.</p> <p>16 I would not claim any great -- anything more than an</p> <p>17 intuitive understanding of what the public appetite to</p> <p>18 know is, and you just must make a judgment about whether</p> <p>19 the conditions that are attempted to be imposed are</p> <p>20 acceptable or not.</p> <p>21 Q. Difficulties may arise when the minister or whoever</p> <p>22 imposes a condition that certain areas and topics are</p> <p>23 not going to be covered and it's understood therefore</p> <p>24 that you have to honour those conditions. Do</p> <p>25 difficulties arise at that particular point?</p> <p style="text-align: center;">Page 113</p>

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<p>1 A. Only quite occasionally. If there's been in a Sunday 2 newspaper story that someone has been up to no good in 3 their personal life, it seems to me that unless their 4 personal life is a legitimate matter of public interest, 5 and in my view on many of the occasions it is not, 6 because it doesn't compromise their ability to do their 7 job and it doesn't prove that they have been deceitful 8 with the public, then it seems to me that a condition -- 9 stipulation that, you know, he or she will appear but he 10 really won't be taking any questions on whatever the 11 embarrassment is, that seems to me probably fair enough. 12 But you talk about these things, and we're in a very 13 fortunate position. We're on quite late at night, we 14 have a highly intelligent audience. We do not have to 15 get down and dirty in the way that some of our 16 colleagues sometimes have to, so we're in a privileged 17 position. So we can say, "Actually, that's fine, we 18 will talk about the public debt and not talk about the 19 mistress." 20 Q. It may be -- 21 A. Not that that's a specific example, of course, just in 22 case anyone wants to read anything into that! 23 Q. I may have misunderstood the second line on the third 24 page of your statement. Our page 00588. 25 A. I'm sorry, what paragraph is this?</p> <p style="text-align: center;">Page 114</p>	<p>1 undertaking that the person will be interviewed 2 discreetly and not engage in discussion, then I think 3 the audience should be told. Our only obligation is to 4 the audience, really, and so we should tell them how and 5 why people are appearing. 6 So if there are undertakings that have been given 7 about things -- for example, something might be 8 genuinely quite tricky, some political thing may be 9 quite tricky, a Cabinet reshuffle, for example, going 10 on, somebody freshly into a job who hasn't yet mastered 11 their brief, there are extenuating circumstances in some 12 circumstances -- sorry, extenuating circumstances 13 occasionally, but if they exist, then the audience must 14 be told about them, and if a condition of appearance is 15 that they'll talk about A but not about B, or they will 16 be interviewed but not engage in discussion, then 17 I think the audience is entitled to know. 18 I don't think there's any rule about that, it's just 19 my personal prejudice. 20 Q. It's an editorial decision for which you are responsible 21 and you make personally, is that it? 22 A. Yes, I mean doubtless if my editor -- I'm just a hired 23 hand, but were my editor to say, "You must not disclose 24 the basis on which this interview or this discussion is 25 happening", then I would have to make a judgment about</p> <p style="text-align: center;">Page 116</p>
<p>1 Q. Paragraph 2.4. 2 A. Thanks very much. Okay. 3 Q. I'll start from the beginning of the sentence: 4 "These are generally along the lines of 'the 5 minister will appear, but only if you undertake not to 6 ask about X or Y' ..." 7 That suggests that sometimes the negotiation is 8 about particular topics which might be in the public 9 interest but the minister is simply refusing to talk 10 about them, but I think you're making it clear that 11 that's not the nature of the negotiation. What you 12 sometimes agree to is not to talk about personal matters 13 which would not be in the public interest. Is that the 14 correct sense of what you're saying? 15 A. That is the correct sense of what I'm saying, yes. 16 Q. Can I ask you about the terms of engagement, which you 17 mention in paragraph 2.5, where you say deals have been 18 done. Can you give us an example of that, please, 19 Mr Paxman? 20 A. Sure. Can I just find where this is? 2.5? 21 Q. Yes. Five lines from the bottom of that paragraph. 22 A. "In cases where deals have been done, however, I believe 23 it is absolutely essential that audiences ..." 24 Yes, I understand. If there has been -- let me try 25 to think of an example. If there has been an</p> <p style="text-align: center;">Page 115</p>	<p>1 whether I was willing to go along with that or not, and 2 I'm pretty confident I wouldn't be willing to go along 3 with it. 4 Q. May I move on to paragraph 2.7 now -- 5 LORD JUSTICE LEVESON: Although the truth is there's nothing 6 as contentious about it as that. These are discussions 7 about what's appropriate for the programme where you and 8 your editor presumably will usually agree? 9 A. Yes. We disagree about all sorts of things. 10 LORD JUSTICE LEVESON: Oh yes. 11 A. That's the nature of these discussions. 12 LORD JUSTICE LEVESON: Yes. But ultimately you'll reach 13 a way forward that justifies your view of the public 14 interest, because that's actually quite important. 15 A. Well, one would hope so, yes. 16 LORD JUSTICE LEVESON: Yes, I agree. 17 A. Yeah. 18 MR JAY: Paragraph 2.7. 19 A. Mm-hm. 20 Q. "Almost all of my dealings with politicians are in the 21 Green Room or in the studio. I do not have politicians 22 as friends -- I find it altogether easier that way." 23 That suggests that that's a policy decision which 24 you've made and were it not for that decision you would 25 have politicians as friends. Have I correctly</p> <p style="text-align: center;">Page 117</p>

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<p>1 understood your evidence?</p> <p>2 A. Not necessarily. I mean, friendship is very often</p> <p>3 a consequence of the circumstances in which you find</p> <p>4 yourself, isn't it? But I do find it easier not to have</p> <p>5 politicians as personal friends. I do not -- I'm</p> <p>6 frequently tasked with this "lying bastards" thing --</p> <p>7 I was actually just quoting somebody when I said that.</p> <p>8 I do not think that they're all like that, I do not</p> <p>9 think they're all scoundrels, I do not think that</p> <p>10 they're all liars. I think there are many noble people</p> <p>11 who are politicians, as there are scoundrels who are</p> <p>12 politicians too, as in many walks of life, but I take</p> <p>13 a general view that it is easier to maintain a distance.</p> <p>14 That's all.</p> <p>15 Q. In the context of the symbiotic relationship you go on</p> <p>16 to describe?</p> <p>17 A. Yes. I mean, it is like ticks and sheep, isn't it? One</p> <p>18 can't exist without the other.</p> <p>19 Q. You describe what the dangers might be. You might go</p> <p>20 easy on them. You might become parti pris or become</p> <p>21 just a little too understanding. It's obviously those</p> <p>22 vices which you carefully eschew. Is that fair?</p> <p>23 A. Yeah, I mean I don't want to set myself up as some sort</p> <p>24 of absolute prig here. It's a matter of practicality as</p> <p>25 much as anything. I find it easier and cleaner to have</p> <p style="text-align: center;">Page 118</p>	<p>1 how they manage their relationships and I don't</p> <p>2 criticise those who come to a different conclusion. And</p> <p>3 as I think I remarked somewhere, if one of my</p> <p>4 colleagues, whether on a newspaper or in broadcasting,</p> <p>5 said, "That's a whole lot easier for you than it is for</p> <p>6 me because I am in the lobby, I am rubbing shoulders</p> <p>7 with these people daily, personal relationships</p> <p>8 inevitably develop", then I should have to acknowledge</p> <p>9 that. It is easier for me.</p> <p>10 Q. Yes. Because of the nature of what you do.</p> <p>11 A. Yes, I'm locked away in a grotty old office in White</p> <p>12 City. I'm not down in Parliament. Personally, I think</p> <p>13 that most journalists should be remote from the people</p> <p>14 they report upon, but, you know, organisations come to</p> <p>15 different conclusions about that. The BBC has an entire</p> <p>16 edifice on Millbank staffed with people who are</p> <p>17 geographically remote from the main production centres.</p> <p>18 I think that distorts your judgment. But they obviously</p> <p>19 don't, and I don't want to be dismissive of them.</p> <p>20 I think they're probably doing a difficult job in</p> <p>21 difficult circumstances. It's a matter of geographical</p> <p>22 convenience, I suppose.</p> <p>23 Q. You say in paragraph 2.8 that you take politicians to</p> <p>24 lunch perhaps three or four times a year. Maybe this</p> <p>25 year it's been less than that.</p> <p style="text-align: center;">Page 120</p>
<p>1 a disconnection, that's all, because as I think I say</p> <p>2 elsewhere in here, "tout comprendre c'est tout</p> <p>3 pardonner". Once you understand everything, your</p> <p>4 judgment becomes warped, and the only justification</p> <p>5 I think for our existence is that we act on behalf of</p> <p>6 the citizen. We don't act on behalf of the powerful or</p> <p>7 the vested interest.</p> <p>8 LORD JUSTICE LEVESON: Nobody will think you're a prig,</p> <p>9 Mr Paxman, having just compared yourself to a tick.</p> <p>10 A. Well, who is the tick in this relationship, you know?</p> <p>11 LORD JUSTICE LEVESON: Or perhaps the sheep, yes.</p> <p>12 A. I was also wrong, of course. The sheep can exist</p> <p>13 without the tick, they would rather prefer to exist</p> <p>14 without the tick.</p> <p>15 LORD JUSTICE LEVESON: Yes, I thought of saying that but</p> <p>16 decided against it.</p> <p>17 A. That's quite right. There must be a dose of sheep dip</p> <p>18 around the place.</p> <p>19 MR JAY: But this arm's length relationship which you</p> <p>20 describe, presumably it's one which you discern amongst</p> <p>21 your colleagues in the BBC generally, would it be fair</p> <p>22 to say that?</p> <p>23 A. I don't know, I wouldn't ask them.</p> <p>24 Q. Okay.</p> <p>25 A. I mean, I can't comment on that. It's for others to say</p> <p style="text-align: center;">Page 119</p>	<p>1 A. You're quite right. I was just reminiscing. This year</p> <p>2 I don't think I've taken any politician to lunch.</p> <p>3 I think the last politician I took to lunch was probably</p> <p>4 around December, possibly January -- it was certainly</p> <p>5 cold -- and I'd be surprised, I don't think we're</p> <p>6 heading for three or four this year. I think we're</p> <p>7 probably heading for one or two, possibly.</p> <p>8 But it's useful -- there's nothing wrong with the</p> <p>9 practice, it seems to me. It's a way of finding things</p> <p>10 out, and it is important that you have some recognition</p> <p>11 of the water in which they swim.</p> <p>12 Q. Okay. So self-evidently it's off the record, providing</p> <p>13 you with background information which, I suppose, is</p> <p>14 context for subsequent interviews but would never be</p> <p>15 formally used; is that more or less the position?</p> <p>16 A. That sort of thing or just generally shooting the breeze</p> <p>17 about who's up, who's down, who's a complete nuisance,</p> <p>18 who's very helpful, that sort of thing. You know,</p> <p>19 I mean it's contextual, I think. People do get stories</p> <p>20 out of taking politicians to lunch, but I don't think</p> <p>21 I have. Well, I've understood some background, you</p> <p>22 know?</p> <p>23 Q. Can I ask you about paragraph 2.10. You were asked</p> <p>24 a general question -- this is media influencing issues</p> <p>25 of public policy, Mr Paxman.</p> <p style="text-align: center;">Page 121</p>

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<p>1 A. Mm-hm.</p> <p>2 Q. I don't know whether you had any particular cases in</p> <p>3 mind or whether this was perhaps too broad a question.</p> <p>4 A. Well, I think it's difficult, this relationship.</p> <p>5 Politicians have come to care a great deal about what</p> <p>6 happens in the media, how they're represented, whether</p> <p>7 the government is seen to be competent, whether the</p> <p>8 opposition is seen to be competent, well led and the</p> <p>9 like.</p> <p>10 I think to care too much can lead you into all sorts</p> <p>11 of difficulties. It's not my job to look after</p> <p>12 politicians, they can look after themselves, they have</p> <p>13 elaborate, expensively maintained machines to enable</p> <p>14 them to do that. But I think if I were to be, heaven</p> <p>15 forbid, a government spin doctor or something, I think</p> <p>16 I would say, "Come on, let's roll with the punches a bit</p> <p>17 here", because if you don't do that, you end up with</p> <p>18 some weird pieces of legislation like the Dangerous Dogs</p> <p>19 Act.</p> <p>20 Q. Thank you. And then paragraph 2.11:</p> <p>21 "The claim that political journalism is seeking to</p> <p>22 influence political events is a familiar one, generally</p> <p>23 articulated by politicians, but it is the job of</p> <p>24 journalists to hold the powerful to account."</p> <p>25 So are you rejecting the proposition that political</p> <p style="text-align: center;">Page 122</p>	<p>1 that the agenda is still set by the print media and the</p> <p>2 BBC and others simply follow suit. Would you agree with</p> <p>3 that sweeping statement or not?</p> <p>4 A. No, I wouldn't. Sorry, you want me to amplify? I would</p> <p>5 not agree with it because I think it applies at -- it</p> <p>6 depends when -- what stage of the day you're talking</p> <p>7 about. It is very striking that earlier in the day, the</p> <p>8 agenda tends much more to be set by newspapers and there</p> <p>9 is a conviction among the broadcasters generally -- and,</p> <p>10 you know, we have a particular beef on Newsnight about</p> <p>11 this, that you could have someone on who would disclose</p> <p>12 something or make a contentious argument, which is not</p> <p>13 held by other broadcasters to be something that is</p> <p>14 a factual development until it has then been picked up</p> <p>15 and printed in the newspapers the following morning.</p> <p>16 So in the early stages of the day, I think much of</p> <p>17 the agenda can be set by newspapers. But as the day</p> <p>18 progresses, because newspapers are slower and slower,</p> <p>19 despite their blogs, but we're essentially still talking</p> <p>20 about paper publication, because they tend to be slower,</p> <p>21 the agenda -- it's an awful old cliché, but the agenda,</p> <p>22 if it's being set at all, the agenda is changing because</p> <p>23 of disclosures that have been reported in real time very</p> <p>24 quickly on the electronic media.</p> <p>25 So I think it changes during the course of the day,</p> <p style="text-align: center;">Page 124</p>
<p>1 journalism influences political events or not?</p> <p>2 A. I don't think I'm rejecting it. I suppose it does -- it</p> <p>3 clearly does have an effect, but the critical verb there</p> <p>4 is "seeking", isn't it? Seeking to influence events.</p> <p>5 I mean, it's the old power without responsibility</p> <p>6 argument, with which we're all very well familiar. So</p> <p>7 I've heard it said many a time by a politician that,</p> <p>8 "You guys are seeking to exercise power without having</p> <p>9 the inconvenience of being elected"; well, it's true.</p> <p>10 The big dividing line it seems to me between</p> <p>11 politicians and the rest of us is that the politician</p> <p>12 seeks to tell the rest of us how to lead our lives.</p> <p>13 That is essentially what the business of legislating is</p> <p>14 about, and I have no desire to do that. It's my job to</p> <p>15 hold them to account. And if you were to say to me, "Is</p> <p>16 there some great textbook or manual that prescribes what</p> <p>17 the function of journalism is?" I could not point you at</p> <p>18 anything. It is something, I think, that is</p> <p>19 a collective -- ideal is perhaps slightly too grand</p> <p>20 a term but a collective ambition, perhaps, of those of</p> <p>21 us who are in this estate, that that's how we justify</p> <p>22 our existence to ourselves. But it's very different to</p> <p>23 wanting to tell people how to lead their lives.</p> <p>24 Q. In the wider context of journalism seeking to influence</p> <p>25 political events, at least two witnesses have told us</p> <p style="text-align: center;">Page 123</p>	<p>1 and certainly, you know, if you get a really</p> <p>2 distinguished political editor like Nick Robinson or</p> <p>3 someone coming on the 6 O'Clock News or the 10 O'Clock</p> <p>4 News and saying, "I understand X or Y", that has moved</p> <p>5 the story on or introduced an entirely new story. Or</p> <p>6 Robert Peston in business. These are individuals who</p> <p>7 change the agenda and they don't change it through</p> <p>8 newspapers.</p> <p>9 So I think it alters during the course of the day.</p> <p>10 Q. Thank you. Paragraph 2.12. You make a general point</p> <p>11 about the balance of power, really, at least as regards</p> <p>12 information, namely it lies with the politician because</p> <p>13 the politician controls the flow of information; it's</p> <p>14 the journalist's job to get hold of it. That's still</p> <p>15 the case, is it, in Internet age, in your opinion?</p> <p>16 A. Yes, I think it is. I mean, far too much journalism --</p> <p>17 speaking my prejudices -- is simply the recycling of</p> <p>18 officially approved disclosure. This is a problem that</p> <p>19 I think has got worse as resources have got more and</p> <p>20 more strained in journalism, with the development of</p> <p>21 24-hour news channels and so on, where there is not the</p> <p>22 opportunity to reflect upon what is being said. There's</p> <p>23 far too much recycling of press releases. And so</p> <p>24 I would say that that is essentially what happens, and</p> <p>25 the aberration, the unexpected disclosure, the leak, the</p> <p style="text-align: center;">Page 125</p>

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<p>1 surprising blog, is still very much the exception to the 2 rule.</p> <p>3 I don't know, what is news? My favourite definition 4 years and years ago, when I was much more wet behind the 5 ears, was that news was something someone somewhere did 6 not want you to know. That's news. The rest of it is 7 just public relations and there's far too much public 8 relations, in my judgment, in the news streams 9 generally.</p> <p>10 Q. Okay. Can I ask you, moving on through your statement 11 to paragraph 6.1, our page 00592. The question was: 12 "What lessons do you think can be learnt from the 13 recent history of relations between the politicians and 14 the media from the perspective of the public interest?" 15 You say: 16 "It might be an idea if all newspapers declared 17 their hand the moment an election campaign was called, 18 rather than waiting until the day before polling." 19 Why do you say that, Mr Paxman?</p> <p>20 A. I'm just sucking my thumb there. You're asking me to 21 speculate. I say, I think -- I hope I hedged it around 22 by saying "it might be" -- yes, "It might be an idea if 23 all newspapers declared their hand the moment an 24 election campaign was called". The public, I think, 25 understand that newspapers, by and large, adopt</p> <p style="text-align: center;">Page 126</p>	<p>1 "fairness" and "impartiality" are watchwords. I find 2 "impartiality" quite a difficult thing to define. 3 I don't find "fairness" difficult at all. 4 Impartiality -- well, what is it? Is it not 5 covering something? Is it talking about a transport 6 policy and giving equal time both to those who are 7 making the policy and those who are opposing it, perhaps 8 from 15 different directions? I mean, how do you 9 measure it? Fairness I understand, though. We all 10 instinctively, I think, understand fairness. That's why 11 we exclaim periodically, "That's not fair!" when we hear 12 somebody being interviewed or castigated in a speech. 13 So I would say that I found it altogether an easier 14 thing to adjust to than the idea of impartiality. 15 I mean, people much greater than me will tell you how 16 they measure impartiality. I find it quite tricky to 17 measure, other than in very dull mechanistic terms.</p> <p>18 LORD JUSTICE LEVESON: So does that mean -- and I appreciate 19 the broadcasters' operating rules -- that broadcasters 20 should be fair and have to be fair, in your terms, but 21 the print media doesn't have to be fair and that's 22 a positive thing?</p> <p>23 A. No, I -- if you'll forgive me, I don't -- 24 LORD JUSTICE LEVESON: No, it doesn't follow. 25 A. I don't think that follows at all.</p> <p style="text-align: center;">Page 128</p>
<p>1 different political perspectives. I was just thinking 2 that a repetition of what that perspective is, or 3 a statement of what that perspective is, in the context 4 of a particular election, might be helpful in enabling 5 people to understand what colours their coverage of 6 annual election campaign. That's all.</p> <p>7 There tends to be an election day declaration 8 saying: on the whole we're going to plump for the 9 Conservatives, or we're going to plump for Labour, or 10 the Liberal Democrats, or Clyde Cymru, or whatever it 11 is. Maybe if it -- if reporting has been coloured 12 during the course of the election campaign, it might 13 have been helpful to know at the start whether they 14 thought, for example, that another Coalition government, 15 a different kind of Coalition government, a majority 16 government of whatever hue would be a desirable outcome.</p> <p>17 Q. Thank you. Paragraph 7.2 now. You say you have 18 a problem with the word "impartiality", and you prefer 19 the term "fairness".</p> <p>20 A. Mm.</p> <p>21 Q. Could you be clearer, please, as to the difference 22 between the two, and in particular, why you prefer 23 "fairness"?</p> <p>24 A. I'm sure you will be taking evidence from distinguished 25 figures in the BBC who will tell you that both</p> <p style="text-align: center;">Page 127</p>	<p>1 LORD JUSTICE LEVESON: No, it doesn't follow at all. I'm 2 not suggesting it does.</p> <p>3 A. Yes.</p> <p>4 LORD JUSTICE LEVESON: Although some people have given 5 evidence that the press must have the right to be wrong.</p> <p>6 A. Sure.</p> <p>7 LORD JUSTICE LEVESON: One of the questions which we may 8 come on to is the difference between broadcasting and 9 print journalism, and I appreciate that you're very much 10 cast in the former, and you may not want to speak about 11 the latter, but do you think that it is open to your 12 print colleagues to say, "We don't have to be fair, we 13 certainly don't have to be impartial, we can be utterly 14 partial", and in that context, if you're going to say, 15 "Well, they certainly can be partial but they shouldn't 16 be unfair", you have actually demonstrated the 17 difference in meaning between the two words?</p> <p>18 A. You've done it much more eloquently than I could have 19 done, of course. I agree. I don't think there is 20 any -- the primary requirement, surely, of a newspaper, 21 indeed one of our primary requirements, we go away from 22 it at times when we have to be very, very dull, but the 23 primary requirement surely is to be interesting, because 24 you have to catch the eyeball, and if you don't catch 25 the eyeball, then you are absolutely talking at the</p> <p style="text-align: center;">Page 129</p>

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<p>1 wall.</p> <p>2 So I think that I would not expect newspapers to be</p> <p>3 impartial. I also think that newspaper readers</p> <p>4 understand -- I speak here purely as a personal</p> <p>5 prejudice, but newspaper readers understand that the</p> <p>6 Guardian approaches a subject from a different direction</p> <p>7 to that taken by the Daily Telegraph, for example. So</p> <p>8 I don't find that -- no, I don't -- people have --</p> <p>9 impartiality, as I say -- I don't know how you would</p> <p>10 measure it, but fairness, I think we all tread a very</p> <p>11 thin line here, or a very difficult line here, because</p> <p>12 the public have a very strict sense of fairness, and</p> <p>13 they -- you know, you hear it on the street, "You were</p> <p>14 well out of order with so-and-so, gov", and sometimes</p> <p>15 they're right. One has been unfair. One should strive</p> <p>16 to be fair and I think it's something we don't just take</p> <p>17 unto ourselves as journalists. I think the public have</p> <p>18 a very strong sense of what is fair and unfair.</p> <p>19 LORD JUSTICE LEVESON: I think you're right, and the word</p> <p>20 "fair" is a word that I have used continuously</p> <p>21 throughout the process of this Inquiry. Whether I'm</p> <p>22 achieving it is another matter, but certainly I've been</p> <p>23 using the word. But I was simply asking the question to</p> <p>24 demonstrate that actually they're not synonyms.</p> <p>25 Fairness and impartiality are not synonyms, in the</p> <p style="text-align: center;">Page 130</p>	<p>1 A. And it is certainly -- the earlier point you adduce</p> <p>2 about coming at things from the left or the right, one</p> <p>3 does sometimes feel completely ridiculous in having</p> <p>4 started out an interview attacking someone from the left</p> <p>5 on a subject and then, for the sake of fairness or</p> <p>6 rigour or whatever, attacking them from the other side,</p> <p>7 and occasionally a politician will pick up on it and</p> <p>8 say, "Hang on a second, you've just told me that's</p> <p>9 illiberal and now you're telling me it's ..." this</p> <p>10 happens occasionally and one should try to do it with</p> <p>11 a degree of subtlety, but both -- I think a consistent</p> <p>12 approach from one side or the other is not going to help</p> <p>13 anybody.</p> <p>14 LORD JUSTICE LEVESON: I think we've done those two words to</p> <p>15 death.</p> <p>16 MR JAY: Yes, I think we have as well.</p> <p>17 A. Thank you.</p> <p>18 Q. The issue now of regulation, Mr Paxman, paragraph 8, and</p> <p>19 indeed paragraph 9 of your statement. You're not keen</p> <p>20 putting the media under the control of government, but</p> <p>21 can we be clear about our terms, because of course the</p> <p>22 BBC is under the control of a statutory regulator, isn't</p> <p>23 it?</p> <p>24 A. Yes.</p> <p>25 Q. And you don't see any difficulty with that, presumably,</p> <p style="text-align: center;">Page 132</p>
<p>1 context that you're talking about.</p> <p>2 A. No, no, it's the specific point that I'm making, that</p> <p>3 these are two slightly different things and I find the</p> <p>4 latter much easier to judge myself and my colleagues and</p> <p>5 others in the trade by than the question of strict</p> <p>6 impartiality.</p> <p>7 LORD JUSTICE LEVESON: I understand, I understand.</p> <p>8 MR JAY: Of course, impartiality may have as much to do with</p> <p>9 the substance of the position you take than the</p> <p>10 procedure, the process by which a position is tested or</p> <p>11 an individual is questioned. Would you accept that?</p> <p>12 A. I might if I understood the question, but I'm afraid --</p> <p>13 forgive me, I don't. I don't quite understand what</p> <p>14 you're getting at.</p> <p>15 Q. Okay. When you're impartial, you would always or</p> <p>16 generally take the mid-point between two positions, or</p> <p>17 possibly on one day you would adopt one position and on</p> <p>18 another day you would adopt a different position.</p> <p>19 A. Yes, that's a --</p> <p>20 Q. You're talking about the substance, you're not talking</p> <p>21 about the process. Fairness is about process, isn't it?</p> <p>22 A. Is it? Fairness is about process? It's about -- no,</p> <p>23 I don't think it is just about process, if you'll</p> <p>24 forgive me.</p> <p>25 Q. Okay.</p> <p style="text-align: center;">Page 131</p>	<p>1 do you? Or do you?</p> <p>2 A. I used to find when I travelled quite a lot for work</p> <p>3 that it was very difficult when people said in some</p> <p>4 benighted foreign country, "Oh, yes, you're the state</p> <p>5 broadcaster". I understand a state broadcaster to be</p> <p>6 something like Pravda was, where the content of the</p> <p>7 broadcast is controlled by government, and that is not</p> <p>8 the case in the BBC. Indeed, there are numerous</p> <p>9 instances that you will know at least as well, probably</p> <p>10 better than I do, of clashes between the government of</p> <p>11 the day and the broadcaster, so I don't have a problem</p> <p>12 with that.</p> <p>13 But if you were asking me do I think that there was</p> <p>14 any case for government control of the news media, the</p> <p>15 answer is no. As any journalist would say, I think.</p> <p>16 LORD JUSTICE LEVESON: I don't think there's a case for</p> <p>17 government control of the media, but is there a case for</p> <p>18 some input on structure for control, not touching</p> <p>19 content at all?</p> <p>20 A. I don't quite understand what you mean.</p> <p>21 LORD JUSTICE LEVESON: Nobody, as I understand it, is</p> <p>22 suggesting and I'm certainly not suggesting that there</p> <p>23 should be any control, statutory or otherwise, of the</p> <p>24 content of the press, what they publish, but that's not</p> <p>25 quite the same as saying that it isn't appropriate to</p> <p style="text-align: center;">Page 133</p>

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<p>1 provide a structure within which the press can be 2 regulated independently. In other words, if I give you 3 an example that I was talking about this morning, there 4 is a mechanism for fast-tracking privacy invasion 5 questions or challenges as to content that allows 6 everybody to access it without great expense in relation 7 to any publication.</p> <p>8 Now, what the decision in the particular case is 9 concerned has obviously got to be independent, but I'd 10 be interested to know whether you see a problem in the 11 structure for that to happen being provided by the 12 state. Not the people, not the decision-making, but 13 there should be an ombudsman, the ombudsman can have 14 these powers, these powers can be enforced in this way. 15 That sort of thing.</p> <p>16 A. Well, I suppose if you could organise such a thing in 17 such a way that it did not involve direct government 18 control of the media, I suppose I can -- I could see -- 19 I wish you joy of it. I find it hard to imagine how 20 such a thing would operate without there being 21 tremendous dangers.</p> <p>22 LORD JUSTICE LEVESON: Well, you have to put all sorts of 23 checks and balances in, but the alternative is that 24 there is simply no regulation, because nobody can 25 require a newspaper to be part of a system that is</p> <p style="text-align: center;">Page 134</p>	<p>1 effectively taxing somebody to attack something that 2 they personally believe in, so the BBC has particular 3 difficulties with campaigns. And while many a time 4 I have said to an editor, "Isn't it time we started 5 a campaign on X or Y, usually a frivolous matter, one 6 knows it's not going to go anywhere because of that 7 difficulty with the whole funding mechanism. This is 8 a problem that doesn't apply in newspapers.</p> <p>9 Q. I am going to change the subject now. I've been asked 10 to ask you about a lunch at Trinity Mirror on 11 20 September 2002, which was hosted, I think, by 12 Sir Victor Blank. First of all, do you have any 13 recollection of that occasion?</p> <p>14 A. I do indeed. I can't swear to the date, but I remember 15 the lunch very vividly because it was the only lunch 16 with this guy I'd ever been to.</p> <p>17 Q. First of all, can you remember where the lunch was?</p> <p>18 A. The lunch, as far as I recall it -- as I say, I can't be 19 specific about the date, ten years ago, I suppose 20 something like that. It was in Canary Wharf. It was 21 upstairs in a long room which looked out over the 22 quayside there. I wasn't clear as to why I'd been 23 invited and I frequently asked myself over the course of 24 lunch why I'd accepted, but that's neither here nor 25 there.</p> <p style="text-align: center;">Page 136</p>
<p>1 entirely subject to local agreement. And indeed you're 2 probably well aware, I'm sure you are, that one of the 3 national groups are not within the PCC.</p> <p>4 A. Yes. I think I mentioned in my statement here that 5 since the only thing the proprietors seem to care about 6 more than their prejudices, articulating their 7 prejudices, are their profits, then there may be 8 mechanisms under which different tax regimes -- it's not 9 my idea -- you're VAT exempt only if you take part in 10 a particular self-regulation mechanism.</p> <p>11 LORD JUSTICE LEVESON: Except, for the purposes of argument, 12 the VAT mechanism doesn't work.</p> <p>13 A. Okay, you tell me so, yes.</p> <p>14 LORD JUSTICE LEVESON: Well, I am told so. But there it is.</p> <p>15 A. This is the European element, is it? I'd forgotten 16 that, anyway. I'm so sorry. Yes.</p> <p>17 LORD JUSTICE LEVESON: All right, all right.</p> <p>18 MR JAY: Thank you. We're going to take as read the rest of 19 your statement, unless you wanted to elaborate on 20 section 10, 10.3 to 10.5 in particular, Mr Paxman. 21 We're looking at campaigns. This is page 00596, in the 22 internal numbering page 11.</p> <p>23 A. I don't think I have anything much to say about 24 campaigns. For obvious reasons, the BBC doesn't do them 25 because if you're running a campaign you may be</p> <p style="text-align: center;">Page 135</p>	<p>1 It was -- I think the invitation did come from 2 Sir Victor Blank -- do you want me to go on about it and 3 describe it as much as I can?</p> <p>4 Q. Yes, please. Set the scene and tell us who else was 5 there, please.</p> <p>6 A. So it's upstairs, I would guess something like the 7 fourth floor, big glass windows, a long table. I don't 8 know precisely how many people were there. I would 9 guess it was probably a dozen or so.</p> <p>10 The other people there were Sir Victor Blank, as 11 I say, who was the host -- I think was the chairman of 12 Trinity Mirror, Piers Morgan, the then editor of the 13 Sunday Mirror, a woman whose name I've unfortunately now 14 forgotten, Ulrika Jonsson, Philip Green, and that was -- 15 those are the only ones I really remember. I can't 16 remember who else was there.</p> <p>17 Q. Okay, so you've set the scene. Mr Morgan in particular, 18 did he say anything during the course of this luncheon 19 which was of interest or unusual?</p> <p>20 A. Well, it's really the only -- there were two reasons 21 I remember the lunch. One was that it was so unusual to 22 be invited into such a bestiary. The second of which 23 was that I was really struck by something that Piers 24 Morgan said at lunch. I was seated, as far as I recall, 25 between him on my left and the editor of the Sunday</p> <p style="text-align: center;">Page 137</p>

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<p>1 Mirror on my right, and Ulrika Jonsson was seated 2 opposite, next to or semi next to, almost next to, 3 Philip Green, and Victor Blank on her other side, 4 I think. 5 Morgan said, teasing Ulrika, that he knew what had 6 happened in conversations between her and Sven Goran 7 Eriksson, and he went into this mock Swedish accent. 8 Now, I don't know whether he was repeating 9 a conversation that he had heard or he was imagining 10 this conversation. In fact, to be fair to him, I think 11 we should accept both possibilities, because he probably 12 was imagining it. It was a rather bad parody. 13 So, yes, I do remember it, and I was quite struck by 14 it because I'm rather wet behind the ears in many of 15 these things. I didn't know that that sort of thing 16 went on. Indeed, when he then turned to me and said, 17 "Have you got a mobile phone?" I said, "Yes", and he 18 said, "Have you got a security setting on the message 19 bit of it?", I don't think it was called voicemail in 20 those days, I didn't know what he was talking about, and 21 he said -- he then explained that the way to get access 22 to people's messages was to go to the factory default 23 setting and press either 0000 or 1234, and that if you 24 didn't put on your own code, his words, "You're a fool." 25 Now, I don't know whether he was making this up, Page 138</p>	<p>1 the head of the IMF, was on and I was keen to talk with 2 him, but we haven't had Cameron on, we haven't had Clegg 3 on, and apart from that one incident, we haven't had 4 Osborne on. 5 These people will decide when it's useful to them to 6 appear. There is no constitutional requirement on them 7 to appear. We have no way of saying, "But you must 8 come", so in that respect you operate at a disadvantage. 9 And unlike -- Mr Jay here has had, whatever it is, 50 10 minutes or something, we have to do it in five minutes 11 or six minutes or eight minutes, or if it was an 12 interview with the Prime Minister or the Chancellor of 13 the Exchequer, it might be half an hour, but it's 14 certainly not an extended period of time. There's no 15 requirement for them to behave by any particular rules 16 in those interviews, and I don't find it -- and it's not 17 surprising, it seems to me, that in the early -- still 18 relatively early stages of a government, they don't 19 think there's anything in it for them. 20 There isn't, necessarily, unless you believe in 21 accountability, and the difficulty with accountability 22 is that you can appear to discharge it without actually 23 discharging it, and so that is an area in which one 24 operates at a disadvantage. 25 I don't think an expectation that you will be Page 140</p>
<p>1 making up the conversation, but it was clearly something 2 that he was familiar with, and I wasn't. I didn't 3 know -- I didn't know that this went on. If you were to 4 say as a journalist, "You damn well should have known 5 what was going on", I'd have to accept the criticism. 6 Q. What was the reaction of anybody else there, which you 7 can recall? 8 A. I didn't like the atmosphere, so -- I can't be specific 9 about how anyone reacted, but it struck me as close to 10 bullying, frankly, to be teasing someone about private 11 messages. I didn't ... 12 MR JAY: Thank you, Mr Paxman. 13 A. Thank you. 14 LORD JUSTICE LEVESON: Mr Paxman, I have one question, which 15 is actually one of the reasons that I was keen to be 16 able to call you. It's this: have you ever felt 17 disadvantaged in holding politicians to account by 18 reason of the obligations that you have to be impartial, 19 or fair, as you put it? 20 A. I don't think so. No, I don't think so. I think there 21 are ways in which one is at a disadvantage. I mean, 22 unlike someone who appears in the court, there are no 23 rules of evidence. There is no compulsion. We have 24 not, for example, on Newsnight interviewed -- we had 25 George Osborne on one night because Christine Lagarde, Page 139</p>	<p>1 fair -- of course, part of being fair is being unfair 2 and getting the wrong end of the stick, so -- but you 3 must allow people the opportunity to explain themselves. 4 So I don't feel an imposition which says that you 5 have to be fair, actually -- I don't think it does stop 6 me doing my job. There are many other things that stop 7 me doing my job, notably the decision about whether or 8 not someone will be made available. That's the key most 9 difficult thing, and as I say, we have no right to 10 insist. 11 LORD JUSTICE LEVESON: I understand that. I'm sure you 12 understand what I'm getting at -- 13 A. Yes. 14 LORD JUSTICE LEVESON: -- namely the great argument: well, 15 the press hold politicians or National Health Services 16 or all sorts of people to account, and that's what they 17 do and nothing must stand in the way of them being able 18 to hold the powerful, including the judiciary, to 19 account. I see the great force in the requirement to be 20 able to do that, that's what a democracy is all about. 21 But what I'm really questioning is whether it follows 22 from that that a regulatory regime, which isn't entirely 23 consensual, forbids you from doing that, and you work in 24 a regime that is not at all consensual, you have the BBC 25 code, you have Ofcom ultimately in the background, and Page 141</p>

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1 that's why I was very keen to know whether you felt over
 2 the many years you've been interviewing people -- and
 3 I understand your problems about getting people to come
 4 on -- that you've been inhibited in been able to hold
 5 those who you've got hold of to account.
 6 **A. I wouldn't have said so. One chafes against these**
 7 **things, one has little rants at senior figures in the**
 8 **editorial hierarchy with indeterminate titles**
 9 **periodically about this or that or the requirement to**
 10 **interview a particularly irrelevant person or party,**
 11 **but, you know, I don't find it is generally something**
 12 **that inhibits what one does.**
 13 **In fact I hear rather the reverse accusation from**
 14 **people in newspapers, which is that, oh, you people in**
 15 **the media -- and there's an element of justice -- in the**
 16 **electronic media, you don't think it's true unless it's**
 17 **appeared in a newspaper, you don't really go out of your**
 18 **way to cause trouble, whereas we in the print media do.**
 19 **I've heard this accusation -- well, less frequently**
 20 **recently, but I've certainly heard it in the past.**
 21 LORD JUSTICE LEVESON: People have suggested to you that you
 22 don't go out of your way to cause trouble?
 23 **A. Correct. Personally, I think it's my only function, but**
 24 **exactly, yes. There are certain sorts of journalism**
 25 **that are not really -- I can't give you an example**
 Page 142

1 **now -- that are not really practised, they would say, in**
 2 **broadcasting, and they hold us -- or they held us in**
 3 **contempt for it. But I can't give you an example off**
 4 **the top of my head now. I wish I'd thought about that.**
 5 LORD JUSTICE LEVESON: Do you see it as part of the function
 6 of the media to hold the press to account?
 7 **A. Sure, but newspaper editors are even more difficult to**
 8 **get on television than Cabinet ministers are, so -- yes.**
 9 **Yes, of course. It seems to me that we should all of us**
 10 **in the media, in whatever section we find ourselves, be**
 11 **pretty rigorously trying to enforce by whatever Heath**
 12 **Robinson impromptu mechanism happens to be at our**
 13 **disposal -- trying to operate in the public interest,**
 14 **and that involves, I think, holding all powerful vested**
 15 **interests to account, whether they be politicians or big**
 16 **business or lobby groups or trades unions or indeed**
 17 **newspapers, yes.**
 18 LORD JUSTICE LEVESON: Thank you. Is there anything on the
 19 subject of the remit of this Inquiry that you'd like to
 20 add that you don't feel you've had the opportunity to
 21 say?
 22 **A. I wish you joy of it, because I think it's a very, very**
 23 **difficult job you've got, and, no, I have nothing --**
 24 **I wouldn't presume. You've heard all the witnesses,**
 25 **I haven't, but it seems to me an extremely difficult job**
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1 **you've got, and when one looks back, there were a whole**
 2 **spate of these sort of inquiries in the 1950s, weren't**
 3 **there? When you look back at them, I haven't done so**
 4 **for a number of years, there does tend to be -- sorry,**
 5 **is this lese-majeste? I don't want to be too cheeky.**
 6 LORD JUSTICE LEVESON: Don't worry, keep going.
 7 **A. I think your challenge is to stop yourself becoming**
 8 **a total irrelevance. That what will happen -- what**
 9 **happened in the past, and we've seen it more recently**
 10 **with Calcutt and others, is that you have this great**
 11 **brouhaha, there'll be an Inquiry, there is an Inquiry,**
 12 **and it produces recommendations that are quietly**
 13 **forgotten. I wish you every success in not having that**
 14 **fate.**
 15 LORD JUSTICE LEVESON: Mr Paxman, I am entirely cognisant of
 16 the problem and have said on more than one occasion
 17 during the course of this Inquiry that the one thing
 18 I am determined not to do is to produce a document which
 19 simply sits on the second shelf of a professor of
 20 journalism's study for him to discuss with his students
 21 as yet another attempt that went nowhere.
 22 **A. Yes. As high as the second shelf, eh?**
 23 LORD JUSTICE LEVESON: Thank you very much indeed. Thank
 24 you.
 25 We'll just take a couple of minutes now. Thank you.
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1 (2.58 pm)
 2 (A short break)
 3 (3.05 pm)
 4 MS PATRY HOSKINS: Good afternoon, sir. The final witness
 5 today is Lord Reid.
 6 LORD JUSTICE LEVESON: Thank you.
 7 LORD REID (sworn)
 8 Questions by MS PATRY HOSKINS
 9 MS PATRY HOSKINS: Could you first please give your full
 10 name to the Inquiry?
 11 **A. John Reid.**
 12 Q. In tab 1 of the bundle you'll find your witness
 13 statement, it's dated 10 May 2012. Can you confirm that
 14 this is your formal evidence to this Inquiry?
 15 **A. Yes, it is.**
 16 Q. And that the contents of it are true to the best of your
 17 knowledge and belief?
 18 **A. That's right.**
 19 Q. Thank you.
 20 LORD JUSTICE LEVESON: Lord Reid, thank you very much indeed
 21 for a very comprehensive and detailed statement. I'm
 22 very grateful to you and those who have helped you
 23 prepare it for the obvious work that's been put into it.
 24 **A. Thank you very much, sir.**
 25 MS PATRY HOSKINS: First of all please, Lord Reid, if we can
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<p>1 look at your career history. Paragraphs 1 to 3 of the 2 statement deal with this. I'll just summarise it. You 3 explain that you were first elected as MP for Motherwell 4 North constituency in 1987 and you served as an MP for 5 23 years until 2010.</p> <p>6 From 1997 in government you held a number of posts, 7 including Home Secretary, Secretary of State for 8 Defence, Secretary of State for Health, Secretary of 9 State for Northern Ireland, Leader of the House of 10 Commons and President of the Privy Council, Chairman of 11 the Labour Party and Cabinet Minister without portfolio, 12 Secretary of State for Scotland, Minister for Transport 13 and Armed Forces Minister, so a very wide variety of 14 positions.</p> <p>15 A. I'm sorry they're so long.</p> <p>16 Q. No.</p> <p>17 LORD JUSTICE LEVESON: I hope you found them interesting.</p> <p>18 A. They were.</p> <p>19 MS PATRY HOSKINS: And you explain at paragraph 3 that you 20 held the post of Home Secretary, whose remit included 21 immigration and nationality, counter terrorism, prisons 22 and probation, policing and criminal justice for the 23 period May 2006 until June 2007, and we'll be coming 24 back to your time as Home Secretary and discussing 25 various aspects of that.</p> <p style="text-align: center;">Page 146</p>	<p>1 your responsibilities in relation to the police, 2 responsibilities as Home Secretary, I should say, in 3 relation to the policing and you were asked a question 4 just before paragraph 4 in fact about policy and 5 operational responsibilities and areas of influence that 6 you had as a Home Secretary in relation to the police 7 insofar as they may have had a bearing on the 8 relationship between the police and the media, 9 I understand that, and you were asked a number of 10 questions about that.</p> <p>11 Then you set out some detail on your 12 responsibilities and at paragraph 16 you say this, and 13 I should say it's 6846 in the bottom right-hand corner, 14 I don't know if you have numbers in the bottom 15 right-hand corner?</p> <p>16 A. I have indeed.</p> <p>17 Q. You do, that's good. We'll proceed on that basis. You 18 say:</p> <p>19 "Throughout my period as Home Secretary I can think 20 of only two specific media-related incidents that gave 21 rise to concern. On both occasions I requested that 22 a leak investigation be established, not least because 23 of the suggestion in some parts of the press that my 24 private office officials or advisers may have been 25 responsible. This was not the case. In fact, in one</p> <p style="text-align: center;">Page 148</p>
<p>1 Just for the sake of completeness, you resigned from 2 the Cabinet and the position of Home Secretary in June 3 2007, having announced your decision to do so some time 4 earlier. You retired as an MP at the General Election 5 in May 2010 and you now serve as a member of the 6 House of Lords?</p> <p>7 A. Yes.</p> <p>8 Q. Have I missed anything out?</p> <p>9 A. You've not missed anything out of the statement. If you 10 want, you know, an absolutely full curriculum vitae, I'm 11 not only in the House of Lords, but I am a partner with 12 Michael Chertoff in the Global Security Group, I'm Chair 13 of the Institute of Security and Resilience Studies at 14 University College, London, I'm non-exec director of G4S 15 and I occasionally do speeches and other advisory work. 16 I didn't think that was particular relevant here, but 17 just for the fullness.</p> <p>18 Q. Thank you very much. As Lord Justice Leveson has 19 indicated, you provided a very full statement indeed and 20 I'm going to take most of that as read, which simply 21 means that we accept what you say and I won't be asking 22 questions on every aspect of it. I just want to touch 23 on a number of themes which I'll explore with you.</p> <p>24 Can we turn, please, first to paragraph 16 of your 25 statement. You were asked a question much earlier about</p> <p style="text-align: center;">Page 147</p>	<p>1 case the enquiry conclusively established that the 2 informant was a Metropolitan Police official. In the 3 other case the source of the leak was never discovered."</p> <p>4 And you say:</p> <p>5 "In the light of what has emerged during this 6 present Inquiry, it would perhaps be worth reopening 7 that leak investigation."</p> <p>8 Two questions I want to ask you about that 9 paragraph. The first is a question that's been provided 10 by a core participant to this Inquiry, and the question 11 is: when you referred to the Met police official having 12 been the informant in one of the leak inquiries, was 13 that a gentleman known as Thomas Lund-Lack?</p> <p>14 A. I think it was. If that is the gentleman who had been, 15 I think, a detective at the Met and retired and then had 16 been rehired --</p> <p>17 Q. Yes.</p> <p>18 A. -- at the Met in some capacity, I'm not quite sure 19 which, yes, that's the gentleman. That I think is the 20 name.</p> <p>21 Q. I'll give you the background I have on that gentleman. 22 He was a retired DI who came back to work as a police 23 staff member in 2003, he was arrested and charged in May 24 2007, pleaded guilty, in fact, June 2007, and was 25 sentenced to eight months in July 2007 for misconduct in</p> <p style="text-align: center;">Page 149</p>

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<p>1 public office. Would that --</p> <p>2 A. Yes.</p> <p>3 Q. -- accord with your recollection?</p> <p>4 A. That's the gentlemen that I had in mind for that. And</p> <p>5 I merely mentioned that because there had been some</p> <p>6 comment in the press that such leaks might come from my</p> <p>7 office, and as a politician you get used to those forms</p> <p>8 of accusations without any evidence, but I was</p> <p>9 specifically concerned because my special adviser, who</p> <p>10 was being, if you like, fingered for this, I knew he</p> <p>11 hadn't done it, he knew it, and therefore when the</p> <p>12 inquiry was concluded and it was discovered that it was</p> <p>13 actually a leak from the Met, then we felt vindicated on</p> <p>14 that.</p> <p>15 On the other one, as you say, there was an inquiry,</p> <p>16 I don't think they ever discovered the culprit, but</p> <p>17 leaks about terrorist and counter-terrorist activity</p> <p>18 are, in my view, of the highest delicacy and</p> <p>19 sensitivity, and therefore in view of some of the stuff</p> <p>20 we've heard at this Inquiry, perhaps we might look at</p> <p>21 looking where that particular second leak came from.</p> <p>22 Q. Right. I think you've now covered my second question on</p> <p>23 the topic, so thank you very much.</p> <p>24 I'm now going to turn to the issue of phone hacking,</p> <p>25 Operation Caryatid. You've already explained that you</p> <p style="text-align: center;">Page 150</p>	<p>1 Q. We'll look at that article and go through in this in</p> <p>2 some detail, so we are grateful to you for the work that</p> <p>3 you've done. It's been helpful in formulating all the</p> <p>4 questions.</p> <p>5 Can we start then just with dates. You became Home</p> <p>6 Secretary in May 2006, and the arrest, of course, of</p> <p>7 Mr Goodman and Mr Mulcaire were on 8 August 2006.</p> <p>8 A. That's correct.</p> <p>9 Q. I want to ask two questions about that period, please,</p> <p>10 between May and 8 August. The first is the context that</p> <p>11 you were operating in. If we look in that respect at</p> <p>12 paragraph 23 of your statement, you explain the context</p> <p>13 there. Is there anything you want to say in your own</p> <p>14 words about what was happening throughout your time as</p> <p>15 Home Secretary?</p> <p>16 A. Well, I think the difficulty in going over things six</p> <p>17 years ago is twofold for any observer. One is trying to</p> <p>18 understand what it was like at the period, and secondly</p> <p>19 avoiding the danger of trying to impose what you know</p> <p>20 now on what was happening then. So that's why I did</p> <p>21 this in such detail.</p> <p>22 Q. Yes.</p> <p>23 A. The situation when I became Home Secretary was -- the</p> <p>24 day I went in it was in crisis over four national</p> <p>25 prisoners. Actually, the day after I left it was in</p> <p style="text-align: center;">Page 152</p>
<p>1 were Home Secretary between the periods May 2006 and</p> <p>2 June 2007, and you deal with your recollection of events</p> <p>3 surrounding the conduct of Operation Caryatid at</p> <p>4 paragraph 22 of your witness statement. That's</p> <p>5 page 6848, for those of us who have a number in the</p> <p>6 bottom right-hand corner.</p> <p>7 A. Yes.</p> <p>8 Q. What I'm going to do is take it chronologically,</p> <p>9 Lord Reid.</p> <p>10 A. Okay.</p> <p>11 Q. You explain at paragraph 22 that:</p> <p>12 "The following recollection of the context and the</p> <p>13 events surrounding the arrests of Mulcaire and Goodman</p> <p>14 is as detailed as I can provide, having had access to my</p> <p>15 official diary for the relevant period."</p> <p>16 So you've had some assistance in recollecting these</p> <p>17 events?</p> <p>18 A. I've had access to my diary, and I've also asked for</p> <p>19 searches done for any written briefing on this subject.</p> <p>20 There was none. And for any meetings on this subject in</p> <p>21 my diary. There were none. And I've taken some time,</p> <p>22 30 paragraphs, to go through this narrative because</p> <p>23 I knew that this would be a subject of some interest to</p> <p>24 you, not least because there was a rather misleading</p> <p>25 article in the press on it.</p> <p style="text-align: center;">Page 151</p>	<p>1 crisis, with a terrorist attack in Glasgow when Jacqui</p> <p>2 Smith succeeded me, and in between time it was kind of</p> <p>3 filled with crisis as well, and I've at some length laid</p> <p>4 that out at paragraph 49, the other things that were</p> <p>5 going on.</p> <p>6 But above all, and superseding everything else, in</p> <p>7 the wake of 9/11 and then 7/7 was the great fear and the</p> <p>8 great attention paid to the threat of a terrorist attack</p> <p>9 in London. You'll recall that many people died in</p> <p>10 London at that time.</p> <p>11 Secondly, when I went in as Home Secretary, I had</p> <p>12 some knowledge, having been Defence Secretary, of the</p> <p>13 number of threats and plots that were ongoing. I won't</p> <p>14 go into that in any detail, but there were maybe up to</p> <p>15 70 such plots going. So what I've tried to do in here</p> <p>16 is to describe the atmospherics, the priorities, the</p> <p>17 agendas that faced the Home Secretary coming in in May</p> <p>18 2006, and above all else was the generality of the</p> <p>19 terrorist threat.</p> <p>20 Within that, there was one specific threat, because</p> <p>21 there may be at any time 50, 60, 70 threats, but</p> <p>22 obviously the Home Secretary would concentrate on those</p> <p>23 where he was advised they were more imminent, more</p> <p>24 serious, more likely to take place, and one of them</p> <p>25 emerged throughout that period from May to August which</p> <p style="text-align: center;">Page 153</p>

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<p>1 then became known as Operation Overt. It was the plot 2 to bring down up to 10 airliners, in the last instance 3 an attempt at seven, with potential loss of 2 to 3,000 4 lives, and that increasingly as we approached August 5 became the centre of most of our attention, on the 6 official side, on certainly the Home Secretary side, and 7 indeed on the police side. 8 Q. We'll come on to the specific dates in a moment, because 9 of course certain things happened in relation to 10 Operation Overt at almost the same time as arrests were 11 being made, but we'll come on to look at the specific 12 dates in a moment. 13 The second question I wanted to ask you about the 14 period between May 2006 and 8 August 2006 was as to 15 whether you'd received any briefings on the subject of 16 royal phone hacking. You deal with this at paragraph 24 17 and you say: 18 "To the best of my knowledge I received no briefing, 19 written or oral, with regard to this subject during that 20 period [so between May and 8 August]. As far as I am 21 aware no briefing has been received anywhere else in the 22 Home Office either during this period." 23 How have you ascertained that? 24 A. Well, from my point of view and from the generality of 25 the point of view I asked the Home Office. I think if Page 154</p>	<p>1 Moving through the chronology, paragraph 25. On 2 8 August 2006, you tell us, the MPS arrested Mr Mulcaire 3 and Mr Goodman and they issued a press notice and 4 briefing concerning the arrests. We have that at tab 2 5 of the bundles, if we could just turn that up very 6 briefly. It should be the second page of that tab. 7 A. Yes. 8 Q. "Phone hacking media statements", and we see it's dated 9 the 8th and a description of what's happened. I want to 10 focus in on just one matter, which is the fifth 11 paragraph from the bottom: 12 "As a result of their inquiries police now believe 13 that public figures beyond the Royal household have had 14 their telephones intercepted, which may have potential 15 security implications." 16 So we can agree that the MPS press notice and 17 briefing -- 18 A. Yes. 19 Q. -- does make clear that they believe that public figures 20 beyond just the royals have been intercepted, yes? 21 A. Yes. I think that's quite important. Can I be 22 permitted to make just one point? 23 Q. Of course. 24 A. When I say, sir, that throughout this I wasn't receiving 25 written briefings, it isn't a complaint or a criticism, Page 156</p>
<p>1 you come to it there was a note which in the event 2 I probably didn't see which indicated that nothing was 3 known in the Home Office before 8 August, and indeed in 4 the email trail behind another Met note, which didn't 5 come to me, it went to another section of the Home 6 Office, it's also expressed that little or nothing was 7 known about this. So certainly up to 8 August I had not 8 heard of this name, Caryatid, and I had not been briefed 9 on anything at all. 10 And the final reinforcement of that recollection is 11 I remember hearing about it, because I heard about it on 12 the evening of 8 August through the media. 13 Q. All right. So your evidence is that prior to that date, 14 prior to hearing it on the news, you simply didn't know 15 about it at all? 16 A. No, I went in in May, the operation was running at that 17 time, but May, June, July, up to 8 August, to the best 18 of my knowledge, the best of my recollection, the best 19 of the searches that can be carried out, I had not 20 received any information or briefing on this operation. 21 Q. Right. We'll move through the chronology. You explain 22 at the bottom of witness statement paragraph 24 that two 23 events, the arrest and charges of Mulcaire and Goodman 24 and the launch of Operation Overt, in fact took place 25 within the same 24-hour period, ie on 8/9 August 2006. Page 155</p>	<p>1 because I above all know what else the counter terrorist 2 sections of the policing had on their plate, so it is 3 said to put the record straight, and the record is that 4 as of 8 August I had not had any briefing on this. On 5 8 August in the evening I heard on the news and 6 I subsequently found out, only five weeks ago, that the 7 reason I heard it on the news is there was 8 a Metropolitan Police statement press release that day, 9 that is 8 August. Secondly, that within that statement, 10 it had indicated in writing that there were other 11 victims, not other journalists but other victims, 12 suspected of phone hacking. 13 LORD JUSTICE LEVESON: Of being phone hacked. 14 A. Yes, of being hacked. Not other journalists and not in 15 specific name. And therefore there was two days or 16 three days of widespread media coverage, which directed 17 itself to the fact that there may be other victims of 18 this; indeed it said on occasions including an MP, 19 including a Cabinet Minister and so on. So that was all 20 in the public domain, which is the mechanism through 21 which I actually first learned of it on the evening of 22 8 August. 23 MS PATRY HOSKINS: Let's be absolutely precise. This MPS 24 press briefing, that's not how you found out either, was 25 it? Page 157</p>

<p>1 A. No, absolutely not. When in the course of evidence here 2 it was -- well, one report afterwards suggested that 3 I had received secret briefings with material that 4 wasn't in the public domain, I'm afraid I had to carry 5 out my own search, and when I carried out that search, 6 through a freedom of information request, someone had 7 procured all of these MPS briefings. 8 So that illustrated to me why the media was carrying 9 on 8 August in the evening not only reports of the 10 arrests but reports that there may be other victims of 11 it, and indeed it was through that media report. 12 Presumably there were other oral briefings, since the 13 reports over the next 24 to 48 hours went slightly 14 further. 15 Q. I promise you, we'll go through all the documents and 16 all the potential briefings that may have been referred 17 to. 18 A. All right. But I didn't see that at the time, the 19 MPS -- 20 Q. Exactly. So at this point, up to 8 August, you know 21 nothing about it. The MPS briefing comes out, you don't 22 know anything about it either at that stage. Then, as 23 you say, there's widespread reporting, and we can see 24 all the articles behind tab 3 of the bundle -- 25 A. Yes.</p> <p style="text-align: center;">Page 158</p>	<p>1 and I laid out what I did when I first heard of it. 2 Q. I was about to come to that. Paragraph 27 of your 3 witness statement, you explain that during the day of 4 8 August you had to attend an emergency doctor's 5 appointment and then go to Accident & Emergency at 6 Moorfields Eye Hospital for treatment for an eye 7 complaint, if I can just put it that way. You may not 8 have been aware of it. You tell us at paragraph 28 to 9 the best of your recollection you became first aware of 10 Caryatid, although you didn't know it under that name at 11 the time, later that evening through the media internet 12 news. 13 I want to know your reaction when you first -- 14 having found out about this issue on the news, what was 15 your reaction? 16 A. I'm not sure you do want to know my reaction. 17 Q. I think we do. 18 A. I think it went beyond surprise. I picked up the phone 19 from my home and phoned a group in my private office 20 called the rapid reaction team who dealt with media, and 21 if you want to know I said basically, "What the hell is 22 going on?" and they said, "We don't know". They then 23 phoned the Permanent Secretary's office and got his 24 assistant called Richard Riley. Richard described to 25 them and they then conveyed to me basically what I'd</p> <p style="text-align: center;">Page 160</p>
<p>1 Q. -- that you've provided us, and yes, again, this whole 2 issue is being reported and if we look, for example, the 3 first page of tab 3, an extract from the Daily Telegraph 4 at midnight, 8 August: 5 "The investigation has now extended beyond Clarence 6 House and detectives believe that other public figures, 7 thought to include an MP, have been targeted." 8 So there's already speculation that an MP, 9 a politician, may well have been targeted. 10 A. Yes. 11 Q. There's transcripts from the BBC 10 O'Clock News again 12 referring to potential MPs, Radio 4 interviews, there's 13 the Guardian the next day reporting the same story. 14 You tell us in your witness statement that you were 15 unaware of the MPS press briefing, but that you did 16 become aware of this issue -- 17 A. That's right. 18 Q. -- because of the fact the press were reporting on it, 19 the media was reporting it. 20 A. Well, part of the reason that I may have been unaware 21 during the day of the MPS press release is that I didn't 22 actually hear the media through the day nor was I at my 23 office because I had an attack of what is called iritis, 24 I was taken in as an emergency to Moorfields Eye 25 Hospital. So it was that evening when I first heard it</p> <p style="text-align: center;">Page 159</p>	<p>1 heard on the Evening News, which wasn't a very 2 enlightening briefing, if you can call it that, and I'm 3 afraid I then -- and it was quite late at night -- 4 picked up the phone and phoned the Met Commissioner and 5 said to him, "What the hell is going on?" And the Met 6 Commissioner was kind enough to confirm the media 7 stories, including the fact that a friend of a Cabinet 8 Minister was a suspect -- sorry, a suspected victim of 9 phone hacking. 10 LORD JUSTICE LEVESON: A suspected victim. 11 A. Yes. My memory is it wasn't the Cabinet Minister, it 12 was a friend, and for the record it wasn't the Deputy 13 Prime Minister either. 14 LORD JUSTICE LEVESON: Yes. 15 A. So that was the sum total of my knowledge of that 16 evening, and indeed for a considerable period of time, 17 and it's exactly what was in the public domain. 18 MS PATRY HOSKINS: All right. So at that stage you'd made 19 two phone calls, you'd obtained some information, but by 20 and large it was what was in the public domain. Was 21 there any mention during either of those phone calls of 22 other journalists, other than Mr Goodman -- 23 A. No. 24 Q. -- other journalists being involved in this? 25 A. There was no mention of other journalists, not only</p> <p style="text-align: center;">Page 161</p>

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<p>1 then, but I'm perhaps pre-empting you, but at any future</p> <p>2 stage. And it's interesting to note that the MPS note</p> <p>3 that went elsewhere in the Home Office and the note that</p> <p>4 Richard Riley did that I possibly didn't see, neither of</p> <p>5 them mentioned other journalists either.</p> <p>6 Q. All right, we're coming on to them, I promise. Okay, so</p> <p>7 that's the 8th. Busy day. Paragraph 29 of your witness</p> <p>8 statement you explain that the next day, 9 August,</p> <p>9 a one-page note was apparently drafted by Richard Riley.</p> <p>10 You've explained who that was, presumably in response to</p> <p>11 your inquiry the evening before. You said:</p> <p>12 "I have no recollection of seeing the note at the</p> <p>13 time, and the record suggests that I did not."</p> <p>14 The one-page note is behind tab 8. I say it's one</p> <p>15 page, but of course it's one and a half pages. Can we</p> <p>16 look at it?</p> <p>17 A. Yes.</p> <p>18 Q. It's dated 9 August and there's a heading, "Home</p> <p>19 Secretary", underlined:</p> <p>20 "You asked for a note of what we were told of</p> <p>21 yesterday's arrest by the Metropolitan Police in</p> <p>22 connection with an investigation into unlawful access to</p> <p>23 voicemails."</p> <p>24 And then there is essentially an update as to what</p> <p>25 happened, the process, and then under "Points to note":</p> <p style="text-align: center;">Page 162</p>	<p>1 extent, not exclusively, this is a bit of an academic</p> <p>2 argument, given that what I knew was limited. Even if</p> <p>3 it had been slightly greater then it would have to be</p> <p>4 kept in confidence unless there were extraordinary</p> <p>5 reasons for me to intervene in operations, which you may</p> <p>6 wish to cover later.</p> <p>7 Q. We will come on to that, whether or not you could or</p> <p>8 would have done anything differently.</p> <p>9 A. Yes.</p> <p>10 Q. Let's stay for the moment with whether or not you</p> <p>11 actually saw this note that was prepared by Richard</p> <p>12 Riley.</p> <p>13 A. Yes.</p> <p>14 Q. You say the record suggests that you did not see it, and</p> <p>15 at paragraph 29 of your witness statement you say:</p> <p>16 "I am informed by the Home Office that their records</p> <p>17 show no acknowledgment of receipt nor response to the</p> <p>18 note or any other indication that it was seen by me."</p> <p>19 And you explain it is not surprising in view of the</p> <p>20 events that were to take place, which we'll come to in</p> <p>21 a moment. Do you know if you would have marked the note</p> <p>22 in any way if you had received it?</p> <p>23 A. Yes, indeed. I was in the habit of, when I read</p> <p>24 a piece, scribbling my initials on it, so that if there</p> <p>25 was some dispute later, "Have you read it?", you could</p> <p style="text-align: center;">Page 164</p>
<p>1 "We have not received precise details of the</p> <p>2 investigation but if there is an offence here, it might</p> <p>3 be under ..."</p> <p>4 Whatever act. He then says:</p> <p>5 "TPU colleagues are urgently seeking a meeting ..."</p> <p>6 There's no indication that there's any terrorism</p> <p>7 aspect. And then lines to take, over the page, noting</p> <p>8 this is an ongoing operation:</p> <p>9 "This is an operational matter for the Metropolitan</p> <p>10 Police, potentially a criminal offence. We are urgently</p> <p>11 seeing to learn whatever lessons are necessary."</p> <p>12 Leaving aside for the moment whether you ever saw</p> <p>13 this note, we'll come back to that in a moment, clearly</p> <p>14 no mention of other journalists. Was there anything in</p> <p>15 there, any substantive point in there that was not in</p> <p>16 the public domain?</p> <p>17 A. I don't think there was any substantive point in there</p> <p>18 at all that wasn't in the public domain.</p> <p>19 Q. Okay.</p> <p>20 A. It's also worth noting, a point I've made several times</p> <p>21 in my submission, that this is an operational matter for</p> <p>22 the police, was the advice given, because as you know,</p> <p>23 sir, there's a distinction between accountability to</p> <p>24 Parliament and actual operations, so that was</p> <p>25 immediately notified on this which is why, to some</p> <p style="text-align: center;">Page 163</p>	<p>1 go back to it. And I therefore asked the Home Office to</p> <p>2 show me the note that I had signed. They couldn't do so</p> <p>3 because I'm afraid like the rest of the world everything</p> <p>4 has gone electronic, so I was told that, no, the method</p> <p>5 of doing this was to record a receipt from my office</p> <p>6 electronically, or a response, or any acknowledgment,</p> <p>7 and there were none of those things.</p> <p>8 So on the one hand the note didn't actually contain</p> <p>9 anything that wasn't in the public domain, but as</p> <p>10 a matter of factual reckon there is no indication that</p> <p>11 although the note was prepared on the 9th, that it was</p> <p>12 actually acknowledged or received in my office, far less</p> <p>13 seen by me, and then I go on to explain why that might</p> <p>14 well be the case, because Operation Overt was launched</p> <p>15 that day.</p> <p>16 Q. So far we're at this point. A note is prepared but your</p> <p>17 recollection is that you didn't see it and there's</p> <p>18 nothing that would indicate otherwise?</p> <p>19 A. That's right.</p> <p>20 Q. And in any event it didn't really contain anything that</p> <p>21 was not already in the public domain --</p> <p>22 A. Or that I had not heard in the media.</p> <p>23 Q. And, on top of all of that, Operation Overt was kicking</p> <p>24 off. If we look at paragraph 30, we can see what you</p> <p>25 say about that. Do you want to say in your own words</p> <p style="text-align: center;">Page 165</p>

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<p>1 what happened on 9 August, which coincided with the 2 preparation of this note?</p> <p>3 A. Yes. For abbreviation you and Lord Leveson could watch 4 The Liquid Bomb Plot, which is a documentary of an hour 5 and a half which describes exactly what happened around 6 that time, but in as abbreviated form as I can give, 7 I had several meetings on 9 August, including a speech 8 on, as it happened, the nature of modern conflict and 9 terrorism I think at a meeting with the Deputy 10 Prime Minister, because the Prime Minister was out of 11 the country, so I was out of the office for most of that 12 day. In the evening I had a window of what -- 13 a terrible term we nowadays call chillaxing, for some 14 reason, which was a football match that I went to, it 15 was Glasgow Celtic versus Chelsea, and at half-time, 16 having had briefings for days and expecting Operation 17 Overt, the biggest counter terrorist operation the 18 country had ever launched, to take place possibly at the 19 weekend, at around half-time at that game I started to 20 get signals from my protection team that I would have to 21 move.</p> <p>22 I was then told I had to leave. I was put in 23 a police car with sirens and various other things and 24 a cavalcade through London. I was taken to the Home 25 Office and told I immediately had to go and chair</p> <p style="text-align: center;">Page 166</p>	<p>1 A. Yes.</p> <p>2 Q. Can we then move on to the period 9 August -- so this 3 date we've just been looking at -- through to June 2007 4 when you ceased being Home Secretary, please. You 5 explain at paragraph 32 that in the months after this 6 until you stepped down you can't recall any briefings, 7 written or oral, or meetings on the phone hacking 8 investigation. Have you checked that?</p> <p>9 A. Yes, I've checked that. Ministerial briefing would 10 normally consist of two things. One is a paper which 11 would succinctly set out the facts, which would go 12 through what had happened, which would outline the 13 courses of action and proposals and then would raise the 14 questions of challenges, advantages and difficulties in 15 each of those areas. That would be for the minister to 16 read. The minister would then meet with the relevant 17 officials or the police or the agencies, and then would 18 go through that, satisfy himself by questioning and 19 comment that he was happy with what was proposed, or 20 select a proposed form of action.</p> <p>21 So there would be a written and a briefing element 22 to what we would conventionally call a ministerial 23 briefing.</p> <p>24 I've had the Home Office check and search for any 25 written briefing after this period of 8/9 August. They</p> <p style="text-align: center;">Page 168</p>
<p>1 a Cobra briefing, and the reason was that by one of 2 these chronological coincidences, almost exactly as 3 Mulcaire and Goodman were being charged, the Pakistan 4 authorities had lifted the key person and ringleader in 5 this terrorist plot, which meant that the chances of 6 a leakage from that, so that the terrorist here 7 discovered that he had been arrested or was not 8 communicating and would therefore launch the terrorist 9 plot, became uppermost in everybody's mind. So 10 overnight from then on and for some considerable period 11 afterwards we were almost exclusively directing our 12 attentions towards the arrest of all of the parties that 13 we knew to be involved, and the avoidance of 14 a catastrophe of immense magnitude.</p> <p>15 So that's what happened on the evening of the 9th.</p> <p>16 Q. You've in fact explained that Cobra met through the 17 night on 9 August and remained on call subsequent nights 18 thereafter. The terrorist threat level to the UK was 19 raised from severe to critical, meaning that a further 20 attack was believed to be imminent, and personally you 21 arranged to sleep in the Home Office or your 22 Parliamentary office at this time and all of your 23 attention was almost entirely focused on the operation 24 and potentially related consequences during the 25 following weeks; that's correct, isn't it?</p> <p style="text-align: center;">Page 167</p>	<p>1 have informed me that they have been unable to find any 2 written briefing on this subject whatsoever. I have 3 also had my diary checked to see if there was any 4 meeting called on this, and out of some 4,500 diary 5 entries, there is no such meeting.</p> <p>6 So to the best of my knowledge and recollection, as 7 I have said, I did not receive any briefings on this 8 matter.</p> <p>9 Again, that's not a matter of criticism or 10 complaint, it's for others to judge, but I put it on the 11 record.</p> <p>12 Q. We can take these paragraphs fairly quickly. You 13 explain at paragraph 33 that you requested the Home 14 Office to carry out a search for any written briefings, 15 they have been unable to identify any. Paragraph 34, no 16 briefing meetings on the subject either. And you simply 17 say that the simple fact is that without the benefit of 18 hindsight or any contemporary evidence to the contrary, 19 the issue was at the time considered an operational 20 police matter that they were handling, with no 21 appearance of impropriety or other reason for 22 ministerial intervention, and thus a subject of 23 relatively low priority for the attention of ministers. 24 Right.</p> <p>25 Can we look at paragraph 37 onward, further down the</p> <p style="text-align: center;">Page 169</p>

15 (Pages 166 to 169)

<p>1 page. You explain you've also asked for the 2 Parliamentary record for this period to be searched. 3 A. Yes. 4 Q. Since Parliamentary proceedings, especially questions, 5 tend to reflect the priorities of the day. The Home 6 Office oral questions would allow an opportunity for MPs 7 to raise issues of concern, and you explain that over 8 the period you personally responded to 215 oral 9 questions. Not one of them referred to this issue. 10 At paragraph 39, a search of the written 11 Parliamentary Questions indicate again that at no time 12 during your period in office was this issue raised, 13 despite again the considerable number of written 14 questions submitted. 15 Paragraph 40, no ministerial statement made on the 16 issue or asked for, and again, given what was known at 17 the time, the reasons for that, you say, are that it was 18 considered an operational matter for the police. 19 So a fairly comprehensive search, Lord Reid? 20 A. Yes, and I did the search partly because given the 21 immense amount of material which you and Lord Leveson 22 have to deal with that is now in the public domain, 23 I wanted to question myself: at this time, was this 24 somehow a matter of Parliamentary public concern, were 25 there questions being asked about it, were there Page 170</p>	<p>1 down ... my understanding was that the same bodies were 2 working through the material with a view to extracting 3 evidence." 4 How did you gain that understanding? 5 A. That was my understanding, and I think my understanding, 6 because there was no formal briefings, there was no 7 writings or whatever, but I met with the Met 8 Commissioner on a couple of occasions, particularly 9 towards the end of my period when we did a sort of 10 wash-up tour de raison, going right through everything 11 from the Metropolitan Policing to gun crime, knife 12 crime, policing statistics, changes and conditions that 13 were being proposed, pensions and so on, the views of 14 the Police Federation, all of that, and in that one of 15 the aspects that was touched upon, as I recall, quite 16 briefly, was: where are we on this operation regarding 17 phone hacking? 18 My recollection of that is that I was told that 19 there were masses of evidence to be worked through. 20 I think I was told that much of it was handwritten. And 21 in any case -- I beg your pardon, I've used the wrong 22 phrase. Masses of information to work through, much of 23 it handwritten, and I remember being reminded that 24 information wasn't evidence, and therefore it was a huge 25 amount of work to do on this. Page 172</p>
<p>1 statements being demanded on it and so on. Was 2 I somehow untypical? 3 The answer, I think, lies in these questions, that 4 out of hundreds of Parliamentary Questions, not just to 5 me, there were hundreds more asked to the ministers at 6 the Home Office, not one question was directed on this, 7 according to the search done by the Home Office, no 8 written questions either, no statements on it. There 9 was nothing brought to my attention by HMIC or any of 10 the regulatory bodies. 11 I asked for this to be carried out basically to 12 counterbalance the tendency to know that what is known 13 now was known then, and if this was all known then, why 14 wasn't something done about it. 15 Q. I think we've carefully examined your state of knowledge 16 up to this point. Can we look now at paragraph 35, 17 because I want to ask you about this sentence. Halfway 18 through that paragraph there's a sentence which starts: 19 "Through the period until the end of January 2007, 20 when sentences were handed down following the trial of 21 Mulcaire and Goodman, the issue thus remained properly 22 an operational matter for the police and CPS", 23 et cetera. 24 You go on to say: 25 "In the several months thereafter until I stood Page 171</p>	<p>1 So that was certainly my impression when I left 2 office, that having carried out the convictions on 3 Goodman and Mulcaire, that now what was being done on 4 the generality of it because there were other suspected 5 victims of this -- 6 Q. Perhaps we'll come on. That was your very final 7 meeting, wasn't it, with -- 8 A. I think it was my final meeting. I can't be sure of 9 that, but I think the final meeting was around May with 10 Ian. 11 Q. We'll come onto that in a moment as we're working 12 through the chronology. I want to finish off on 13 paragraph 35. You explain that again on what was then 14 known to ministers, this was properly an operational 15 matter for the police: 16 "This perception was not confined to ministers but 17 shared much more widely. During my time as Home 18 Secretary I met with politicians, officials and members 19 of the public on a regular basis and cannot recall the 20 investigation being a live topic of conversation." 21 So how did you assess the perception if it wasn't 22 being discussed? 23 A. This is my recollection some six years later. I don't 24 recall this being raised with me at press conferences, 25 when I met members of the public, when I was in my Page 173</p>

16 (Pages 170 to 173)

<p>1 constituency. It wasn't raised with me in Parliament,</p> <p>2 no oral or written questions, no demands for statements,</p> <p>3 none of the regulators was raising it. So in reality</p> <p>4 this was at the time based on what we as ministers knew</p> <p>5 was a very tiny dot at the far edge of a very crowded</p> <p>6 radar screen in the Home Office and that's where it</p> <p>7 remained for some considerable time, I suppose until</p> <p>8 2009 when some wider revelations started to come out.</p> <p>9 Q. We'll come on to that period. You've already answered</p> <p>10 my next question about whether or not the subject was</p> <p>11 ever raised with you by anyone else, regulatory body,</p> <p>12 sources within the newspaper industry, anyone from News</p> <p>13 International, and the answer to that was no.</p> <p>14 A. There's two aspects to that. One is did any of the</p> <p>15 regulatory bodies like Her Majesty's Inspector of</p> <p>16 Constabulary come to me and say, "Look, there's</p> <p>17 something wrong here with the way the Met's handling</p> <p>18 this" or something, and the answer to that is no, not to</p> <p>19 my knowledge did anybody come and say that.</p> <p>20 The second, was it never raised by anybody at</p> <p>21 News International in any of the interactions I had with</p> <p>22 them either through formal scheduled meetings or</p> <p>23 otherwise, and the answer to that is no as well. I can</p> <p>24 genuinely say I cannot recall anybody, even, you know,</p> <p>25 a reporter you might meet in a corridor in the House of</p> <p style="text-align: center;">Page 174</p>	<p>1 sitting on the National Criminal Justice Board at the</p> <p>2 same time as Lord Reid was, but I have no recollection</p> <p>3 particularly of any mention either of this or indeed of</p> <p>4 any other issue that particularly impacts on my memory.</p> <p>5 I had not noticed it until I just read it in your</p> <p>6 statement.</p> <p>7 MS PATRY HOSKINS: I want to turn to your contact with the</p> <p>8 MPS during this period because we need to cross the t's</p> <p>9 and dot the i's. You explain in paragraph 43 onwards</p> <p>10 that you did throughout this period regularly meet with</p> <p>11 representatives of the police in the course of your</p> <p>12 duty, especially, as has become self-evident I'm sure,</p> <p>13 in connection with counter terrorism matters.</p> <p>14 You explain that you most often met with Andy Hayman</p> <p>15 and/or Peter Clarke in their counter terrorist role and</p> <p>16 you say this at paragraph 43:</p> <p>17 "It is of course quite possible that the issue was</p> <p>18 touched upon ..."</p> <p>19 And the issue we're talking here about the Caryatid</p> <p>20 issue.</p> <p>21 "It is quite possible that the issue was touched</p> <p>22 upon informally with either of them around the time of</p> <p>23 the initial media coverage of 8-9 August but I cannot</p> <p>24 personally recollect any specific discussion with them</p> <p>25 on this matter."</p> <p style="text-align: center;">Page 176</p>
<p>1 Commons, while I was Home Secretary, or indeed</p> <p>2 afterwards, having said to me anything about this issue.</p> <p>3 Q. Paragraph --</p> <p>4 A. I suppose when you look back, given that there was such</p> <p>5 a lack of live discussion on it, it might not have made</p> <p>6 sense for anybody to raise the issue either. Anybody</p> <p>7 from News International, I mean.</p> <p>8 Q. At paragraphs 41 and 42, you give us a very detailed</p> <p>9 analysis of some of the other issues in the general area</p> <p>10 of policing and security that were given higher priority</p> <p>11 during this time, just so that the Inquiry has a flavour</p> <p>12 of the sorts of issues that you were having to deal</p> <p>13 with.</p> <p>14 A. Yes.</p> <p>15 Q. And then at 42, you don't deal just with the priorities,</p> <p>16 you also deal with the routine ministerial duties that</p> <p>17 you had to deal with as well.</p> <p>18 A. I apologise for the length of these, but prioritisation</p> <p>19 is almost by definition a relative decision. You decide</p> <p>20 to concentrate on something compared to the other things</p> <p>21 that you might concentrate on. Given what was known at</p> <p>22 the time, this was not a high priority.</p> <p>23 Q. All right. I'm going to move --</p> <p>24 LORD JUSTICE LEVESON: I ought perhaps just to declare --</p> <p>25 I noticed it -- that the probability is that I was also</p> <p style="text-align: center;">Page 175</p>	<p>1 Then you say to the best of your recollection you</p> <p>2 never met with John Yates but you did have meetings with</p> <p>3 the Met Commissioner and you've already explained that</p> <p>4 you had a conversation with him on the night of</p> <p>5 8 August?</p> <p>6 A. Yes.</p> <p>7 Q. "What the hell is going on?" I think were your precise</p> <p>8 words.</p> <p>9 A. That was paraphrasing. I was probably much more polite</p> <p>10 than that.</p> <p>11 Q. Indeed.</p> <p>12 Paragraph 46 onwards deals with an MPS report which</p> <p>13 Peter Clarke, the former Deputy Assistant Commissioner,</p> <p>14 seems to have said in evidence was sent to you.</p> <p>15 Before I ask you whether or not you saw it or before</p> <p>16 we look at it, can we look at what Mr Clarke said, both</p> <p>17 in his written evidence to the Inquiry and in his oral</p> <p>18 evidence, please.</p> <p>19 Tab 5 is his witness statement to the Inquiry and</p> <p>20 turn to page 48 internally, paragraph 100, I believe.</p> <p>21 A. Page?</p> <p>22 Q. Page 48 internally. This is actually about a discussion</p> <p>23 that he may have had with you. Do you see that?</p> <p>24 A. Page 48, yes. Is that paragraph 100?</p> <p>25 Q. 100. I'll read it for those of us who don't have it:</p> <p style="text-align: center;">Page 177</p>

17 (Pages 174 to 177)

<p>1 "I am absolutely clear in my mind Her Majesty's 2 Government were fully aware of the case at the time 3 Goodman and Mulcaire were arrested. I recall discussing 4 the case with John Reid, then Home Secretary, shortly 5 after Goodman and Mulcaire had been arrested. This was 6 in the margins of a meeting about broader counter 7 terrorism issues in the immediate aftermath of the 8 Operation Overt arrests and was of little significance 9 other than to demonstrate that the Home Office had been 10 informed of the arrests and the broad nature of the case 11 that was alleged against Goodman and Mulcaire." 12 So that's what he's saying about the discussion. 13 A. Yes. 14 Q. In the margins of a meeting about something else, in the 15 media aftermath of Operation Overt, and describes it as 16 of little significance other simply than to demonstrate 17 that the Home Office had been told of the arrest and the 18 broad nature of the case. 19 Now if we then look at what he said in oral 20 evidence, please, it's the next tab and the first page 21 of that should contain an extract from the transcript of 22 proceedings on 1 March 2012. 23 A. Is this 6 or 7? 6, yes, I have it, thank you. 24 Q. Mr Clarke has been asked a number of questions about 25 whether or not the government should have been informed Page 178</p>	<p>1 difficult for the police not to pursue it." 2 And then the question is: 3 "He might well have done but perhaps I haven't 4 explained very clearly." 5 And he refers there to the victims strategy not 6 working as intended. And then the box underneath that, 7 which is page 54, Mr Jay, just after the line 8: 8 "Can I just go back to your discussion with Dr Reid, 9 the then Home Secretary. Did you make it clear to him 10 that although the investigation had clearly and 11 conclusively implicated Goodman and Mulcaire, (a) the 12 range of victims was far wider than the royal household, 13 and (b) that other journalists might well have been 14 involved?" 15 A. Yeah. 16 Q. He specifically asked that question about your state of 17 knowledge. 18 A. Yes. 19 Q. And he says: 20 "I think it did. I don't remember the exact content 21 of that discussion. I know that a briefing paper went 22 from the Met Police to the Home Office and that Dr Reid 23 was aware of it and it was on the basis of that that he 24 asked me some questions in the margins of another 25 meeting, a meeting actually about the airlines terrorist Page 180</p>
<p>1 about what was going on during this period. 2 A. Yes. 3 Q. Do you see that? 4 A. Yes. 5 Q. Look at the top left-hand box, the one that says page 53 6 at the bottom. The question is: 7 "One possible consequence of informing Lord Prescott 8 or the then Deputy Prime Minister, of course we know he 9 wasn't informed, some might say that had he been 10 informed it might not have been possible to, as it were, 11 put a lid on this. There might have been an explosion. 12 This would have entered the public domain and you might 13 have been forced to carry out the investigation you did 14 not want to carry out; was that a consideration which 15 entered your mind?" 16 And he says: 17 "Well, it wouldn't be for me to go direct to 18 Lord Prescott. I discussed this with the then Home 19 Secretary, Dr Read. He was aware of the investigation." 20 And then Lord Justice Leveson says: 21 "Well, the point is, if he'd been alert to the 22 extent to which his personal information was available 23 [that's Lord Prescott] the limited extent to which 24 Mr Garnham has reminded me, then as a victim he might 25 have had a reaction that would have meant it was very Page 179</p>	<p>1 plot." 2 And then Lord Justice Leveson says: 3 "Do we have that document?" 4 Mr Jay says: 5 "No, no. We can ask for it." 6 And Lord Justice Leveson says: 7 "I'm just keen to cope as comprehensively as I can 8 with the allegations that have been made, which are, of 9 course, extremely damaging to the Metropolitan Police." 10 I'll pause there. Those are the extracts I'd like 11 you to consider. Now can we agree this. Mr Clarke is 12 saying two things really, one that he had a conversation 13 with you, which is in line with what he said in his 14 written statement? 15 A. Mm. 16 Q. And if we look carefully at what he says, he thinks that 17 during the course of that discussion he made it clear to 18 you that (a) the range of victims was far wider than the 19 Royal household and (b) that other journalists might 20 well have been involved, right? 21 A. Right. 22 Q. I don't ask you to comment on it for the moment, I just 23 want you to understand the parameters of what he says. 24 A. Okay. 25 Q. The second thing he's saying is he knows a briefing Page 181</p>

18 (Pages 178 to 181)

1 paper went from the Metropolitan Police to the Home
 2 Office and that you were aware of it and it's on that
 3 basis that you then had the discussion?
 4 **A. Yes.**
 5 Q. Do you see that? That's essentially what he says?
 6 **A. Yes.**
 7 Q. We can't take it any further than that because that's
 8 essentially what he says about these issues.
 9 Can we first of all look at the briefing paper that
 10 was referred to by Mr Clarke in his evidence there.
 11 It's at tab 7.
 12 **A. Yes.**
 13 Q. This is the one that he says was sent to the Home Office
 14 and was seen by you.
 15 **A. Yes.**
 16 Q. And that formed the basis for your discussion. Look at
 17 it, please, Lord Reid. Did you ever see this -- it's
 18 dated 9 August. Did you ever see this document at the
 19 time?
 20 **A. Not to the best of my knowledge, not to the fullness of**
 21 **my recollection. The first time I saw this was**
 22 **immediately after Peter had given his evidence, and**
 23 **I managed to acquire this document. It was never sent**
 24 **to me. As it says clearly at the top of it, it was**
 25 **provided to the Home Office Terrorism and Protection**
 Page 182

1 **Unit.**
 2 Q. Can we pause there, as it makes clear in paragraph 1:
 3 "This is a confidential document provided to the
 4 Home Office Terrorism and Protection Unit following the
 5 briefing note prepared by Richard Riley for the Home
 6 Secretary" --
 7 LORD JUSTICE LEVESON: It's important to underline this
 8 isn't the first piece of paper. Actually the next
 9 document appears to be the first piece of paper, because
 10 this document refers to the briefing note, and the
 11 briefing note must be the next document; is that right?
 12 **A. I can help you, sir, yes. The first piece of paper --**
 13 **you recall I discovered this through the news on the**
 14 **evening of the 8th. I then phoned my private office.**
 15 **My private office then phoned the office of the**
 16 **Permanent Secretary. The Permanent Secretary's**
 17 **secretary was called Richard Riley. Richard Riley gave**
 18 **my private office the information they had, which they**
 19 **conveyed to me, which was no more than was in the media**
 20 **reports.**
 21 **The following day as a result of my call,**
 22 **Richard Riley prepared a one-page note, which we've**
 23 **already covered, which went no further than anything**
 24 **that had been in the media.**
 25 **At the same time, somebody in the Home Office phoned**
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1 **the Metropolitan Police or emailed the Metropolitan**
 2 **Police, we have the emails here, and said, "Can you give**
 3 **us any further information?" and this is the MPS note**
 4 **that was sent to the terrorist protection unit, not to**
 5 **my office, to which Peter Clarke apparently referred,**
 6 **because he assumed that because I asked him a question**
 7 **on the presumably snatched conversation on the margins**
 8 **of another meeting, that I must have read this. In**
 9 **fact, my information had come from the media. And the**
 10 **conversation with the Metropolitan Commissioner.**
 11 MS PATRY HOSKINS: The following page is the note we've
 12 already looked at.
 13 LORD JUSTICE LEVESON: Yes, I know, but I assumed that this
 14 document followed the document at 8 because it refers to
 15 a briefing note prepared by Richard Riley for the Home
 16 Secretary on 9 August.
 17 MS PATRY HOSKINS: It certainly followed in time.
 18 **A. It followed in time.**
 19 MS PATRY HOSKINS: We're going to have some evidence on
 20 whether or not it did physically follow or not.
 21 LORD JUSTICE LEVESON: All right.
 22 MS PATRY HOSKINS: The document makes clear in the first
 23 paragraph that it's a document provided to the Home
 24 Office Terrorism and Protection Unit.
 25 **A. TPU.**
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1 Q. What is the TPU? What's its role?
 2 **A. The TPU is a unit in the Home Office which to the best**
 3 **of my knowledge, it isn't a policy unit that sits with**
 4 **the private office of the Home Secretary, it deals with**
 5 **the protection of VIPs, it would allocate resources, it**
 6 **would take care of the technical side of things and so**
 7 **on, and if you read carefully this note, this note is**
 8 **actually a technical operational type note, it's about**
 9 **two and a half pages, one and a half pages of which**
 10 **tells you how to hack a phone, and it tells them the**
 11 **sort of things that have been done.**
 12 **It doesn't say anything more on any of the general**
 13 **aspects of journalists or anything else than was in the**
 14 **media. It doesn't mention the DPM. It doesn't mention**
 15 **journalists other than Mulcaire and Goodman. It doesn't**
 16 **mention dozens of MPs, thousands of names or anything.**
 17 **In any case, even if it did, it wasn't sent to me. It**
 18 **was sent to the operational centre for VIP protection,**
 19 **terrorist protection unit, and it was sent by Commander**
 20 **Loughborough over at the Met who deals with presumably**
 21 **similar things among his many responsibilities.**
 22 Q. When you say in your statement it was not prepared for
 23 you, is that what you mean, it was prepared for
 24 essentially a technical unit within the Home Office?
 25 **A. Yes. If you read the emails behind this, I'm not**
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1 suggesting we should go through them, I'm happy to go
 2 through them in detail, but one of the things it says is
 3 that note from the Home Office TPU saying, "We told the
 4 Home Secretary what we know of this, which is very
 5 little."
 6 What I'm saying to you is actually verified in the
 7 exchange of emails. So is there anything else we should
 8 know about it? This note is then sent and then the
 9 ensuing emails go on to discuss, well, should we talk to
 10 the telephone companies? What practical measures should
 11 we put in place?
 12 So the assumption that Peter understandably made,
 13 that the information I had got came from a note from the
 14 MPS, was a wrong assumption. The information I had in
 15 the first instance came from the television, radio,
 16 Internet, and then it came from a brief conversation
 17 with the Met Commissioner, and in any case it would be
 18 interesting to know when this note was actually sent,
 19 because I learned of this on the evening of the 8th and
 20 you may wish to explore whether this was sent on the 8th
 21 or the 9th. It's dated the 9th but it wasn't sent then.
 22 Q. We'll look at the emails in just a moment. I just want
 23 to clarify a number of matters. The first is if
 24 a document like this was sent to the TPU, not marked for
 25 your attention in any obvious way, simply provided to

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1 the Home Office TPU, how likely is it that you would get
 2 to see it or it would be passed for your attention?
 3 A. Well, it's highly unlikely that it was sent to me unless
 4 it had some great significant revelation in it other
 5 than the one sentence that says it's suspected that
 6 a Cabinet Minister may have been a victim. That was
 7 already all over the news. There's no reason why
 8 somebody would immediately say we'll send this to the
 9 Home Secretary. It certainly wasn't copied in to me.
 10 And if it did, it wouldn't have told me anything that
 11 I didn't already know anyway.
 12 Q. So we know it doesn't mention other journalists being
 13 potentially involved, it doesn't mention any reference
 14 to anything like the number of victims that we now know
 15 about, and as you say, large parts of it are essentially
 16 an operational note --
 17 A. And it doesn't mention the Deputy Prime Minister.
 18 Q. And in fact a lot of it is explaining how Goodman and
 19 Mulcaire operated, how they accessed PIN numbers?
 20 A. Yes.
 21 Q. And so on and so forth?
 22 A. Incidentally, some of that was also in the media, if you
 23 read the reports on Radio 4 for the 8th and 9th they had
 24 experts on telling you how to do that, so even that
 25 wasn't particularly new.

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1 Q. We'll look at the emails, but for the sake of
 2 completeness, you explained to us that you've spoken now
 3 with the head of the TPU, Mr Nye, who doesn't recall
 4 speaking to you about this either.
 5 A. No. In the wake of one particular report, which
 6 I obviously felt misrepresented the position, I took the
 7 trouble to phone up my former Permanent Secretary, the
 8 head of the TPU, members of my privates office, my
 9 special advisers, and said, "Please tell me if you can
 10 recollect any conversation we had on this issue at the
 11 time, because I don't want to be in a position where I'm
 12 saying something and you can recall discussing it."
 13 The answer from all of them, including William Nye,
 14 was, "No, I can't recall any discussion we had on this."
 15 Q. That's helpful. Can we come to the emails briefly.
 16 They're at tabs 11 to 20 of the bundle. 11 we can
 17 ignore because it's a handwritten note.
 18 A. Yes.
 19 Q. There is a transcript of it over the page on tab 12, so
 20 we can look at that instead. Can you shed any light on
 21 what this note is?
 22 A. Yes. It's basically a fuller operational note that
 23 follows up the brief note that Richard Riley had
 24 prepared. What appears -- if you want me to run through
 25 it quickly?

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1 Q. Okay, why don't we run through it very quickly?
 2 A. What appears to have happened is somebody at the Home
 3 Office and TPU got in contact with Commander
 4 Loughborough's office and said, "Look, what is going
 5 on?" There were obviously various attempts from this
 6 handwritten note to phone people, it's an undated
 7 handwritten note so I don't know when they were made,
 8 but it's not surprising that everybody in the Home
 9 Office appeared to be unavailable because they were
 10 involved in counter terrorism and we'd just launched
 11 Operation Overt.
 12 He then responds to the TPU and says -- sorry, the
 13 TPU in the Home Office write to him and they say: Our
 14 knowledge -- this is from Tim Warren to Commander
 15 Loughborough on the 9th, so that's marked "2" on the top
 16 right-hand side -- they say: Our knowledge is very
 17 limited on this, can you tell us anything? That's
 18 basically the story of that first message.
 19 Q. Can we just be sure it's tab 13 we're on?
 20 A. Yes.
 21 Q. Email from Tim Warren to Peter Loughborough?
 22 LORD JUSTICE LEVESON: Yes, I've got it.
 23 A. You've got it?
 24 MS PATRY HOSKINS: We know Tim Warren is from the TPU?
 25 A. He says there how limited our information was in it.

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<p>1 Just for the record, it also says underneath it: 2 "For the record the Home Secretary asked for an 3 urgent note on what we knew about yesterday's MPS 4 arrests which are now subject to media reporting." 5 That's because I had phoned the night before, that's 6 the note from Richard Riley, because I had known nothing 7 about this when it come up. 8 LORD JUSTICE LEVESON: Yes. 9 A. Then the following day, or rather still on 9 August, 10 there's a response from Peter Loughborough. It says: 11 "Thanks, I'll discuss this with the senior 12 investigating officer." 13 Then the later one, which is still on 9 August, 14 Commander Loughborough says: "I'm meeting Keith ...", 15 presumably Keith Surtees. 16 MS PATRY HOSKINS: Tab 15. 17 A. "... shortly to discuss this." This is on tab 15. 18 On tab 16, there is a draft which is prepared, which 19 is sent to someone else inside the Met for 20 consideration -- 21 Q. Pause there. This is a draft of the MPS note that was 22 sent -- 23 A. Yes, I assume so. I've only seen these a week ago so 24 I assume that was the draft being prepared and this is 25 now 7 o'clock on 9 August, it's sent for comment to</p> <p style="text-align: center;">Page 190</p>	<p>1 MS PATRY HOSKINS: Anything within that to indicate that it 2 was anything other than sent to the TPU? 3 A. We've gone into that in perhaps inordinate detail but 4 basically to illustrate that what I said in my 5 statement, before I saw these emails, before I actually 6 saw them, appears to be verified. 7 I mean, first of all, this note was not addressed to 8 me, but went to the TPU. Secondly, there was nothing in 9 this note that wasn't already in the public domain. And 10 thirdly, it would appear to have been sent on 11 August, 11 after there had been wide media coverage based on the 12 original MPS draft. In fact much of this note could 13 have come from the MPS draft. I merely emphasise again 14 this is not a complaint. It's to set the record 15 straight because these guys who were preparing this were 16 up to their eyes in Operation Overt. 17 Q. Let's see if there's any difference between the evidence 18 you've just given us and the evidence of Mr Clarke. He 19 says: 20 "I know that a briefing paper went from the 21 Metropolitan Police to the Home Office ..." 22 A. Correct. 23 Q. Yes, it went to the TPU, you would say? 24 A. Yes. 25 Q. "... and that Dr Reid was aware of it."</p> <p style="text-align: center;">Page 192</p>
<p>1 Keith Surtees. 2 The next one at tab 17 is the draft itself, which as 3 we've already noted says practically nothing that hasn't 4 already been in the 8th and 9th in the press. 5 Then it is sent for comments to somebody called 6 Caroline Murdoch, interestingly, which I take it was 7 also somebody inside the Met rather than elsewhere, 8 saying is this suitable to send across to the TPU? 9 But then, presumably because everyone else is 10 working on Operation Overt, on tab 19, which is 11 10 August, the following day, at 6.30 it still hasn't 12 been sent because he's unable to speak to the senior 13 investigating officer who's been involved all night with 14 the current operation, which is Operation Overt. 15 Q. Yes. 16 A. And he says: 17 "I will speak to you again tomorrow morning." 18 And that's the 11th. So presumably at some stage on 19 the 11th the paper is finally sent, and there is a note 20 of receipt and comments sent at 5 o'clock on the evening 21 of the 11th for the note which basically covers what has 22 been in the press for the last two and a half days. 23 Q. That's tab 20. 24 A. That's tab 20, sir. 25 LORD JUSTICE LEVESON: Yes.</p> <p style="text-align: center;">Page 191</p>	<p>1 Well, you say no, but can you explain why he thinks 2 you were aware of it? 3 A. Because the topics covered in that were precisely the 4 topics covered in the media, no more and no less, and 5 therefore Peter quite correctly -- I don't think Peter 6 has in any way attempted to ill-inform the committee. 7 I think it is perfectly possible that on the evening of 8 9 August when we were dealing with Operation Overt the 9 following day, perfectly possible I had a conversation 10 with him, as he said, on the margins, as he said, of 11 little significance other than to indicate I knew the 12 broad nature of the case against Mulcaire and Goodman, 13 everything written by that time through the media knew 14 the broad case, and therefore he has assumed -- he knew 15 there was a note sent to the Home Office because 16 somebody had tried to have it cleared with him, and he's 17 assumed that the questions I asked him were on the basis 18 of that note rather than what I heard in the media and 19 the conversation with the Commissioner. 20 Q. The last t to cross and i to dot is this. He says that 21 during this discussion on the margins of another meeting 22 he thinks that he made it clear that the range of 23 victims was far wider than the Royal household and that 24 other journalists might be involved. Is that your 25 recollection of what was discussed?</p> <p style="text-align: center;">Page 193</p>

21 (Pages 190 to 193)

1 **A. The first part of it is taken for granted. It was in**
 2 **the public domain that there were victims other than the**
 3 **Royal household, so I think he's right on that. I had**
 4 **no knowledge at the time that there were other**
 5 **journalists, but he's -- you know, Peter is not definite**
 6 **on that. He says he thinks.**
 7 **The interesting thing is that he says, "I think it**
 8 **did". I'm not sure whether that refers to the**
 9 **discussion or to the Metropolitan Police paper, which**
 10 **didn't come to me. If it referred to the latter, of**
 11 **course he was mistaken anyway because that didn't refer**
 12 **to other journalists either.**
 13 **Q. We now have your evidence on this. Let's cast aside the**
 14 **detail. There are two documents that you say you simply**
 15 **didn't see, the first briefing note, 9 August, the**
 16 **Richard Riley note, and then secondly the MPS briefing**
 17 **which was sent to the TPU, yes?**
 18 **A. Yes.**
 19 **Q. Leave aside for the moment that you didn't see them.**
 20 **A. Right.**
 21 **Q. If you had seen them both, assuming it, do you think**
 22 **your reaction would or could have been any different?**
 23 **A. No, since neither of them said any more, to all intents**
 24 **and purposes neither of them said any more than was**
 25 **already in the public domain, then my reaction wouldn't**
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1 **have been any different.**
 2 **It's also worth pointing out that if I had been told**
 3 **a little more, then I would have been bound by the**
 4 **confidence that ministers have to observe when they're**
 5 **given confidential information. As it happens,**
 6 **I wasn't. So some of this, while it is worth**
 7 **establishing the record, some of it is rather academic**
 8 **because the position was that there was in the public**
 9 **domain the knowledge that there had been arrests, that**
 10 **people had done phone hacking and it was likely there**
 11 **were other suspects, including either a Cabinet Minister**
 12 **or --**
 13 **LORD JUSTICE LEVESON: Again, you mean victims.**
 14 **A. I beg your pardon, I beg your pardon, you're quite**
 15 **correct. Thank you for that. It was in the public**
 16 **domain that there were possible other victims, including**
 17 **an MP or a Cabinet Minister.**
 18 **What was not in the public domain and was not in my**
 19 **awareness was that there were other journalists**
 20 **suspected, that there were perhaps hundreds of victims**
 21 **and thousands of names, that the DPM was one of them,**
 22 **Deputy Prime Minister, so all of this material that we**
 23 **now know and which sometimes in some of these reports**
 24 **it's implied I must have known at the time is completely**
 25 **untrue. That was the extent of my awareness.**
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1 **MS PATRY HOSKINS: All right. I have a couple of questions**
 2 **that have been asked by another core participant to this**
 3 **Inquiry. Should you have attempted to find out more in**
 4 **your view, especially given that Cabinet ministers are**
 5 **rumoured to have been victims?**
 6 **A. There is a distinction in a democratic society and thank**
 7 **God it exists between politicians' accountability and**
 8 **oversight of agencies, whether it's intelligence or**
 9 **police, and the actual control and intervention in**
 10 **operations. That is a distinction that is absolutely**
 11 **essential, and therefore a minister is told about things**
 12 **but only in very exceptional circumstances will**
 13 **intervene.**
 14 **If we ask what were those circumstances and did they**
 15 **apply at the time, first of all, where there is some**
 16 **prima facie evidence that there is malfeasance or**
 17 **incompetence or something else wrong with the operation**
 18 **itself, there wasn't a shred of evidence or indeed any**
 19 **suggestion to me from any quarter that that was the case**
 20 **as regards this investigation. Secondly, if the**
 21 **regulatory authorities came to you, like HMIC, came to**
 22 **you and said, "You ought to look into this further".**
 23 **Thirdly, if there was such a public and Parliamentary**
 24 **demand that you would demand further information or**
 25 **whatever, and none of those circumstances pertained at**
 Page 196

1 **the time.**
 2 **So I am not sure on what grounds, other than**
 3 **hindsight, which is the only exact science known to men**
 4 **and women, I'm not sure on what grounds it would be**
 5 **argued that I should have intervened in that police**
 6 **operation, given what I and other ministers knew at the**
 7 **time.**
 8 **Q. The second question is: did you ever speak to Cabinet**
 9 **colleagues or the Prime Minister at that time before the**
 10 **convictions?**
 11 **A. No, I didn't. And I didn't even speak to the Cabinet**
 12 **colleague whose friend was a suspected victim, and**
 13 **there's a reason for that, because however inconvenient**
 14 **it may be, if you're in receipt of confidential**
 15 **information regarding either an operation or**
 16 **a prosecution, you cannot speak to anyone about that,**
 17 **and in particular, I would think, to suspects,**
 18 **witnesses, victims or whatever. And you can't make an**
 19 **exception of that just because it's a friend who happens**
 20 **to be involved.**
 21 **So I had no discussions on that, just the same way,**
 22 **if I might say so, during the 12 months of investigation**
 23 **into Mr Blair and his office staff, I had no discussions**
 24 **with them in it and that was a real test, in a sense --**
 25 **I mean one of them I didn't even bump into from time to**
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<p>1 time, Michael Levy, who I knew, and I knew his wife was 2 terribly ill. It was terrible what was happening to 3 her. I could not lift the phone to ask him how his wife 4 was throughout that period. 5 So my knowledge was limited -- not a complaint, 6 matter of record -- but even if it had been greater, it 7 was not within the bounds of propriety and 8 responsibility as Home Secretary to start chatting about 9 this case to witnesses, suspects, victims or whatever. 10 Q. All right. Can we turn to the article which does seem 11 to allege that there was some kind of cover-up during 12 this period by the government. It's tab 21, a Guardian 13 article dated 2 March 2012. I am going to pick out some 14 highlights which I'm going to ask you to comment on in 15 a moment. 16 It starts like this: 17 "The Tony Blair government was secretly briefed 18 about the phone hacking scandal according to the head of 19 the aborted 2006 police investigation into the News of 20 the World. Peter Clarke made the unexpected claim to 21 the Leveson Inquiry this week. The hearing heard 22 details of how the targeting of Labour Cabinet ministers 23 was subsequently kept quiet." 24 It then refers to the confidential report on phone 25 hacking which was sent to you -- Page 198</p>	<p>1 MS PATRY HOSKINS: But I'm happy not to ask them. 2 LORD JUSTICE LEVESON: No, if you've been asked to ask the 3 questions, ask away. 4 MS PATRY HOSKINS: I was only introducing the concept of 5 cover-up and giving Lord Reid a chance to deal with 6 that. 7 I was going to say I've been asked to ask you some 8 questions on this by another core participant to the 9 Inquiry. You are quoted in articles which I'm not go to 10 turn up, I've provided you with copies, but quoted in 11 articles -- 12 A. Just before you go on would you permit me, I hope that 13 my answers have adequately responded to any questions 14 either of you might have, and in the course of it, 15 though that was not the intention, completely undermined 16 the premise on which this was based about secret 17 meetings and all sorts of information. 18 LORD JUSTICE LEVESON: It's why I asked the question of 19 Ms Patry Hoskins. 20 A. Yes, sir. I hope that what I have said today puts to 21 rest the sort of conspiracy theory regarding -- I know 22 these conspiracy theories go around, sir. I saw one the 23 other day was based on the fact that we had mysteriously 24 brought forward the anticipated date of the counter 25 terrorist activity in order to coincide with the arrest Page 200</p>
<p>1 LORD JUSTICE LEVESON: Ms Patry Hoskins, I won't stop you 2 doing this, but having gone through the whole story and 3 because this story is based entirely on the reading of 4 what Mr Clarke said to me, what's the value in going 5 over this? 6 MS PATRY HOSKINS: Sir, you might say this, but in fact the 7 crucial paragraph comes over the page four paragraphs 8 down where it says: 9 "The police claim to Leveson raised the possibility 10 for the first time that the Blair government colluded in 11 a cover-up. At the time, according to former ministers, 12 the Labour administration was anxious to keep on good 13 terms with the Murdoch papers." 14 I wasn't going to go through any of what we've 15 already discussed at some length but to address the 16 issue of whether or not somehow any of this decision not 17 to do anything or take matters any further might have 18 been because of a desire to keep on good term with the 19 Murdoch papers. 20 LORD JUSTICE LEVESON: I think I've -- 21 MS PATRY HOSKINS: To that end I'm afraid I've received 22 a number of questions from other core participants 23 asking about whether or not Lord Reid had a special 24 relationship with the Murdoch papers. 25 LORD JUSTICE LEVESON: All right. Page 199</p>	<p>1 and charge of Mulcaire and Goodman, implying presumably 2 that this conspiracy not only embraced the Home Office 3 and the Blair government, but the Americans, CIA, the 4 Pakistani authorities and Al Qaeda the same. So I think 5 it is important to just lay this sort of thing to rest. 6 LORD JUSTICE LEVESON: Thank you. 7 MS PATRY HOSKINS: That was one of the questions I was going 8 to ask you but I think I'll strike it off my list now. 9 LORD JUSTICE LEVESON: I don't provide a commentary on where 10 I am in any of this, but you've gone through this 11 exhaustively, Lord Reid. I understand exactly your 12 position and I see how the documents fit together very 13 clearly. 14 A. Thank you kindly, sir. 15 MS PATRY HOSKINS: It's pointed out by another core 16 participant to this Inquiry that you were given very 17 favourable coverage in the Sun and the News of the World 18 on the following dates. June 26, July 16, July 19 and 19 August 11, 2006. The question really is: did you obtain 20 that favourable coverage as a result of providing some 21 kind of privileged access to Home Office announcements? 22 A. Right. Forgive me for being blunt in this, but part of 23 my submission pointed out that newspapers do not just 24 report the facts; they shape the facts, they select 25 particular facts. They're very selective, so that they Page 201</p>

23 (Pages 198 to 201)

<p>1 suit the prejudices.</p> <p>2 If I had chosen an illustration to put before you,</p> <p>3 Lord Leveson, of that type of selection, it would be</p> <p>4 this very question. I only got notice of it very</p> <p>5 recently and Googled this morning. Let me tell about</p> <p>6 the selectivity of this question. I have no idea</p> <p>7 whether it was placed by representatives of, say, the</p> <p>8 Guardian or someone, but let me just come back to you on</p> <p>9 it.</p> <p>10 First of all, the selection of this question picks</p> <p>11 two leaders from the Sun. It does not mention in the</p> <p>12 Sun that they ran an eight-week campaign to try and</p> <p>13 destroy me, describing me as the Ali G of the Labour</p> <p>14 Party, describing me as the man who'd lost his brain.</p> <p>15 Attacking me for going away for a weekend. So the</p> <p>16 selectivity of two leaders managed to miss out all of</p> <p>17 the areas where the Sun was critical against me.</p> <p>18 Secondly, it was selective -- and I think I provided</p> <p>19 you with some of those --</p> <p>20 Q. They're in tabs 21 --</p> <p>21 LORD JUSTICE LEVESON: Yes, I've seen them.</p> <p>22 A. That slightly balances it up.</p> <p>23 Secondly, this morning I Googled other papers around</p> <p>24 that time to see whether the Sun was untypical of what</p> <p>25 was being said at the time, because of course they</p> <p style="text-align: center;">Page 202</p>	<p>1 articles which were covering this. Many of them were</p> <p>2 kind enough to say that I'd handled this competently.</p> <p>3 Some, of course, in the wake of this, weren't. The</p> <p>4 Guardian got Tom Bower to do a hatchet job on my</p> <p>5 profile, the Mail did the same with Stephen Glover, but</p> <p>6 many of them were fair and many of them were also aware</p> <p>7 of the third item which was not mentioned in the</p> <p>8 question, which was the cruel baiting of the Deputy</p> <p>9 Prime Minister John Prescott because it doesn't mention</p> <p>10 the context, although he's mentioned in those leaders</p> <p>11 that they gave you, he had just come out of a terrible</p> <p>12 period where his private life had been exposed to attack</p> <p>13 and ridicule.</p> <p>14 So my answer to this is: there was no particular</p> <p>15 slant on the Sun's story that wasn't represented</p> <p>16 anywhere else, with this exception, that I have no doubt</p> <p>17 that the animosity between the Sun and John Prescott was</p> <p>18 such that they would have elevated me to diminish John.</p> <p>19 Similarly, for six months of the next year, they</p> <p>20 diminished me to elevate Gordon Brown. That was their</p> <p>21 agenda. But it was also unfortunately the agenda of</p> <p>22 other newspapers as well.</p> <p>23 Q. So I think the answer to my question is no, you did not</p> <p>24 obtain favourable coverage as a result of providing any</p> <p>25 preferential access to the Sun or the News of the World?</p> <p style="text-align: center;">Page 204</p>
<p>1 selected the Sun out of the rest of them. I haven't had</p> <p>2 time to give you this, but, for instance, if you look at</p> <p>3 some of the Mirror articles at the time:</p> <p>4 "With two-thirds of the Cabinet also away on</p> <p>5 holiday, it was left to Home Secretary John Reid and</p> <p>6 Transport Secretary Douglas Alexander to deal with the</p> <p>7 situation" -- bear with me if you would.</p> <p>8 "The man supposed to be in charge of the country,</p> <p>9 disgraced Deputy Prime Minister John Prescott, found</p> <p>10 himself completely sidelined."</p> <p>11 And so on and so forth.</p> <p>12 If you look at the Daily Record, part of the Mirror</p> <p>13 Group as well around this time, it was pointing out the</p> <p>14 role that I had played and diminishing the role that</p> <p>15 Tony Blair and Prescott had played.</p> <p>16 If you look at the Mirror two days later:</p> <p>17 "Prezza in row over plot raps."</p> <p>18 If you look at the Telegraph:</p> <p>19 "Reid takes charge as Blair frets over flying back</p> <p>20 from Barbados."</p> <p>21 The point I'm tries to make here is that the</p> <p>22 selectivity of that question is an illustration of the</p> <p>23 premise on which it's based.</p> <p>24 The truth is, and this is my answer to your</p> <p>25 question, that at that time there were thousands of</p> <p style="text-align: center;">Page 203</p>	<p>1 A. That's obvious from what I said.</p> <p>2 LORD JUSTICE LEVESON: Yes.</p> <p>3 MS PATRY HOSKINS: Right. Can we move on to some of the</p> <p>4 other questions that I've been asked to put.</p> <p>5 You were asked about Sarah's Law.</p> <p>6 A. Yes.</p> <p>7 Q. You were asked this question: how do you explain the</p> <p>8 close correlation of Home Office policy in the summer of</p> <p>9 2006 with the campaigns and news agenda for the Sun and</p> <p>10 the News of the World, particularly regarding</p> <p>11 Sarah's Law? And linked to that is a number of</p> <p>12 questions about when the decision to introduce</p> <p>13 Sarah's Law was made.</p> <p>14 A. I tell you when I took the decision to do something</p> <p>15 about it was years earlier, when I was Secretary of</p> <p>16 State for Northern Ireland, I was given a file at the</p> <p>17 end of which was a form I was asked to sign to release</p> <p>18 a paedophile murderer who had murdered an 8-year-old</p> <p>19 girl in circumstances that I won't put before this</p> <p>20 inquiry, but are still very alive in my mind. And he</p> <p>21 was to be released back into the community, indeed</p> <p>22 I think the very area where that young victim's mother</p> <p>23 and sisters lived, and I argued for days -- and this is</p> <p>24 years before 2006 -- I argued for days with my officials</p> <p>25 saying, "I will not sign this release", and I was told</p> <p style="text-align: center;">Page 205</p>

24 (Pages 202 to 205)

<p>1 I legally had to sign the release.</p> <p>2 I then said I wouldn't sign it because I hadn't made</p> <p>3 the decision, I had no power to make the decision,</p> <p>4 I won't take the responsibility of releasing this man</p> <p>5 back into the community because I knew what he had done</p> <p>6 and it was awful, too awful to describe.</p> <p>7 Eventually, I had to sign it, under the law, and</p> <p>8 from that time I had resolved that I would do what</p> <p>9 I could to protect potential victims of child abuse of</p> <p>10 that nature if I was ever in a position to do it.</p> <p>11 When I came to the Home Office, I was aware that</p> <p>12 there were measures that would try to prohibit</p> <p>13 paedophiles gaining access to youth groups, to Scouts,</p> <p>14 schools and to other groups, but there was no such</p> <p>15 protection for single mothers with a family who were</p> <p>16 very often the target of predatory paedophiles who</p> <p>17 ingratiated themselves with the mother.</p> <p>18 So my mind was made up before I entered the Home</p> <p>19 Office. The fact that any other group, any person like</p> <p>20 Sarah Payne or any other newspaper had reached the same</p> <p>21 conclusion was not a matter of convenience, I'm sure, in</p> <p>22 either party, but a matter of belief.</p> <p>23 Q. There are a number of other questions which I'm simply</p> <p>24 not going to put, sir.</p> <p>25 Can I then ask you to turn, please, back to your</p> <p style="text-align: center;">Page 206</p>	<p>1 ostensibly about other matters, who started quizzing him</p> <p>2 about the coming leadership election at one point</p> <p>3 blurting out 'Why don't you withdraw then?' At this</p> <p>4 stage John hadn't declared any intention to run against</p> <p>5 Gordon and in the event he didn't. The implication was</p> <p>6 clear: the smears would stop if he let Gordon have</p> <p>7 a free run."</p> <p>8 You're basically asked to confirm whether that's</p> <p>9 factually accurate. Can you please tell us in your own</p> <p>10 words about that conversation?</p> <p>11 A. Yes. The first thing, if you permit me to read what</p> <p>12 I have said in response in writing, is that the account</p> <p>13 in Chris Mullin's book is based on a much later</p> <p>14 conversation and written some years after the event</p> <p>15 itself, and therefore the style, language and inferences</p> <p>16 drawn are also of course his as the author of the piece</p> <p>17 and the details of his account are not completely</p> <p>18 accurate.</p> <p>19 However, I then say it is -- the accounts is based</p> <p>20 on a telephone conversation that did take place in</p> <p>21 January 2007. As the background to this, my</p> <p>22 relationship with the Sun had been somewhat fractious.</p> <p>23 Part of this is because right at the beginning of being</p> <p>24 Home Secretary I had been asked by the Sun to give them</p> <p>25 an exclusive interview in a profile and I had said no.</p> <p style="text-align: center;">Page 208</p>
<p>1 witness statement and the response to question 14 within</p> <p>2 that, which is page 6839. It's the last two pages of</p> <p>3 the statement itself.</p> <p>4 A. Yes.</p> <p>5 Q. You were asked here about a reported conversation</p> <p>6 between you -- can I just say I'll preface this by</p> <p>7 saying you referred to the fact that there was an</p> <p>8 eight-week campaign against you --</p> <p>9 A. It was probably more than that. It was probably on and</p> <p>10 off for four months.</p> <p>11 Q. And you referred us to the articles at tab 22 and 23.</p> <p>12 A. Yes.</p> <p>13 Q. Which appeared in the Sun. But before that happened,</p> <p>14 you had a conversation with Rebekah Wade and I just want</p> <p>15 to take you through it, please.</p> <p>16 A. Yes.</p> <p>17 Q. You were asked to comment on a reported conversation</p> <p>18 between you and Rebekah Wade as she then was which</p> <p>19 appears in volume 2 of Chris Mullin's diary, 30 April</p> <p>20 2009. He says this:</p> <p>21 "Lunch in the cafeteria where I was regaled by</p> <p>22 John Reid with an account of how as his star rose in the</p> <p>23 run-up to the man's retirement unpleasant stories about</p> <p>24 him began to appear in the Daily Mail and the Sun. Then</p> <p>25 came a call from Rebekah Wade, the then Sun editor,</p> <p style="text-align: center;">Page 207</p>	<p>1 I was then asked by the Mirror, and I said no to that as</p> <p>2 well. But the Mirror were rather cleverer or</p> <p>3 mischievous enough to say, well, would I have</p> <p>4 a photograph taken? And of course when the photographer</p> <p>5 turned up, he was accompanied by a reporter who claimed</p> <p>6 they were just on their way to another meeting together,</p> <p>7 and on the basis of a two-minute conversation then ran</p> <p>8 a two-page profile on, you know, Reid.</p> <p>9 As you can imagine, the Sun were not entirely happy</p> <p>10 with this, so for a period after this I had a few</p> <p>11 attacks levied against me in the Sun which is part of</p> <p>12 the non-selection I mentioned earlier on.</p> <p>13 Q. How do you know the Sun weren't happy? Did you have any</p> <p>14 contact from them?</p> <p>15 A. Yes, because at 7 o'clock in the morning the Sun</p> <p>16 reporter phoned my special adviser to explain in Sun</p> <p>17 language that they were not happy that we had said we</p> <p>18 weren't doing any profiles, which was true, and had</p> <p>19 refused one to the Sun, which was true, and then he</p> <p>20 believed that we had done one for the Mirror. He</p> <p>21 obviously did not believe, nor would Rebekah Wade have</p> <p>22 believed, that actually the Mirror had pulled a fast one</p> <p>23 with us under the guise of a photograph.</p> <p>24 So it kind of got off on a rather fractious start.</p> <p>25 Then during the period of the liquid bomb plot,</p> <p style="text-align: center;">Page 209</p>

25 (Pages 206 to 209)

<p>1 they, like some other publications, were kind to me in 2 what they wrote about me. However, I knew all through 3 this that on the big strategic question Mr Murdoch was 4 for a long time a supporter of Gordon Brown to succeed 5 Tony Blair. Never any question in anybody's mind about 6 that.</p> <p>7 Anyway, after the liquid bomb plot and I suppose the 8 preeminence of that and various other issues at the Home 9 Office, and the departure of several colleagues from the 10 Cabinet, I was speculated upon as a possible contender 11 against Gordon for leadership.</p> <p>12 In the October of that year I had phoned several 13 editors to tell them three things I intended to try and 14 do about the shortage of prison places. In January 15 I got a call from Rebekah, an unscheduled call from 16 Rebekah Wade, Rebekah Brooks, as she now is, ostensibly 17 to ask me about that. She asked me about prisons. She 18 was also quite angry that we had given an exclusive to 19 I think the Sunday Telegraph on the break-up of the Home 20 Office, then at the end of it she brought up the subject 21 of the leadership and asked me why I didn't withdraw my 22 name from any potential public discussion or make it 23 clear I wouldn't run against Gordon.</p> <p>24 Q. Did she explain why she was asking you that? 25 A. No, but to me it was pretty obvious, because the Murdoch</p> <p style="text-align: center;">Page 210</p>	<p>1 intimidation. I think Rebekah Wade knew me well enough 2 to know that I wasn't the type to be intimidated. In 3 fact, I knew -- sometimes suspected editors would get in 4 touch with me for the sake of a good argument.</p> <p>5 So if you put a benevolent interpretation on it, it 6 would be that she was just making the position plain 7 from the Murdoch press.</p> <p>8 MS PATRY HOSKINS: Those are all my questions, Lord Reid. 9 LORD JUSTICE LEVESON: I have one question, and I've been 10 thinking about what you knew and what you understood 11 about that whole business back in August 2006 and what 12 you'd picked up from the news, which clearly involved 13 a suggestion that there was hacking in or around 14 a Cabinet Minister.</p> <p>15 A. Yes.</p> <p>16 LORD JUSTICE LEVESON: I'd just be interested in your view 17 whether it was inappropriate for a Home Secretary to 18 say, "I'm not interested in the detail, but actually if 19 people are able to get into mobiles of those who are in 20 very high government positions", and any Cabinet 21 Minister will be in that position, "I'd like to know 22 that that's being bottomed." 23 Now, would that be appropriate? 24 A. Yes.</p> <p>25 LORD JUSTICE LEVESON: And --</p> <p style="text-align: center;">Page 212</p>
<p>1 press and particularly the Sun was going to back Gordon 2 for leadership, and they would like to have as much 3 clarity as possible, no doubt, before that. And there 4 were one or two meddlesome priests to be dealt with, I 5 suppose, in that direction.</p> <p>6 So I said to her that's a bit of a non sequitur from 7 what we were talking about, and she basically said, 8 "Well, it all looks a bit chaotic and wouldn't you be 9 better to withdraw", and so on, and I again said no, and 10 then she said, "Well, you know, you're aware that we 11 can't support you in that?" and I said, "I'm well aware 12 of that and long have been aware of it", and she made 13 some comment like, "Well, it would be better for 14 everyone if the position was clearer."</p> <p>15 Now, I didn't draw necessarily the inference that 16 Chris Mullin drew from that, because it could have been 17 a polite warning, it could have been just a conveyer of 18 information: if you're running, we're not supporting it, 19 whatever, but it is true that nevertheless four days 20 later the Home Secretary has lost his brain campaign 21 started in the Sun. And it ran for quite a period of 22 time. I think they were still running bits of it up 23 until May, even just after I had declared that 24 I wouldn't be a candidate.</p> <p>25 So I don't necessarily think it was a form of</p> <p style="text-align: center;">Page 211</p>	<p>1 A. That would -- you know, I mean I would have assumed that 2 if there had been knowledge of, well, there's another 3 four dozen MPs and there are any number of other Cabinet 4 Ministers and 400 names or whatever, that that would 5 have been a reaction.</p> <p>6 LORD JUSTICE LEVESON: But even if there are not hundreds, 7 would you have expected, simply because of what the 8 police understood of that, that if there were questions 9 about Cabinet ministers that would be brought to you or 10 you would have to ask or what? 11 A. Well, as it -- there's two different questions. One, 12 should I have been informed about the general operation 13 up until 8 August? That's one question. The second is 14 when I was told what was happening, which was basically 15 firstly through the media and then a conversation with 16 the Met Commissioner.</p> <p>17 LORD JUSTICE LEVESON: I understand. 18 A. I was informed by the Met Commissioner to the best of my 19 recollection and I'm trying to be careful about the name 20 here -- 21 LORD JUSTICE LEVESON: Yes. 22 A. -- which is why I've saved it -- 23 LORD JUSTICE LEVESON: I understand. 24 A. Which is why I have always said "not the DPM". I was 25 told it was suspected that, and if that proved to be the</p> <p style="text-align: center;">Page 213</p>

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<p>1 case, he personally would contact --</p> <p>2 LORD JUSTICE LEVESON: The person concerned.</p> <p>3 A. Yes, and obviously all means would be put into effect to</p> <p>4 try and make sure that the range of people who might be</p> <p>5 in such a target area would be protected, which is</p> <p>6 presumably why Commander Loughborough was writing to the</p> <p>7 TPU and they were thinking -- I think part of that</p> <p>8 exchange is, "What do we do now? How do we better</p> <p>9 protect people?"</p> <p>10 LORD JUSTICE LEVESON: I see. So you were getting some</p> <p>11 reassurance from the police that if anything was to come</p> <p>12 of any of this, then it would be bottomed and they would</p> <p>13 be told. Would that be fair?</p> <p>14 A. Yes. And the one specific case that was mentioned to</p> <p>15 me, I think I was told -- and in fact I think it's</p> <p>16 repeated also in Richard Riley's note -- that the Met</p> <p>17 Commissioner would tell this person individually.</p> <p>18 LORD JUSTICE LEVESON: Yes.</p> <p>19 A. There was apparently -- and somebody outside of here has</p> <p>20 asked me recently: did I know about the victims'</p> <p>21 information scheme that was introduced? And the answer</p> <p>22 to that is no. So there was apparently -- that was</p> <p>23 another operational thing which I wasn't particularly</p> <p>24 informed.</p> <p>25 LORD JUSTICE LEVESON: All right.</p> <p style="text-align: center;">Page 214</p>	<p>1 out and I'm not going to say it]. If this proved to be</p> <p>2 the case the Commissioner would personally inform that</p> <p>3 person."</p> <p>4 And that was something that wasn't in the public</p> <p>5 domain.</p> <p>6 A. The name wasn't in the public domain, and I didn't want</p> <p>7 to dwell on it, sir, because it still isn't in the</p> <p>8 public domain.</p> <p>9 Q. Correct?</p> <p>10 A. And it's not in the public domain at the request of the</p> <p>11 person involved.</p> <p>12 Q. Quite so, that's why I'm not identifying it.</p> <p>13 A. Yes, that's why I think we were trying not to draw</p> <p>14 attention to that.</p> <p>15 Q. Because that's the one respect in which this document</p> <p>16 contained something that wasn't in the public domain.</p> <p>17 A. That's what I said in my written statement.</p> <p>18 Q. Thank you.</p> <p>19 A. I said in my written statement -- although the fact that</p> <p>20 there was either a Cabinet Minister or a friend of</p> <p>21 a Cabinet Minister suspected was in the public domain.</p> <p>22 Q. Quite so.</p> <p>23 LORD JUSTICE LEVESON: Right.</p> <p>24 MR GARNHAM: Second question: the accepted route, is this</p> <p>25 right, for communication on security and terrorist</p> <p style="text-align: center;">Page 216</p>
<p>1 MS PATRY HOSKINS: No, I have no further questions, but I do</p> <p>2 have one procedure --</p> <p>3 MR GARNHAM: With your permission, there's three questions</p> <p>4 I'd like to ask Lord Reid. May I do so?</p> <p>5 LORD JUSTICE LEVESON: Yes.</p> <p>6 A. Sorry, I should know this, but would you be kind</p> <p>7 enough --</p> <p>8 LORD JUSTICE LEVESON: Mr Garnham acts for the Metropolitan</p> <p>9 Police.</p> <p>10 A. Okay, thank you.</p> <p>11 Questions by MR GARNHAM</p> <p>12 MR GARNHAM: You said on a number of occasions in answer to</p> <p>13 questions you were asked earlier that the Riley note</p> <p>14 didn't say anything that wasn't already in the public</p> <p>15 domain. The one respect in which it did say something</p> <p>16 that wasn't in the public domain is it identified that</p> <p>17 Cabinet Minister.</p> <p>18 A. No, it identified the friend of a Cabinet Minister.</p> <p>19 Q. Yes.</p> <p>20 A. Yeah.</p> <p>21 Q. If you look behind your tab 8, that's the 9 August</p> <p>22 Richard Riley memo?</p> <p>23 A. Yes.</p> <p>24 Q. His second paragraph ends:</p> <p>25 "The Commissioner mentioned [and the name is blacked</p> <p style="text-align: center;">Page 215</p>	<p>1 matters, the subject matter of Peter Clarke's work, to</p> <p>2 the Home Office was via the TPU, wasn't it?</p> <p>3 A. No, not necessarily.</p> <p>4 Q. He said that that was how he would normally contact the</p> <p>5 Home Office. Would that not be right?</p> <p>6 A. Not necessarily. It depended on the nature of --</p> <p>7 I mean, if Peter Clarke or Andy Hayman or anybody else</p> <p>8 wished to send me an urgent note because they'd just</p> <p>9 discovered that there was a terrorist plot about to blow</p> <p>10 up this building, he wouldn't go through the TPU. He</p> <p>11 would send it to me.</p> <p>12 Q. Thank you.</p> <p>13 A. So on other occasions he might go to the TPU, you know,</p> <p>14 on routine matters, and the note that was sent was</p> <p>15 a fairly routine matter of the technology. That's the</p> <p>16 point I was making. It was -- you haven't asked for</p> <p>17 this, but just for your reassurance, I say it again: it</p> <p>18 wasn't a complaint that Loughborough was contacting TPU</p> <p>19 or that everyone was involved in something else. It was</p> <p>20 just to set the record straight.</p> <p>21 Q. Thank you. Yes, I understand that. Third and final</p> <p>22 question, please, Lord Reid. Your tab 20, I think,</p> <p>23 which is the email of 11 August 2006, to Peter</p> <p>24 Loughborough from Tim Warren. Do you have that?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 217</p>

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<p>1 Q. Second paragraph of that reads:</p> <p>2 "Good news, I can confirm there is an organisation</p> <p>3 within TH ..."</p> <p>4 Is that Thames House?</p> <p>5 A. Sorry?</p> <p>6 Q. Is that Thames House, from the context.</p> <p>7 "... called NICE. They are responsible for advising</p> <p>8 government and countering the threat posed by attacks on</p> <p>9 communication information structures and services used</p> <p>10 by HMG in British interests. We are led to believe that</p> <p>11 this group already has contact at the appropriate level</p> <p>12 with the telephone companies and will be the best route</p> <p>13 by which to proceed initially. We can and will</p> <p>14 instigate this contact."</p> <p>15 Do you know whether that was done by Tim Warren's</p> <p>16 unit?</p> <p>17 A. No idea.</p> <p>18 MR GARNHAM: Thank you very much. Thank you, sir.</p> <p>19 MS PATRY HOSKINS: Thank you. I think we can release</p> <p>20 Lord Reid unless you have more questions.</p> <p>21 LORD JUSTICE LEVESON: No. Thank you very much, and</p> <p>22 I repeat my thanks for detail which you've obviously</p> <p>23 gone into for this incident. Thank you.</p> <p>24 A. Thank you very much, and thank you.</p> <p>25 MS PATRY HOSKINS: There is a read-in request. We asked</p> <p style="text-align: center;">Page 218</p>	
<p>1 that a letter from Collyer-Bristow dated 9 May in</p> <p>2 response to a letter from Mrs Taylor dated 27 January be</p> <p>3 read into the record of the Inquiry. It's a letter</p> <p>4 written by Mr Taylor's wife. I have a copy, if you'd</p> <p>5 like to see it.</p> <p>6 LORD JUSTICE LEVESON: Yes, please.</p> <p>7 MR BARR: I can assist with this, sir. It concerns</p> <p>8 Mr Lewis's evidence. Mrs Taylor wrote in to the Inquiry</p> <p>9 about Mr Lewis's evidence and this is a response to that</p> <p>10 letter. (Pause)</p> <p>11 LORD JUSTICE LEVESON: All right. Thank you.</p> <p>12 MS PATRY HOSKINS: Thank you very much.</p> <p>13 LORD JUSTICE LEVESON: Thank you very much. Tomorrow</p> <p>14 morning.</p> <p>15 (4.46 pm)</p> <p>16 (The hearing adjourned until 10 o'clock the following day)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 219</p>	

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