

<p>1 2 (2.00 pm) 3 MR JAY: Mr Davies, we're still on "The Dark Arts". We're 4 now onto Trojan horses, bottom of page 277. We heard 5 evidence about this yesterday from Mr Hunter, as you're 6 probably aware. 7 A. Hurst. 8 Q. Hurst. Pardon me. Can I ask you there about the 9 example you give in the middle of page 278, the mirror 10 wall device. That was used by a businessman, not 11 a journalist? 12 A. Yes. 13 Q. Relating to the tax affairs of Dame Shirley Porter. 14 A. I can't remember this bit at all. Keep going. Oh, 15 I see. It was not a journalist but a business -- yes. 16 LORD JUSTICE LEVESON: When you're talking about a mirror 17 wall, you're not talking about a title? 18 MR JAY: No. This presumably is in the public domain since 19 the person involved, Mr Stanford, who you name, was 20 fined for an offence under the Interception of 21 Communications Act? 22 A. Correct, so my source are the reports of that public 23 domain trial. 24 Q. Certainly, and there's not a public interest offence, as 25 it happens, to a breach of section 1 of that statute.</p> <p style="text-align: center;">Page 1</p>	<p>1 "little gems" at the bottom of page 281. 2 A. I can't see it. 3 Q. Memos between the then Prime Minister and the late 4 Philip Gould -- 5 A. Yes. 6 Q. -- published in the Sunday Times, the Times and the Sun. 7 So we have a series of examples which you provide in 8 "The Dark Arts". Then at 282 and following, you 9 consider the wider public interest issues? 10 A. Yes. 11 Q. And some of the exchanges between the then 12 Information Commissioner and the then chairman of the 13 PCC, all of which we're going to hear about in much more 14 detail, at least from one side of the horse's mouth, on 15 Thursday. So if you don't mind, I'll leave off those. 16 But I think we get a sufficient flavour of the sort of 17 material which you bring together to distill and to 18 buttress these writings; is that correct? 19 A. Yes. 20 Q. Thank you. I'm asked to put to you some questions, 21 Mr Davies, and to the extent to which I haven't already, 22 I will deal with them specifically. The first general 23 question, and I can put it quite generally: do you agree 24 that you did not put any of your criticisms, whether it 25 be of the Sunday Times, the Times or the</p> <p style="text-align: center;">Page 3</p>
<p>1 A. As I understand it, correct. 2 Q. Although you point out that there may have been a public 3 interest in the underlying story, don't you? 4 A. I can't remember, but maybe. 5 Q. Can we move on to the art or craft of binnology, which 6 you cover at on a page 279. There's some examples where 7 this might have been done in the public interest. For 8 example, page 281, you give the Jonathan Aitken example, 9 don't you? 10 A. Mm-hm. 11 Q. This information in relation to the activities of 12 Mr Pell, again, in general terms, where does it come 13 from? 14 A. The best single source is a book who was written by 15 a journalist whose first name was Mark and I'm 16 embarrassed to say I can't remember his second -- 17 LORD JUSTICE LEVESON: Watts? 18 A. Could be. I think that sounds right. 19 LORD JUSTICE LEVESON: I got it from your book. 20 A. Right, so a reliable source! Yes, so he wrote an entire 21 book about Benjamin Pell, which is hugely detailed. So 22 that would be one. Then there were news reports at the 23 time of his activities and there are also reporters in 24 the background talking about him. 25 MR JAY: You give us another example which you describe as</p> <p style="text-align: center;">Page 2</p>	<p>1 Associated Newspapers titles, to any of the individuals 2 concerned or to the papers concerned before you 3 published this book? 4 A. Emphatically not to the newspapers concerned. The 5 underlying thought -- if you look at the codes of 6 conduct -- there's a popular belief that they say you 7 always have to go to the subject of your story. None of 8 them say that. And it's -- I mean, I've been doing this 9 so long I now lecture young reporters in how to do this, 10 and what I say is it's crucial that you don't behave 11 like a robot. Story by story, case by case. You must 12 remember you're here to try to tell the truth about 13 important things. Will you be assisted or obstructed in 14 that basic simple task if you go to the other side and 15 tell them what you're working on and ask them for 16 a comment? 17 If you just look at it numerically, more often than 18 not, the answer will be: well, it's going to help you to 19 go to the other side. But there are a significant 20 number of occasions when the answer is no. Sometimes 21 that's for legal reasons, sometimes it's for ethical 22 reasons and sometimes for practical reasons. 23 In the case of these newspapers, it was practical. 24 I believed then and believe now that if I had tipped 25 them off about what I was doing, they would have gone</p> <p style="text-align: center;">Page 4</p>

<p>1 straight to the Guardian and applied all sorts of 2 pressure of various kinds to try to persuade the 3 Guardian to stop me doing that. And I didn't want the 4 Guardian put in the firing line. I'm a freelance, I'm 5 writing my own book, I didn't want them brought into it 6 and I also didn't want to be told to stop. I feel that 7 there was a real jeopardy to the success of the 8 operation, and so for that reason, I made the deliberate 9 choice not to go to them.</p> <p>10 Sorry, did you want to say something? 11 LORD JUSTICE LEVESON: (shakes head) 12 A. The underlying thing is that if you go back to the 13 process I'm trying to follow -- the public domain 14 sources, the human sources, the early material -- what 15 you're trying to do is to get yourself to a point where 16 you can say, "Right, that's true, this statement is 17 true, that statement is true", and then to put it out 18 there, and if you've got to that point, and you can see 19 that going to the subject of the story puts you in 20 jeopardy, puts your ability to tell the truth in 21 jeopardy, then you wouldn't take that extra step, or 22 there might be ethical reasons for not going to the 23 other side, or there might be legal problems. 24 MR JAY: You've covered just the practical probables or 25 prudential problems. What sort of matters would fall Page 5</p>	<p>1 actually -- where I spent months digging into the tax 2 affairs of a particularly wealthy man in order to 3 exemplify the way in which very wealthy people don't 4 have to pay tax because they hire clever lawyers and 5 accountants to find their way through the law or they 6 just break the law.</p> <p>7 When it came time to legal that, to get it into the 8 paper, they had seven different lawyers working on it 9 because of the fear of what this man could do to us in 10 the court. On one side, there were defamation 11 specialists, who were saying, "You have to go to him and 12 put this stuff to him", and then there were very 13 experienced lawyers on the confidentiality side, one of 14 whom's now become a judge, saying, "Don't go near him. 15 If you go near him, this story will never see the light 16 of day." And in the end I had to go to him and have 17 very carefully choreographed conversations where I was 18 checking facts without him knowing quite what the story 19 was about. It was an uneasy compromise.</p> <p>20 So confidentiality is one problem for us and the 21 other is privacy, which I personally don't come up 22 against so often, but insofar as the Human Rights Act 23 now has Article 8 and Article 10 there, it can be 24 problematic. There was an example where the Sunday 25 Mirror did a kiss-and-tell job on a well-known public Page 7</p>
<p>1 under the categories of ethical problems on the one hand 2 and legal problems on the other hand? 3 A. There are other practical problems that occur as well. 4 Ethical, I think the classic case is you're covering its 5 trial of a paedophile and he is accused of raping and 6 abducting and murdering children and you're preparing 7 the background story that's going to be published or 8 broadcast once the trial is over. Do you really want me 9 to go and ask this man what he says about his abduction 10 and rape and murder of children? And I think the answer 11 is you don't want me to do that. There's an ethical 12 problem there. Do you ask Hitler what he thinks about 13 concentration camps? 14 For example, the BBC code of conduct, which is 15 a particularly intensely thought-out, good one, uses 16 precisely that expression, "overriding ethical or legal 17 reasons". 18 So that's a relatively unusual block, but it's 19 there. If you follow me, anyway. I take that view. 20 Legal is two categories. One, which I would come 21 across from time to time, which is where I have obtained 22 information which could be deemed to be confidential. 23 There's a risk that if I let the other side know, I'm 24 going to get myself injunctioned and I did a story -- 25 I might have referred to it in the statement, Page 6</p>	<p>1 figure and they had bought up the woman's story. They'd 2 got her letters and photographs. There was no doubting 3 the truth, the accuracy of what she was saying about the 4 public figure, but at 4 o'clock on the Saturday 5 afternoon they went to the public figure and asked for a 6 quote. In my book, this is a reporter operating like a 7 robot who hasn't seen the danger and within an hour or 8 two, the Sunday Mirror was injunctioned and eventually they 9 lifted the injunction. But by that time they had lost 10 several editions, hundreds of thousands of pounds worth 11 of income.</p> <p>12 Now, I have my own reservations about doing those 13 kinds of stories, but what I'm trying to point to is the 14 danger of automatically going to the other side. So 15 legal, ethical, practical. 16 LORD JUSTICE LEVESON: Of course, everything turns on facts. 17 A. Yes. 18 LORD JUSTICE LEVESON: And you will doubtless have seen in 19 the press, if you didn't otherwise hear about it, of the 20 evidence that we had from Mr Mosley about the need to 21 check stories because once the cat is out of the bag, it 22 can never be put back in. 23 A. Yes, and I think you have a powerful point, even more on 24 privacy than accuracy. 25 LORD JUSTICE LEVESON: Oh, there's no question, no question Page 8</p>

<p>1 Yes, but for him there's a twin question, isn't there, 2 because there was -- 3 A. The Nazi element of the story. 4 LORD JUSTICE LEVESON: Correct. But how does that play into 5 your analysis of the circumstances in which you go to 6 a particular target? 7 A. I think -- first, I don't think the Max Mosley story 8 should have been printed, but if I were the reporter 9 trying to get that story into the public domain, I would 10 understand that if I go near Max Mosley, he's going to 11 get an injunction on breach of privacy grounds and it's 12 an interesting contradiction, actually, because the 13 official story from the News of the World is: "Oh, well, 14 we've got Article 10 on side here. This is in the 15 public interest. This is our freedom of expression." 16 But the underlying fear would be that that's not going 17 to be the way the court sees it and that they are going 18 to injunct. So I don't approve of the story, but I can 19 understand why they didn't go near him. Have I answered 20 your question? 21 LORD JUSTICE LEVESON: Yes, you have, and I also understand 22 why they didn't go near him. 23 A. I think that's all they're saying. It's tricky -- you 24 see, on the confidentiality thing, which is something we 25 deal with more often, we did a long, complicated and</p> <p style="text-align: center;">Page 9</p>	<p>1 about the difficulty of making these judgments about 2 what's in the public interest. We felt very 3 aggrieved -- 4 LORD JUSTICE LEVESON: I hope you've not just broken the 5 terms of that injunction. 6 A. No, no, I haven't given you the detailed contents of the 7 paperwork. 8 LORD JUSTICE LEVESON: Your lawyer tells you you haven't. 9 A. Thank you. Just this once. No, but you see -- that 10 again, you see -- the lesson from that incident for 11 a reporter is the danger of a court interpreting the law 12 of confidence in such a way as it to frustrate what you 13 genuinely consider to be your legitimate function. 14 MR JAY: Thank you. 15 A. Can I just add, you know I said "practical"? Apart from 16 the kind of intimidation question, the big problem is 17 PR. If you go to the subject of a story and that 18 subject has professional PR advice, if you give them the 19 time to manoeuvre, they'll put the story out on their 20 own terms. So they'll change the angle, and so to 21 speak, scoop you, and -- Alastair Campbell, for example, 22 who I know he's giving evidence, was brilliant at doing 23 this if newspapers went to him too early. 24 So more often than not you will want to go to the 25 other side. You want to go to the other side in case</p> <p style="text-align: center;">Page 11</p>
<p>1 probably deeply tedious series a few years ago about 2 corporate tax avoidance. It was a very noble thing to 3 do. I don't know whether anybody read it. It went on 4 the for days. 5 Now, towards the end of that, we were contacted by 6 somebody who gave us internal paperwork from Barclays 7 Bank which described tax shelters which Barclays was 8 providing to corporate clients. We thought there were 9 two reasons why it was in the public interest to publish 10 this: (a) this is about the avoidance of tax, the 11 frustration of the Parliamentary will as to what tax 12 should be paid, (b) this was at a time where Barclays 13 was in negotiation -- ultimately fruitless ones, but 14 were in negotiation about taking taxpayers' money to 15 bail them out of the credit crisis, and therefore the 16 fact that they were it is selling tax shelters was 17 particularly in the public interest. 18 So we put those documents on our website with 19 a story, and that went up late one evening. Alan 20 Rusbridger will tell you the story in more detail but by 21 1 or 2 o'clock in the morning, there were powerful 22 lawyers onto us and onto a judge, arguing that these 23 were confidential and they got the injunction and that 24 was it. We had to remove the documents. We were not 25 able to publish that story. It comes back to this point</p> <p style="text-align: center;">Page 10</p>	<p>1 there's some killer fact you haven't thought of and you 2 want to go to the other side if you want to use the 3 Reynolds defence. So I can't quantify it, but more 4 often than not you will, but it has to be story by 5 story, a judgment taking those factors into 6 consideration. 7 Q. Thank you. A series of questions now from someone else, 8 Mr Davies. Between which dates did you carry out your 9 research for Flat Earth News, approximately? 10 A. Calendar years 2005/6 and fragmentary research in the 11 first three months of '07. I finished writing it at the 12 end of March '07. 13 Q. Would you agree to disclose your sources regarding 14 comments about the Daily Mail so that your allegations 15 can be properly investigated? 16 A. I can disclose those sources if the sources will agree 17 to be disclosed. 18 Q. But not otherwise? 19 A. Really not, and I think the Mail would feel the same way 20 about their own sources. 21 Q. I'm asked to point out, and so I will, that the Mail or 22 Associated Newspapers generally wishes it to be made 23 clear it strongly refutes the allegations that the 24 Daily Mail had a policy of bribing policemen and civil 25 servants in order to obtain stories as you allege. They</p> <p style="text-align: center;">Page 12</p>

<p>1 also wish to make it clear that they refute generally 2 the allegations you make against them in the book, which 3 are incapable of specific refutation because they lack 4 any meaningful detail. Do you follow that? 5 A. Mm. 6 Q. Do you understand also the difficulty they have, and to 7 the extent that we have, that without you giving us your 8 sources -- and we fully understand why you can't -- that 9 which substantiates your book cannot be tested 10 evidentially. Would you accept that? 11 A. That's true of some but not all. I mean, for example, 12 where you look at the Motorman material, we know as 13 a matter of public domain fact that the Mail came out 14 top of the league table which the ICO published 15 in December 2006. I was at the Select Committee hearing 16 in September 2009 where the new Commissioner, 17 Christopher Graham, said that the ICO had made it clear 18 to newspapers that if they wanted to examine that 19 material, they could, and he's then said in his evidence 20 that no newspaper has come to the ICO to ask whether 21 they can examine the material which we seized from Steve 22 Whittamore. It seems to me that if the Mail want to 23 discover whether there was law-breaking in that 24 material, that was something they could this done/is 25 something they can do. It may be that they have now --</p> <p style="text-align: center;">Page 13</p>	<p>1 telling you, and it's frustrating, I accept that, but 2 I think there's an area where they could try and see 3 what they can find. 4 Q. In terms, generally, of the incidents of corruption 5 which you list, I think from your evidence already we 6 have some sense of the timescale. 7 A. Yes. 8 Q. We go back to the 1970s, Z is in the 1980s. The 9 information gathered, page 272 -- this is surrounding 10 The Wine Press in Fleet Street. You give the date for 11 that, probably in the early 1990s; is that right? 12 A. I'm saying mid, up to about 1996/1997 I'm talking about 13 there. 14 Q. Then page 279, which is the activities of Mr Benjamin 15 Pell. 16 A. It's not really corruption, is it? 17 Q. No? 18 A. Can I just interrupt you, before you go on, while we're 19 on corruption. My understanding of the position with Z 20 is that he goes right back to the early 80s, kind of 21 '82/'83, but comes a long way forward. My understanding 22 is he was still active when I was researching the book, 23 so that's a long span of activity of that kind. 24 On the police corruption side, there's the 25 investigator who you pointed me to at the top of</p> <p style="text-align: center;">Page 15</p>
<p>1 I can't obviously say -- but certainly at that stage, if 2 Christopher Graham is to be believed, that hadn't 3 happened and that route is open to them without having 4 to tangle with the confidential sources. 5 There's a second possibility where Z is concerned 6 about internal accounting. I just don't know what their 7 internal accounting systems are like, so -- the payments 8 that I was particularly being told about were cash, so 9 it may simply be that you draw the cash and it leaves no 10 specific footprint as to why it was being drawn, in 11 which case that isn't going to help us. But if there is 12 anything in the accounting system that actually shows 13 a payment going from the paper to Z, then that would 14 help the Mail to get to the bottom of the truth without 15 running up against the problem of off-the-record 16 sources. I mean, it's a pretty fine investigative 17 paper. I think they can get quite a long way without 18 me. 19 There's also the whole business of what 20 Scotland Yard has on that source. Again, it's in the 21 public domain that Scotland Yard mounted a surveillance 22 on him. I don't know what they came up with but it 23 would be interesting to ask. 24 So I do accept that there are real difficulties with 25 the Mail dealing with some of the things I've been</p> <p style="text-align: center;">Page 14</p>	<p>1 page 269, who we haven't actually named in this session. 2 That is materially about corrupting police officers. 3 There's a lot of detail which has emerged about that. 4 It involves three newspapers, not the Mail, but that's 5 the period, late 80s through to '99, where he goes to 6 prison, and then again, he's out and active from about 7 2005, although I don't know that there's evidence of 8 police corruption in that second period. But there's 9 that long initial period. 10 Q. I've already put the point to you about whether you put 11 your allegations to Associated Newspapers and you've 12 explained generally why you didn't. I think I've 13 covered that. 14 A. Mm-hm. 15 Q. I'm invited to ask you to comment your view, really, of 16 your fellow Guardian journalist Mr David Leigh. 17 A. Yeah. 18 Q. Apparently there are three instances that are given to 19 me. The first, he procured House of Commons notepaper, 20 using it in order to claim he was acting on behalf of 21 Jonathan Aitken MP and faxing it to the Ritz hotel in 22 Paris in order to obtain a copy of Mr Aitken's hotel 23 bill. First of all, as a matter of fact, are you aware 24 that Mr Leigh did that? 25 A. I think that's probably factually wrong. There was this</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 famous incident -- it's referred to as the "cod fax".</p> <p>2 I think David was working at "World in Action" at that</p> <p>3 time and wasn't part of it. There was a senior</p> <p>4 executive at the Guardian who I believe was responsible</p> <p>5 for the cod fax and if you want to get to the issue</p> <p>6 rather than the individual -- I think you're wrong in</p> <p>7 putting David in the story, but is it the issue you're</p> <p>8 interested in? Was that a bad thing to do?</p> <p>9 Q. I think there are two layers to this. There's a factual</p> <p>10 layer, which you've addressed, but then there's a more</p> <p>11 general one, a conceptual one, I suppose, that even if</p> <p>12 it's true, which you say it isn't, would you approve of</p> <p>13 it?</p> <p>14 A. I don't want to dodge the question. I think it's not</p> <p>15 true of David, but I think it is true of the Guardian.</p> <p>16 The Guardian did what you describe but I'm pretty sure</p> <p>17 David Leigh wasn't working for the paper at the time.</p> <p>18 Q. Fair enough.</p> <p>19 A. This is blagging, really, isn't it?</p> <p>20 Q. Yes.</p> <p>21 A. Section 55 of the Data Protection Act. Do you have</p> <p>22 public interest on your side when you do this? In this</p> <p>23 murky area, I think top of everybody's league table of</p> <p>24 what is in the public interest is the exposure of</p> <p>25 serious crime, and at the end of this long saga</p> <p style="text-align: center;">Page 17</p>	<p>1 A. Yes. He was very clever about it. David's a fantastic</p> <p>2 reporter and the good reporters -- the Martha Gellhorns,</p> <p>3 the James Camerons, the David Leighs -- have a kind of</p> <p>4 artful dodger about them, and he could see the exciting</p> <p>5 potential of this extraordinary man who was digging</p> <p>6 material out of significant people's dustbins, but he</p> <p>7 could also see that the Guardian were never going to pay</p> <p>8 for it. Out of a mixture, I think I said in the book,</p> <p>9 of poverty and principle, it wasn't going to happen. So</p> <p>10 he very cleverly passed Benjamin on to somebody else who</p> <p>11 could deal with him and this somebody else was a friend</p> <p>12 who was highly likely to tell him if anything</p> <p>13 interesting emerged from the bin.</p> <p>14 So I think he got himself very close to the line and</p> <p>15 just stayed on the right side of it. I thought it was</p> <p>16 clever of him. This is exactly the sort of thing I'm</p> <p>17 talking about. Is that in the public interest or not?</p> <p>18 Who knows where the line is? Really, really tricky</p> <p>19 judgments that many could up. He took a call on it.</p> <p>20 Q. Could we look, please, to the future and press</p> <p>21 regulation generally.</p> <p>22 A. Mm-hm.</p> <p>23 Q. The matter which was, as it were, parked before lunch</p> <p>24 but which we promised or threatened that we would come</p> <p>25 back to.</p> <p style="text-align: center;">Page 19</p>
<p>1 involving Jonathan Aitken, the Guardian eventually</p> <p>2 published this story which disclosed that as our</p> <p>3 Minister of Defence dealing with establishing arms</p> <p>4 deals, he was lining himself up to receive enormous</p> <p>5 bribes, and when the Guardian eventually got that into</p> <p>6 the public domain -- I'm not libelling anybody here;</p> <p>7 this is all already written -- they said that if there</p> <p>8 had been a more serious example of political corruption</p> <p>9 since 1945, they would like to be told what it was.</p> <p>10 So I would say you are top of the scale public</p> <p>11 interest on that piece of blagging.</p> <p>12 Q. That's page 281 of your book.</p> <p>13 A. Oh, is it?</p> <p>14 Q. "If there's a more serious act of corruption in post-war</p> <p>15 British politics, we would be interested to know of it."</p> <p>16 A. Not a bad memory.</p> <p>17 Q. The second example that's put to me I think it's better</p> <p>18 if I just ask it directly of Mr Leigh when he comes next</p> <p>19 week?</p> <p>20 A. Okay.</p> <p>21 Q. The third one, that he apparently accepted information</p> <p>22 from Benjamin Pell that Pell had acquired from other</p> <p>23 people's dustbins. Is that something you know about?</p> <p>24 A. I wrote about it a bit in the book. He was very --</p> <p>25 LORD JUSTICE LEVESON: Page 281.</p> <p style="text-align: center;">Page 18</p>	<p>1 Could you give us some thought to that now and tell</p> <p>2 us your views?</p> <p>3 A. First of all, it's really difficult. I think that as</p> <p>4 two starting thoughts -- we said the first one, that we</p> <p>5 have to consider the needs of media victims as well as</p> <p>6 media organisations.</p> <p>7 The second one is that just as an intellectual</p> <p>8 exercise, I wouldn't start with what we've got. We've</p> <p>9 got this horrible concoction of common law and statute</p> <p>10 and regulation and it's a mess. I think that it's</p> <p>11 helpful to start with a blank sheet of paper and you</p> <p>12 could conceptually draw a line down the middle of that</p> <p>13 piece of paper and say really there are two different</p> <p>14 kinds of problem. The most important problem is</p> <p>15 falsehood and distortion, within which there is</p> <p>16 defamatory falsehood and distortion, and on the other</p> <p>17 side of this line you put unethical behaviour, within</p> <p>18 which the worst is probably the invasion of privacy.</p> <p>19 So if you take the first of those, if you start with</p> <p>20 a blank sheet of paper and say, "What should we do about</p> <p>21 falsehood, distortion and defamation?" I don't think</p> <p>22 you'd come up with anything like the law we have. You</p> <p>23 wouldn't invent, for example, the concept that damages</p> <p>24 should be paid to somebody whose reputation has been</p> <p>25 hurt by a publication. Surely you would say, "If that</p> <p style="text-align: center;">Page 20</p>

<p>1 happens, if I publish something which falsely damages 2 somebody's reputation, what they deserve is a correction 3 of equal prominence. Not the PCC's weasel words, 'due 4 prominence'; equal prominence to what I published." 5 That's a complete balance, and I think the same 6 applies generally to falsehood and distortion. This is 7 the thing that most upsets people about what we do, and 8 so having crossed this line and abandoned the idea of 9 self-regulation, I want somebody to pass a law that 10 says: if you publish, in newspapers, magazines, books, 11 wherever, and you make a statement which is demonstrably 12 false, you have to correct it with equal prominence. 13 First of all, this is good for the freedom of the 14 press. The worst burden, I think it's fair to say, we 15 suffer under is libel law. It constantly prevents us 16 telling the truth about important things. It has 17 a terrible, chilling effect, and I bet you every editor 18 in Fleet Street, from Rusbridger to Dacre, would be 19 happy to see the back of defamation law. There's a few 20 learned friends here who might not be happy but it would 21 be an enormous advantage to the freedom of the press. 22 And yet we can satisfy the needs of victims, but I would 23 do that not through the courts but through some sort of 24 simple -- 25 LORD JUSTICE LEVESON: I'm not sure that's not a bit</p> <p style="text-align: center;">Page 21</p>	<p>1 through, you don't run into the contradiction between 2 the freedom of press and the need for regulation. You 3 can actually make something happen which increases the 4 freedom of the press and gives media victims a quick, 5 effective reply. 6 I know it's simple what I'm saying and it's 7 a complicated argument. I'm trying to provide 8 a starting point. 9 LORD JUSTICE LEVESON: No, no, I'm very grateful. Indeed, 10 the idea of having some sort of arbitral system you may 11 have heard that I've suggested to a number of people 12 over the course of the last two weeks. 13 A. Mm-hm. 14 LORD JUSTICE LEVESON: But whether one removes the law of 15 libel entirely is perhaps something rather different, 16 and it would be a rather odd consequence, wouldn't it, 17 of all the problems that have caused this Inquiry to say 18 we should have even a greater licence for the press to 19 print whatever they want? 20 A. No, because -- you take the McCann case, the horrific 21 falsehoods being published about those people. They 22 don't have to sue and go through that long, drawn-out 23 process, expensive, exhausting process. They trigger 24 the complaint. Within four weeks, they get an 25 arbitration decision. Surely the newspapers are not in</p> <p style="text-align: center;">Page 23</p>
<p>1 simplistic because those who have been defamed obviously 2 want to get the defamation corrected, but in the 3 meantime they've been put through the grinder for the 4 time it takes to get it corrected. 5 A. Yes, but -- 6 LORD JUSTICE LEVESON: They are entitled to some redress for 7 that, and in our system, the only redress we have is the 8 commodity called money. 9 A. But I wouldn't push this through the courts. I want an 10 arbitration system that's quick. I would put statutory 11 deadlines on it. If a newspaper publishes a statement 12 of fact, they should already know whether or not it's 13 true and be in a position to justify it pretty quickly. 14 I would say if someone makes a complaint about a 15 statement I have made -- you might think this is bonkers 16 but within four weeks we ought to have a hearing. And 17 that hearing shouldn't be in court; it should be in some 18 sort of arbitration system. That system would make 19 a finding of fact and it could be appealed to the courts 20 only on point of law. 21 You have a system rather like this in maritime law, 22 where they have specialist lawyers who act as 23 arbitrators. I've been researching it a little bit and 24 it works. You see as a starting point -- if you start 25 with a blank sheet of paper and just think it logically</p> <p style="text-align: center;">Page 22</p>	<p>1 a position to justify the factual statements that were 2 made about them. All those newspapers who have made 3 them have to publish corrections with equal prominence. 4 The Daily Express has to put it on their front page, 5 where the allegation was. They get justice, fairness, 6 truth, much, much quicker. They don't get damages. 7 I don't think they wanted damages. 8 And on the other side is my -- all the business of 9 ethical behaviour, in particular breach of privacy at 10 the core. Over and over again, you come back to that 11 business: "It's all right if it's in the public 12 interesting." 13 LORD JUSTICE LEVESON: So you want the arbitral system also 14 to provide you -- 15 A. No, they're what I'm after -- 16 LORD JUSTICE LEVESON: I'm very content with a system that 17 is professionally based that takes work away from the 18 court. I'm not in the business of trying to get more 19 work into court. 20 A. What I'm after there with the public interest is 21 a beginning, some sort of advisory set up. It might be 22 part-time specialists with whom I can communicate. 23 I send them an email and say, "Here's the situation. 24 Here's what I'm planning to do. Will you, in 25 confidence, give me a guide? Am I or am I not operating</p> <p style="text-align: center;">Page 24</p>

<p>1 with public interest on my side?" And then I have that 2 and I then proceed, and if there is then a civil dispute 3 or a criminal prosecution, that's disclosable. Up until 4 that point, it's secret. Yes? And if it turns out that 5 I've ignored that advice, that's going to weigh heavily 6 against me.</p> <p>7 LORD JUSTICE LEVESON: Or not taken it.</p> <p>8 A. Yes, or not even asked for it in the first place.</p> <p>9 That's a bit like refusing to do a Breathalyser. The 10 presumption is that you've got something to hide.</p> <p>11 You see, I think Max Mosley has a point about it 12 being too late to deal with the privacy problem after 13 the story's published, after those horrific videos 14 flashed around the world of his naked body. But his 15 proposed remedy is too severe. It involves prior 16 restraint, and all of us are allergic to that. So I'm 17 trying to set up a system where the signal would be sent 18 to us very clearly before publication that if Max sues, 19 we're going to lose, so we know -- and furthermore when 20 that's disclosed, it's going to make us look 21 particularly bad.</p> <p>22 But there's another case -- I think it's all right 23 to say that this -- which is the Blunkett case. The 24 tabloids went after David Blunkett and said, "You're 25 having an affair." That, to me, was prurient and</p> <p style="text-align: center;">Page 25</p>	<p>1 difficult question underlying this, who should decide 2 what we should publish? Should it be the court or 3 politicians or journalists? And kind of at the end of 4 the day, I think there is something in publish and be 5 damned. Let those journalists make their judgement.</p> <p>6 MR JAY: We can hear you very well but you're going too 7 fast. The good news is --</p> <p>8 A. I'm nearly finished. I'm not sure quite sure what's 9 happening now. Are we finished?</p> <p>10 Q. I think you should complete the answer you were giving 11 to your satisfaction and then maybe we will have 12 finished?</p> <p>13 A. About publish and being damned. So if the Blunkett 14 story at first sight looks like a breach of his privacy, 15 we should nevertheless have the freedom to carry on and 16 make the mistake and take the risk and then if we can 17 find the public interest gem beneath the pile, then we 18 can justify it. I think it gets very difficult if you 19 get into the area of prior restraint. I really do.</p> <p>20 I think that that's not -- that shouldn't be part of the 21 solution.</p> <p>22 LORD JUSTICE LEVESON: Of course, one of the problems about 23 getting advice requires you to make a value judgment 24 about the facts. I'm not commenting one way or the 25 other, but if you go back to the example concerning</p> <p style="text-align: center;">Page 27</p>
<p>1 unjustified intrusion into that man's private life. 2 However, as they dug deeper into his private life, they 3 found a bit of public interest. They said, "Ah, this 4 woman's nanny has had her Visa application fast-tracked 5 by Blunkett", and he had to resign. That's the counter 6 case against Max's argument, that if you'd gone to 7 Blunkett before publication, he would and should have 8 got the injunction on the basis of what we know. If you 9 give us the freedom to continue making the decision, 10 then you leave it open to us to say, "Even though 11 they've warned us against this, we've going to publish 12 because we think we can get to the bottom of the pile."</p> <p>13 So I don't think it's such a bad idea.</p> <p>14 LORD JUSTICE LEVESON: No, I'm not --</p> <p>15 A. I don't know any other journalist who agrees with me, 16 I'll confess.</p> <p>17 LORD JUSTICE LEVESON: That's an interesting fact too.</p> <p>18 A. We're very old-fashioned people.</p> <p>19 MR JAY: In the example of Mr Blunkett that you gave, the 20 chance ascertainment of a public interest nugget, as it 21 were, was a wholly adventitious by-product of a story 22 whose initial basis, you say, was without a public 23 interest justification; is that correct?</p> <p>24 A. Yes, but there's something to be said for that maxim 25 about publish and be damned. If there's a really</p> <p style="text-align: center;">Page 26</p>	<p>1 Mr Mosley, the News of the World argued that the facts 2 were A, and Mr Mosley was saying most emphatically it 3 was not A.</p> <p>4 A. Okay. I think my system can cope with that because 5 if -- this is the Nazi theme?</p> <p>6 LORD JUSTICE LEVESON: Yes.</p> <p>7 A. That's all right to say that? That's all public 8 knowledge?</p> <p>9 LORD JUSTICE LEVESON: It's comparatively public knowledge.</p> <p>10 A. So if, when I send my email in confidence to the privacy 11 advisory folk, I say, "In this video which we secretly 12 shot, he is acting out some sort of Nazi fantasy", and 13 on that basis they say, "Okay, you've probably got some 14 public interest", if then subsequently it's shown that 15 we never even translated what was on it and we are 16 wrong -- let's just say we were wrong in simple terms 17 about that fact. That's going to weigh very heavily 18 against us because that email is going to be produced. 19 So if we've given the advisory group false facts, we're 20 in trouble. So there is an incentive to be honest with 21 the advisory people.</p> <p>22 LORD JUSTICE LEVESON: I understand.</p> <p>23 MR JAY: Mr Davies, thank you very much for assisting the 24 Inquiry.</p> <p>25 LORD JUSTICE LEVESON: Thank you very much. Before you go</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 is there anything that you feel you've not had the
2 opportunity to say on a topic which you've obviously
3 thought about very deeply?
4 A. No, I think --
5 LORD JUSTICE LEVESON: Thank you very much indeed.
6 A. Thank you.
7 MR JAY: Mr Barr is taking the next witness.
8 LORD JUSTICE LEVESON: Thank you, Mr Jay. Just give
9 everybody a moment to move around, Mr Barr.
10 Right.
11 MR BARR: Good afternoon, sir. The next witness is
12 Mr Paul McMullan.
13 MR PAUL McMULLAN (sworn)
14 Questions from MR BARR
15 MR BARR: Mr McMullan, could you tell the Inquiry your full
16 name, please.
17 A. Paul McMullan.
18 Q. And your address?
19 A. Um ...
20 LORD JUSTICE LEVESON: I don't think you need to give your
21 home address.
22 A. The Castle Inn, Dover.
23 LORD JUSTICE LEVESON: Fine. Thank you very much indeed.
24 MR BARR: I understand you are a professionally trained
25 journalist?

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1 A. Yes.
2 Q. And that you initially gained experience working for the
3 regional press?
4 A. Yes.
5 Q. And then you moved and had a further experience in
6 London working for the Fleet Street News Agency?
7 A. Yeah, I started with Thomson Regional Newspapers, which
8 is -- I think they've now folded, and I was a journalism
9 student with Michael Gough, funnily enough. I'm quite
10 pleased to say I came top of my class and he came sort
11 of bottom end and he's now the minister of education.
12 Q. Thank you for that. You then obtained a position as
13 a shifter, working for the Sun and Today in 1992; is
14 that right?
15 A. Yeah, under Kelvin McKenzie, yeah.
16 Q. And then you obtained a staff job working for the Sunday
17 Sport?
18 A. I was news editor there for three months. It was a bit
19 of postgraduate silliness but good fun.
20 Q. Then you worked for an agency, Eureporters(?).
21 A. Eureporter, yes. It was in France.
22 Q. Before working for the News of the World for a period of
23 seven years?
24 A. Yes.
25 Q. Including working for part of that time as a deputy

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1 features editor?
2 A. Yes.
3 Q. You then moved to the Sunday Express for a period of
4 around two years?
5 A. Yeah.
6 Q. Were you the investigations editor there?
7 A. I was, yeah.
8 Q. You've also worked for the National Enquirer,
9 I understand?
10 A. Yeah, about the last three years of my career, if you
11 like, before they had a buy-out and couldn't afford a
12 European correspondent any more.
13 Q. Is it right that you're now in semi-retirement as
14 a journalist, working partly as a journalist and partly
15 as a publican?
16 A. Yeah, I bought an old listed building, which is an inn
17 which has seven letting bedrooms and unfortunately the
18 fire services closed off the top floor, saying -- it's
19 quite important -- saying we need a fire escape and the
20 Listed Buildings Committee saying you can't have a fire
21 escape. So yet again I've come up against government
22 annoyance -- so that's why I'm working at two jobs at
23 the moment, to keep that afloat.
24 Q. Thank you, Mr McMullan. I think we can concentrate on
25 your experience as a journalist and not as a publican,

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1 please.
2 A. Yeah, I'm not --
3 Q. Can I start by asking you some general questions about
4 the pressures of the job as a journalist. You've
5 mentioned in some of the interviews you've given byline
6 counts?
7 A. Yes.
8 Q. Can you explain what the byline count process is?
9 A. Yeah, I mean you can do it electronically now, but
10 before the days of wordsearch, you had to get more than
11 12 stories a year in a newspaper. That doesn't sound
12 very many, but given we're a weekly newspaper and my
13 longest investigation on a prison governor who was
14 sneaking female prisoners out of the prison in Maidstone
15 so he could have his way with them took three months to
16 stand up -- I spent three months in a surveillance van
17 doing that -- actually, 12 stories does become a bit of
18 a burden, which is why, you know, I cut all of my
19 stories out, just so if it ever came to the crunch,
20 it's: "No, actually, I've done 15 or 35 this year."
21 Q. I see. Could I ask you to speak up a little, please.
22 A. Okay.
23 Q. So the consequence of not getting sufficient bylines was
24 what?
25 A. Well, you got fired.

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<p>1 Q. And was the threat of the sack something which looms 2 over journalists generally?</p> <p>3 A. Yeah, I mean you can get a front page on Sunday, but by 4 next Tuesday you have to have three fresh ideas and 5 that's fine for a few months, but week after week after 6 week, there becomes a real pressure to build up a list 7 of contacts, from, you know, police officers to PIs to 8 basically anyone who can give you a story and you lean 9 on those fixers to help you keep your job. I mean -- 10 sorry.</p> <p>11 Q. Is there a sense of competition then with your fellow 12 journalists?</p> <p>13 A. Oh yes, massively. I mean, I think Clive Goodman fell 14 foul of phone hacking because he was getting on a bit, 15 he was royal editor, he had a really high salary -- 16 there were plenty of people who were 25 years old who 17 would have taken his job and spent longer on doorsteps 18 and worked hardly, and were always constantly snapping 19 at his heels, and to stay one step ahead of them, he got 20 sucked into phone hacking.</p> <p>21 Q. Is there also competition with competing titles?</p> <p>22 A. Very much so. The whole problem with working for 23 a weekly newspaper is you get a story on Wednesday and 24 you've got three days to sit on it just hoping no one 25 else is going to, you know, steal it from you. The</p> <p style="text-align: center;">Page 33</p>	<p>1 the biggest budget of any newspaper department in the 2 country.</p> <p>3 So I had a lot of money to spend on -- I thought we 4 wasted it on PIs, to be honest. I preferred to give the 5 money to people who could tell us a good tail about, 6 you know, a corrupt politician or a sports star, because 7 they do well in terms of circulation, but no, I never 8 felt any financial constraints. But that was the joy of 9 working for Murdoch. We had a big, big pot of money, 10 whereas the Guardian has nothing so never pays anybody.</p> <p>11 Q. On the question of editors you mentioned at the start of 12 that last answer, was it a question of the editor 13 setting the cultural tone in the newsrooms you worked in 14 or did the editors -- a new editor come in to an 15 established culture?</p> <p>16 A. I suppose, you know, it's been there -- 17 News of the World was 167 years old and when Murdoch 18 closed it, I actually felt: "Look, it wasn't yours to 19 close. It was a British institution. Just because you 20 bought it --" you know, I felt that was a bit --</p> <p>21 LORD JUSTICE LEVESON: I'm having difficulty. I'd be very 22 grateful if you'd speak up just perhaps a bit louder.</p> <p>23 A. Okay.</p> <p>24 LORD JUSTICE LEVESON: Thank you.</p> <p>25 A. No, my first editor, Piers Morgan, very much set the</p> <p style="text-align: center;">Page 35</p>
<p>1 number of times I spent the second half of a week locked 2 in a hotel room in a foreign country with somebody -- 3 for example, Princess Diana's gym instructor. I spent 4 two weeks with him in Amsterdam of all places -- it was 5 his choice -- just so no one else could get to him. So 6 yes, you're constantly -- funnily enough, hiding in vans 7 from other journalists.</p> <p>8 I remember buying up a couple who won a marriage -- 9 it was a blind date marriage we flew them to the 10 Bahamas. It was a lovely story and we spent two weeks 11 there, but we spent the entire two weeks hiding them 12 from the paparazzi so we kept it exclusive to ourselves. 13 So we were sneaking them out of hotels at 2 in the 14 morning and having car chases with them -- "Stay down", 15 you know. It was good fun. I mean, it's been a really 16 enjoyable way to spend my career.</p> <p>17 Q. Flights to the Bahamas excepted, was there any pressure, 18 in your experience, on the resources available to you to 19 research stories?</p> <p>20 A. Funnily enough, no. When -- I started at 21 News of the World under Piers Morgan his brief was: 22 "I don't care what it costs; I just want to get the 23 defining stories of the week." No, our budgets were 24 massive. When I took over as deputy features editor, 25 I had a budget of £3.1 million a year, which I think is</p> <p style="text-align: center;">Page 34</p>	<p>1 trend. He was: "I want that story at all costs." 2 Pretty much: "I don't care what you have to do to get 3 that story." He wanted to be number one. He was driven 4 to sell over 5 million copies a week, which is a lot, 5 you know. Guardian sells 230,000. That's nothing in 6 comparison. At one point, you could say half the adult 7 population of the country were reading what we had 8 written and so I think, in a sense, we were -- in terms 9 of the power of the pen, we were the most powerful 10 journalists in Britain because we had the biggest 11 readership. What I wrote was read by half the adult 12 population.</p> <p>13 Q. I may stop you there. You've said a little bit about 14 the editor and his influence on the culture of the 15 newsroom. Can I ask you now about proprietors. When 16 you were working for the News of the World, was it your 17 experience that the proprietor sought to influence the 18 content that was published?</p> <p>19 A. I mean, I can think of a couple of examples that 20 actually would point to the exact opposite. For 21 example, when Hugh Grant got caught with Divine Brown in 22 LA and she was a black prostitute, and I was part of the 23 features team -- Stuart White was in America and 24 actually bought her up and we put her on the front page 25 and I remember Rupert Murdoch saying, "Why are we</p> <p style="text-align: center;">Page 36</p>

<p>1 putting that on the front page? Doesn't that bring the 2 tone down a little?" Which was like: "Wow, don't you 3 read your own newspapers? We are the news of the 4 screws." You know, I thought it was a fantastic front 5 page. 6 I only met him once. He came into the newsroom and 7 he's just a little guy with a tweed jacket and he didn't 8 have a swipe card to get into his own building and 9 actually got stuck between an airlock between two doors, 10 so I had to get up and let him out, and I thought: "My 11 God, this guy's in charge of the biggest media empire in 12 the world and he can't get into his own news room." 13 Q. The sort of intervention you've mentioned with the 14 Divine Brown story, was it usual to have an intervention 15 or was that an exception? 16 A. Well, I mean he would have spoken to his editor, who was 17 Rebekah Brooks or Phil Hall or Piers Morgan. He 18 wouldn't have -- apart from having looked over my 19 shoulder once just to see what I was up to for no 20 particular reason, he would never have spoken to someone 21 as lowly as me. 22 Q. Moving on to the topic of serious journalism, as it's 23 sometimes labelled, I understand that you have, for 24 example, covered the Gulf War? 25 A. Yes.</p> <p style="text-align: center;">Page 37</p>	<p>1 was that I might live in my house with my children 2 playing in the back garden and for the first time ever, 3 we know that Peter the pervert lives next door and he's 4 just served ten years because he raped a child as young 5 as -- like yours. So that's possibly the one good thing 6 that -- well, no, I've done other good things, but that 7 was the most visible. 8 Q. There are a number of things I want to ask you about 9 that story. The first is that you referred to blagging 10 some of the information necessary for that story. 11 A. Yes. 12 Q. When you did that, did you give any consideration to 13 whether or not it would be in the public interest to 14 blag? 15 A. Yes. It's always in the public interest. I mean, 16 circulation defines what is the public interest. I see 17 no distinction between what the public is interested in 18 and the public interest. Surely they're clever enough 19 to make a decision whether or not they want to put their 20 hand in their pocket and bring out a pound and buy it. 21 I don't see it's the job -- our job or anybody else to 22 force the public to be able to choose that you must read 23 this, you can't read that. So yes -- 24 LORD JUSTICE LEVESON: That's not quite the point, is it? 25 It's not that anybody is forcing the public to be able</p> <p style="text-align: center;">Page 39</p>
<p>1 Q. Bosnia? 2 A. Kosovo, yes. Bosnia, yes, okay. 3 Q. Immigration stories such as Sangatte? 4 A. Yeah, I spent a night of Sangatte and I actually pretty 5 much gave up investigative journalism five years ago, 6 when I got hit on the head with a lump of concrete 7 thrown by some asylum seekers from Iraq, pretty well 8 intent on killing me, but before that I smuggled myself 9 across the channel in just every way imaginable 10 sometimes, with them sometimes assisting. 11 Q. And on the question of what happened to convicted 12 paedophiles, you wrote a controversial piece, didn't 13 you, as part of the News of the World's naming and 14 shaming campaign? 15 A. Yes. That was Rebekah Brooks' one good idea and it was 16 initially given to a -- (inaudible) girlfriend to 17 research and she couldn't find any because she just went 18 down the library, and being an avid listener of Radio 4, 19 they'd recently done a programme on the boy scouts and 20 their database down in Worthing. So as a bit of a blag, 21 I said, "We'd like to follow up on Radio 4 and can we 22 have a look at the workings of the database", and just 23 went down there, basically plundered about 50 24 paedophiles who had raped and abused children and had 25 served a sentence and were now out, and the whole point</p> <p style="text-align: center;">Page 38</p>	<p>1 to choose; it's whether it is appropriate to do things 2 which otherwise might be considered unethical in some 3 wider goal, or maybe you don't think there is an ethical 4 dimension? 5 A. No, absolutely not. I think the public is clever enough 6 to decide on the ethics it wants in its own newspapers. 7 It doesn't need somebody like Max Mosley to say, "Well, 8 actually, I should make the decision what should be 9 published." The reason why News of the World sold 10 5 million copies is that there were 5 million thinking 11 people and that's what they wanted to read. That's what 12 drove the paper. We were the mirror to society, the 13 daily mirror, in fact -- if you want to dirty the mirror 14 by putting lawyers in charge of what the public can see, 15 I think you're going down the wrong route. 16 LORD JUSTICE LEVESON: And the targets of your story, 17 neither here nor there? Is that it? It's a serious 18 question. 19 A. No, if the public found the targets of our stories 20 distasteful, they would not have bought it. The inverse 21 was true. 22 MR BARR: A test of what is of interest to the public? 23 A. What is of interest to the public is what they put their 24 hand in their pocket and buy. 25 Q. The consequences of the naming and shaming campaign was</p> <p style="text-align: center;">Page 40</p>

<p>1 that there was an episode of public disorder in 2 Portsmouth, wasn't there? 3 A. Yes. 4 Q. Did you think that the coverage might have been such as 5 to whip up a certain amount of hysteria? 6 A. Yeah, no, I -- in a bizarre way, I felt slightly proud 7 that I'd written something that created a riot and got 8 a paediatrician beaten up, or whatever was the case, due 9 to the "paedo" aspect of what our readers latched onto. 10 But in another way, the public was absolutely outraged 11 that for the last 20 years you could have a child rapist 12 living next to a family of four, peering over the fence 13 at their children and never knowing, and sometimes even 14 letting them babysit and the abuse would carry on. 15 Q. Can you -- 16 LORD JUSTICE LEVESON: I'm sorry, I just want to check 17 whether I'm reading this correctly: 18 "I felt slightly proud that I'd written something 19 that created a riot and got a paediatrician beaten up"? 20 A. Yes, I suppose I'm being a bit frivolous, but in a 21 sense, how do you judge what you do in your career? You 22 like to have an impact and that was one story that 23 certainly had an impact. I mean, you yourself wouldn't 24 like to spend your career in a back room, never having, 25 you know, created or achieved anything, and that was --</p> <p style="text-align: center;">Page 41</p>	<p>1 whole point of chasing circulation and nothing else, and 2 to be the best paper you can be to achieve the number 3 one circulation is you have to appeal to what the reader 4 wants to read, and that's it. They are the judge and 5 the jury of what is in the paper, and if they don't like 6 it -- if they don't like the fact that you've written 7 a story about Charlotte Church's father having 8 a two-in-a-bed -- sorry, three-in-a-bed on cocaine, then 9 they'll simply stop buying the product. But the reality 10 was it was bought in its millions. This is what the 11 people of Britain want. I was simply serving their 12 need, their -- what they wanted to read. 13 LORD JUSTICE LEVESON: And to that extent, you would have to 14 say that the end justifies the means? 15 A. Yes, I think so. I think in order to -- I mean one of 16 the things we had to do at News of the World was 17 tape-record absolutely every interview we ever did. So 18 in effect, it wasn't made up because every article I've 19 ever written has been on -- is recorded and our legal 20 department would sometimes want a transcript of it if we 21 thought we were going to get sued about it. So all I've 22 ever tried to do is to write truthful articles and to 23 use any means necessary to try and get to the truth, and 24 there's so many barriers in the way that sometimes you 25 have to enter a grey area that I think we should</p> <p style="text-align: center;">Page 43</p>
<p>1 the achievement was not having a paediatrician beaten 2 up, clearly, but it was writing a story of such an 3 impact that there were riots because the public were so 4 furious about the way the law was and it needed to be 5 changed. 6 LORD JUSTICE LEVESON: I understand. I read it back to you 7 because I didn't think you meant what I'd just read. 8 That was the point. 9 A. Well, it was a bit of a joke. 10 LORD JUSTICE LEVESON: That may not be how it's reported. 11 A. No, I bet it isn't. I wouldn't. 12 MR BARR: Perhaps to pick up a little bit more about what 13 you felt, did you feel that you had a certain power as 14 a journalist who could write a story which would provoke 15 a reaction from a very large audience? 16 A. Yeah, I used to love sitting on the train watching 17 people read things that I had written. Isn't that one 18 of the reasons why we do it? I liked the idea that this 19 paper wasn't just the biggest paper in Britain; it was 20 the biggest paper in the English-speaking world. 21 Clearly we were doing something right, and given that, 22 yes, there was a certain influence that went with that. 23 Q. And did it matter what the subject matter was? 24 A. No, because that was decided by the reader. We simply 25 mirrored back what they wanted to read. I mean, the</p> <p style="text-align: center;">Page 42</p>	<p>1 sometimes be applauded for entering, because it's a very 2 dangerous area. My life has been at risk many times at 3 home more than in war zones. I used to get a death 4 threat at least once a month for 15 years of my career. 5 I never paid a bill in my own name, I never had a house 6 in my own name. You know, my wife received death 7 threats on her home phone. There were times when we had 8 to have security guards living outside my house. I had 9 to move out and live in a hotel. You know, it's not an 10 easy life. My surveillance van was set alight. You 11 know, it's huge sacrifices. 12 For the first time in my life, I stepped out into 13 the public when I bought a pub. Before that, no one had 14 ever known what I had done for a living or indeed where 15 I lived. I mean, I sacrificed a lot to write truthful 16 articles, you know, for the biggest circulation 17 English-language paper in the world, and I was quite 18 happy and proud to do it, which is why I think phone 19 hacking is a perfectly acceptable tool, given the 20 sacrifices that we make, if all we are trying to do is 21 to get to the truth. 22 I mean, I'll give you an example. I went to cover 23 the Iraq war as the embedded correspondent for the RAF 24 and I was attached to the British Harrier force, and we 25 spent five weeks in the desert at their base, living</p> <p style="text-align: center;">Page 44</p>

<p>1 with the pilots and ground crew, and all of them were 2 convinced that there were weapons of mass destruction, 3 and so the pilots every night, sortie after sortie, were 4 risking their lives because they'd been told by, you 5 know, Tony Blair and John Prescott and the Cabinet that 6 these were weapons of mass destruction, and you know, 7 I spent half my time in a chemical suit. And they fired 8 17 missiles towards that base and the Patriots took out 9 11 and the other six missed, so all of us were under 10 great risk of being killed.</p> <p>11 And indeed, as the war went on, some of these lads 12 that I got to know came back in body bags, and so 13 I think when I, you know, spoke to John Prescott and -- 14 you know, I have no problem at all saying, you know, if 15 I'd -- I didn't actually hack his phone, but if I had 16 done to have proven that he was not an honourable man 17 because he stood up in front of 200 people in a church 18 and said to his wife, "I will love you, I will honour 19 you, this is my pledge", and yet he nips around the 20 corner and has sex with his secretary. So I want to 21 know that the man who is partly responsible for sending 22 our boys to their deaths is an honourable man, and to 23 that end, yes, I would hack his phone. I'd put my hand 24 up and say I hacked his phone and went through his bins 25 because that is a more important truth than this</p> <p style="text-align: center;">Page 45</p>	<p>1 expressed were commonly held in the News of the World 2 newsroom?</p> <p>3 A. Yes, I think most of us would have done what was 4 required to get a story. It's very hard to get a story. 5 You just don't go up to a paedophile priest and say, 6 "Hello, good sermon, and are you a priest because you 7 like abusing choir boys?" It doesn't happen. You don't 8 say, "Hello, I work for the News of the World." You 9 have to go to the nth degree to get to the truth.</p> <p>10 Q. I'll come back to that particular example in a little 11 while, but perhaps I could explore the methods that are 12 used by the tabloid press, certainly in your experience, 13 a step at a time. First of all, can we deal with the 14 interception of conversations. Is it your evidence that 15 before 2000 the use of scanners to intercept 16 conversations and obtain stories was widespread amongst 17 journalists?</p> <p>18 A. Yes, it was.</p> <p>19 Q. And that that practice has diminished as a result, first 20 of all, of the switch from analogue to digital?</p> <p>21 A. Yes.</p> <p>22 Q. And secondly because of the ban on scanners?</p> <p>23 A. No, you can still buy a scanner. I bought one the other 24 day just as an example, but its use is really just 25 for -- even the police have taken their radios out of</p> <p style="text-align: center;">Page 47</p>
<p>1 nonsense, trying to send journalists to jail, which is 2 not good for the country.</p> <p>3 If you look at the countries who have sent their 4 journalists to jail, we have China with 34, Iran with 5 about the same and the Turks have about 20 or 30 in 6 Kurdistan. We laugh at those countries, saying, "Oh, 7 we're so much better than them", but you know, I'm here 8 because you served me with a section 21 notice that 9 I could be jailed if I didn't turn up. Several of my 10 colleagues are under arrest, and all they've ever done 11 is try to write the truth, and pretty soon --</p> <p>12 LORD JUSTICE LEVESON: I am not --</p> <p>13 A. -- the people in Iran are going to be laughing at us, 14 laughing at you.</p> <p>15 LORD JUSTICE LEVESON: I am not threatening to send you to 16 jail for speaking the truth. I am requiring you to come 17 and tell me. If I didn't want to hear from you, 18 I wouldn't have done that, and I am giving you 19 a platform to say what you are saying. Isn't that what 20 it's about?</p> <p>21 A. Well, I suppose it is, but not all of your witnesses 22 have been issued with a section 21 notice. But having 23 said that, no, I'm quite happy to be here, so given 24 that, thank you.</p> <p>25 MR BARR: Could I just ask you if the views you've just</p> <p style="text-align: center;">Page 46</p>	<p>1 the scanning range, but -- I mean, fundamentally what 2 people seem to fail to realise is a mobile phone, all it 3 is, it's a radio transmitter. So you transmit your 4 words into the air waves and anyone can stick up an 5 aerial with effectively a radio but with a much larger 6 bandwidth, and listen. That's all it is. That's why 7 Tony Blair didn't have one of these and it that's why 8 Robbie Williams didn't have one of these. Not in the 9 same category, but because it's just so easy for anyone 10 to listen in.</p> <p>11 Q. I've been asked to put the next question to you. 12 I understand that when you were growing up you believed 13 that your father's telephone was hacked and I've been 14 asked to suggest to you that there is an irony between 15 that fact and the willingness of journalists to 16 intercept conversations. Do you see an irony there?</p> <p>17 A. Well, my father was a journalist and he used to receive, 18 when I was quite young, phone calls from a campaigning 19 MP called Tam Dalyell, and he was looking after the 20 sinking of the Belgrano and the fact that maybe Maggie 21 ordered that to be sunk as a way to kickstart the war, 22 and you know, I just remember my parents at the time 23 saying, "We think our phone's being hacked", and 24 I just -- what joy it was that, you know, that in the 25 1990s you could go over to Maplins, spend 50 quid on</p> <p style="text-align: center;">Page 48</p>

1 a scanner and hack them back. My understanding of it
 2 was that it wasn't actually illegal, and do we really
 3 want to live in a world where the only people who can do
 4 the hacking are MI5 and MI6 and they should target us as
 5 journalists? No. For a brief period of 20 years, we
 6 have actually lived in a free society where we can hack
 7 back, and if you start jailing journalists for that,
 8 then this is going to be a country that is laughed at by
 9 Iran and by China and by Turkey.

10 Q. Can I move now to the question of voicemail
 11 interception? In your experience, how common was
 12 voicemail interception by journalists at the
 13 News of the World?

14 A. By the rank-and-file journalist? Yeah, not -- not
 15 uncommon. These journalists swapped numbers with each
 16 other. You know, you might swap -- I think I swapped
 17 Sylvester Stallone's mother for David Beckham, I think,
 18 for example.

19 Q. I should stop you there and say I'm deliberately asking
 20 wide questions about the culture and you should not
 21 understand my questions as to be asking about what you
 22 personally did, unless you want to tell us. You don't
 23 have to tell us what you did.

24 LORD JUSTICE LEVESON: The point being, which actually is
 25 ironic given what you've just said, that you are

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1 absolutely not obliged to incriminate yourself in any
 2 way whatsoever. You ought to know that. Now, how you
 3 choose to answer questions is up to you, but I'll give
 4 you the warning.

5 A. It makes a nonsense of my assertion that we were acting
 6 in the public -- for the public good if I now turn
 7 around and say, "Well, I'm not going to tell you about
 8 it." Isn't the point of this Inquiry that you treat me
 9 as a witness rather than, as the police asked when they
 10 asked me into Scotland Yard, to treat me as a potential
 11 criminal? I mean, surely to prove that our politicians
 12 are dishonourable men and, as such, may have
 13 dishonourable motives when they send our boys to be
 14 killed in Iraq and in Afghanistan is more important than
 15 jailing me for saying I hacked David Beckham's phone,
 16 for example, if I was going to say that.

17 Q. You were saying that the interception of voicemail by
 18 reporters -- by the rank and file, I think was a phrase
 19 you used -- was not uncommon. Were intercepted
 20 voicemail messages used as leads for the further
 21 investigation of stories?

22 A. Yeah, I mean, I will say -- I mean, what happened is
 23 that the mobile phone was invented in the 1990s and, you
 24 know, the Taiwanese industry caught up really quickly,
 25 so six months later you had a scanner on the market that

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1 could intercept that and then when analogues were
 2 switched off in the late 1990s -- they were actually
 3 only switched off about three years ago, finally -- it
 4 was a school yard trick practised by, you know, many
 5 teenagers across the country that we now call phone
 6 hacking. It is simply the act of ringing up a mobile
 7 phone, pressing 9 to tell the phone that you are the
 8 owner, and then, in the old days, you just put in four
 9 zeros because that was the default code for Vodafone.
 10 So a great many people from, you know, wives thinking
 11 their husbands were staying out late, for example, may
 12 have a little listen. I remember the programme
 13 "Friends" had an episode where one of them hacked into
 14 the phone of another of them to see if they were having
 15 an affair and it was all very jolly and what a joke that
 16 was. I'd say at least 10 per cent of the population,
 17 maybe 20, have just hit 9 on the girlfriend's,
 18 boyfriend's -- you know, perhaps your son or your
 19 daughter is staying out late and you want to the know
 20 where she is.

21 Now, that is a criminal act if you hit 9 and listen
 22 to their messages. So obviously journalists were going
 23 to do that too to people who were going to give them
 24 stories. I mean, the problem came sometimes when
 25 they -- you did hit 9 -- when you rang them up and they

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1 answered the thing. So I can say in all honesty, once
 2 I rang up David Beckham, expecting his phone to ring
 3 because he would never normally answer the phone to me
 4 but actually did and it was: "Hello, who's this? How
 5 did you get my number?" And I went: "Argh, 9 -- oh, too
 6 late." So I didn't hack his phone in that instance
 7 because he answered really quickly.

8 Then you have the other issue of call waiting and
 9 so -- but again, 2 in the morning -- ask Glenn Mulcaire.
 10 He was much better as these things than your rank and
 11 file journalist.

12 Q. An interesting answer but it digressed a little bit from
 13 my question. Can I take it then that these intercepted
 14 messages were used as leads to investigate stories?

15 A. Yes.

16 Q. You said that it was not uncommon for the rank and file
 17 to be listening to other people's voicemail. Can I ask
 18 you now about the extent of knowledge within the
 19 News of the World as to voicemail interception. At this
 20 stage, I'm not asking you to name names but I'm asking
 21 you to give us an impression. Was voicemail hacking
 22 within the News of the World -- would you describe it as
 23 widespread or would you go further and say endemic?

24 A. It depends what period you're talking about. If you're
 25 talking about the period when I think it was legal to do

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<p>1 it, which is pre-2001, although there seems to a grey 2 area here --</p> <p>3 Q. I'm asking about the period in which you were working 4 for the News of the World.</p> <p>5 A. Actually, it was something that might have been done as 6 a last resort because, funnily enough, if you ring 7 someone up and then do whatever you might do to get the 8 engaged tone and -- yeah, self-incrimination. It's 9 a shame you said that because I'd have quite happily 10 spoken about it. Yeah, are you saying it was illegal to 11 listen to someone's messages before 2001?</p> <p>12 Q. I'm asking you how widespread within the 13 News of the World was knowledge that people were 14 intercepting voicemails?</p> <p>15 A. Oh, well, paparazzi told me that it was done by my 16 colleagues before I realised my colleagues might have 17 been doing it, in about 1995-ish.</p> <p>18 Q. Let me put it a little bit more bluntly. Did your 19 editors know that voicemails were being intercepted?</p> <p>20 A. Yes.</p> <p>21 Q. Can I move now to the question of the Sunday Express?</p> <p>22 A. I could go a bit further on that, in that we did all 23 these things for our editors, for Rebekah Brooks and for 24 Andy Coulson, and -- I mean, you only have to read Andy 25 Coulson's column in Bizarre, where it would just be</p> <p style="text-align: center;">Page 53</p>	<p>1 colleagues were with me by saying, "How dare these 2 people just throw us to the wolves and run off 3 scot-free", as they did for about a year. It's only 4 because I was jumping up and down in Canterbury going: 5 "The police investigation is a fake, I hacked loads of 6 phones, come and arrest me", that eventually, you know, 7 they did a proper investigation and Glenn Mulcaire's 8 notebook was unearthed and, you know, I have the scalps 9 of two junior police officers, John Yates and the other 10 one, you know, happily to my tally.</p> <p>11 Q. If I could just stop you there. You've answered 12 comprehensively, if I may say so, about the 13 News of the World. Might I ask you about your time at 14 the Sunday Express? Whilst you were working for the 15 Sunday Express, to your knowledge, were any members of 16 staff at the Sunday Express hacking voicemails?</p> <p>17 A. Actually, I think the answer to that is no. I think 18 there wasn't really the money available for the kind of 19 investigation that there was at the News of the World. 20 I mean, to park a surveillance van outside someone's 21 house for three months cost tens of thousands of pounds 22 and you might only get a page lead out of it.</p> <p>23 Q. When you were working for the National Enquirer, to your 24 knowledge were any members of staff hacking into 25 voicemails?</p> <p style="text-align: center;">Page 55</p>
<p>1 written, you know, that pop star A is leaving messages 2 on pop star B's phone at 2 am in the morning, saying, 3 "I love you. Shall we meet up for a drink?" I mean, it 4 was that blatant and obvious. I don't think anyone 5 realised that anyone was committing a crime at the 6 start, so my assertion has always been that Andy Coulson 7 brought that practice wholesale with him when he was 8 appointed deputy editor, an appointment I couldn't 9 believe. I thought, you know, he should have been made 10 a junior reporter, not deputy editor, and they should 11 have had the strength of their conviction to say, you 12 know: "Yes, sometimes you have to enter into a grey area 13 or indeed a black illegal area for the good of our 14 readers, for the public good, and yes, sometimes our -- 15 you know, we asked our reporters to do these things", 16 but instead they turned around on us and said, "Oh, we 17 didn't know they were doing it, oh heavens, it was all 18 just all Clive Goodman", and then later, it was just 19 a few others.</p> <p>20 They should have been the heroes of journalism but 21 actually, they're not. Rebekah Brooks and Andy Coulson, 22 they're the scum of journalism for trying to drop me and 23 my colleagues in it. If you look at what I've said, 24 I've never said anything bad about anyone who worked 25 with me or any one of my colleagues. Most of my</p> <p style="text-align: center;">Page 54</p>	<p>1 A. No. I never did then, but this is post-2006, so no.</p> <p>2 Q. I'd now like to move to the question of the conversation 3 that you had with Mr Hugh Grant at your public house at 4 which he tape-recorded, and perhaps we could have up on 5 the screen, please, a document, the reference for which 6 ends 31111. We heard evidence about this document 7 earlier in the Inquiry. On the page that's displayed on 8 the screen, on the left-hand column, about half of the 9 way down, you were asked some questions about the 10 Daily Mail.</p> <p>11 A. Oh yeah.</p> <p>12 Q. If I pick it up, there's a question which starts with Mr 13 Grant saying: 14 "And it wasn't just the News of the World; it was, 15 you know, the Mail?" 16 Then we see the conversation which follows. Are you 17 familiar with that?</p> <p>18 A. Yeah, I remember that. I think that's a bit of 19 a misunderstanding. I was just trying to say that, you 20 know, two biggest-paying papers in Britain who always 21 had the best stories and therefore the highest 22 circulation were the News of the World and the Mail. 23 I didn't say that -- I wouldn't know if the Mail hacked 24 any phones. I never worked at the Mail, so -- I mean, 25 I sold stories to them. In fact, Hugh Grant breaking</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 down in his Ferrari I sold to the Mail on Sunday, but --</p> <p>2 and, yeah, I'd like to at least defend the Mail in that</p> <p>3 regard, in that I think I also have proof that the</p> <p>4 stories about "Ting Ting", as she's known, or Tinglan --</p> <p>5 Q. We'll come to that in a short moment. But having made</p> <p>6 clear your position on the Daily Mail, could I ask you</p> <p>7 first -- I think you wanted to make can clear your</p> <p>8 position as to whether or not you had ever hacked</p> <p>9 Hugh Grant's phone?</p> <p>10 A. Yes. I don't recall -- I don't remember having his</p> <p>11 number, and I don't recall having been in a situation</p> <p>12 where it would have been useful.</p> <p>13 Q. Moving now to the question of the Tinglan story, since</p> <p>14 Mr Grant gave evidence to the Inquiry, you've been in</p> <p>15 contact with us to say that you know something about the</p> <p>16 source of the story about Tinglan's --</p> <p>17 A. I just wanted to do Hugh Grant a favour, because he is</p> <p>18 actually quite a nice bloke, but he said -- and he</p> <p>19 refused to hand over the tapes to, I think, yourself and</p> <p>20 also to the police, in which I have sufficiently</p> <p>21 incriminated myself -- in fact, Hugh suggested at lunch</p> <p>22 for me to go into prison, possibly. So thanks very</p> <p>23 much, Hugh, but I think you also overruled him by</p> <p>24 ordering him to give them under a section 21 as well, in</p> <p>25 that he could go to prison; is that right? Or do I not</p> <p style="text-align: center;">Page 57</p>	<p>1 A. I don't. It was done anonymously, but it was done so</p> <p>2 swiftly after Hugh Grant published his tapes that it</p> <p>3 was -- I don't know. It was kind of hilarious, in</p> <p>4 a way, but no, it was great. How often does a story</p> <p>5 about a star not only drop into your lap, but literally</p> <p>6 the star comes around and then the next minute he's got</p> <p>7 this a girl pregnant. I was actually going to build</p> <p>8 a new toilet suite based on this.</p> <p>9 Q. So the bottom line is that based on what you know about</p> <p>10 the source of this story, so far as you're aware, it</p> <p>11 wasn't the result of any phone hacking?</p> <p>12 A. No, it's just one of his mates getting up to mischief,</p> <p>13 really.</p> <p>14 Q. Can I move now to some evidence which the Inquiry is</p> <p>15 expecting to hear from Mr Alastair Campbell in his</p> <p>16 account. He says Paul McMullan, one of the few former</p> <p>17 journalists to have admitted the extent of illegal</p> <p>18 activity, has described hacking as the tip of the</p> <p>19 iceberg. Have you done that?</p> <p>20 A. Oh, I think I was just -- I meant in the context of the</p> <p>21 extreme lengths that we had to go to get a story. Is</p> <p>22 that getting back to the paedophile priest? Is that</p> <p>23 what you mean?</p> <p>24 Q. I'm asking you whether you've told Mr Campbell it was</p> <p>25 the tip of the iceberg.</p> <p style="text-align: center;">Page 59</p>
<p>1 a --</p> <p>2 Q. Mr McMullan, it's your job to answer the questions.</p> <p>3 A. All right.</p> <p>4 Q. Perhaps I can steer you back to the Tinglan story.</p> <p>5 A. No, no, I remember it well.</p> <p>6 Q. You had provided us with a letter. The technician</p> <p>7 should have a redacted copy of it letter. My solicitor</p> <p>8 has it and it's going to be passed up to the technician</p> <p>9 now to be displayed on the screen in redacted form.</p> <p>10 A. I just wanted to say: Hugh, thanks for that, thanks for</p> <p>11 not wanting to send me to prison. You did your revenge</p> <p>12 number, as you said. I just wanted to say: well, in</p> <p>13 return, the source of the Tinglan -- your friends appear</p> <p>14 to refer to her as it "Ting Ting". Anyway, Tinglan --</p> <p>15 maybe that's the nickname -- that was -- it didn't come</p> <p>16 from a phone hacking; it came from one of your friends.</p> <p>17 They wrote me a letter at the Castle Inn in Dover,</p> <p>18 saying -- well, you can read a bit of it there, but</p> <p>19 basically, you know, that you'd got her pregnant and</p> <p>20 maybe I'd like to stick a surveillance van outside and</p> <p>21 get a good set of pictures. And that was on April 12,</p> <p>22 two weeks before the News of the World broke the story,</p> <p>23 and something which I immediately sold to the Mail on</p> <p>24 Sunday, although there was a technical mix-up on that.</p> <p>25 Q. Do you know who sent this letter to you?</p> <p style="text-align: center;">Page 58</p>	<p>1 A. No, indeed, yeah. I mean, it was something that you</p> <p>2 wouldn't do at the start of an investigation because the</p> <p>3 last thing you do is you want to tip someone off that,</p> <p>4 you know, there is someone pretending to be someone who</p> <p>5 wouldn't ordinarily think because they've had a weird</p> <p>6 phone call. So that's where the News of the World went</p> <p>7 wrong, in the sense that that became the first port of</p> <p>8 call instead of a last ditch one, and I'd put that down</p> <p>9 to the inexperience of Andy Coulson, who didn't have</p> <p>10 a sure editorial hand, so -- you know, the first thing</p> <p>11 an editor asks when someone brings in a story is: "How</p> <p>12 do you know and where did you get it?" And you go:</p> <p>13 "Well, actually I got it from a phone hack. Do you want</p> <p>14 to have a listen?"</p> <p>15 So if you can actually play that tape that says, you</p> <p>16 know: "Meet me at midnight, we will have --" or, in the</p> <p>17 case of one of these stories, "I will rugby-tackle you</p> <p>18 into the ground and have my way with you" -- if you can</p> <p>19 actually hear that from the horse's mouth himself, you</p> <p>20 know that that you're not going to get sued.</p> <p>21 If you remember, Elton John took the Sun for</p> <p>22 a million pounds and basically your job as an editor is</p> <p>23 on the line if you don't absolutely know that you're not</p> <p>24 going to get sued for a story that you run, so I would</p> <p>25 put Mr Coulson's inexperience at requiring that degree</p> <p style="text-align: center;">Page 60</p>

<p>1 of proof and not just letting a story run because he had</p> <p>2 the experience to know that actually you probably</p> <p>3 wouldn't get sued for that. So instead of -- it became</p> <p>4 too commonplace and also too badly done.</p> <p>5 Q. I see. He goes on, Mr Campbell, to say:</p> <p>6 "When making a short film for the BBC1 show on phone</p> <p>7 hacking, I interviewed Mr McMullan. Some of the remarks</p> <p>8 he made were not broadcast on the advice of BBC lawyers.</p> <p>9 They included his observations that phone hacking was</p> <p>10 widespread across Fleet Street and not confined to the</p> <p>11 News of the World ..."</p> <p>12 Did you say that?</p> <p>13 A. Probably, yeah. I mean, it was on video, yeah.</p> <p>14 Q. "... when senior editors and executives at the News of</p> <p>15 the World were aware that this and other illegal</p> <p>16 practices were taking place, and on occasions listened</p> <p>17 to some of the messages."</p> <p>18 Did you say that?</p> <p>19 A. Yes.</p> <p>20 Q. Was the statement that you believed that phone hacking</p> <p>21 was widespread across Fleet Street true?</p> <p>22 A. Yeah. I thought the News of the World was one of the</p> <p>23 least bad offenders. The others were much worse.</p> <p>24 Q. And similarly, was your comment that senior editors and</p> <p>25 executives at the News of the World on occasions</p> <p style="text-align: center;">Page 61</p>	<p>1 but on a cordless one.</p> <p>2 Q. When you gave that answer, were you referring only to</p> <p>3 matters a very long time ago, or were you meaning to</p> <p>4 refer to matters in this millennium?</p> <p>5 A. Well, I'm -- actually, I absolutely know that it still</p> <p>6 goes on because we were chatting over lunch and</p> <p>7 I said -- I've kind of come out in the public. Clearly,</p> <p>8 I cannot be an investigative journalist any more, but</p> <p>9 the other day someone came into the bar and offered me</p> <p>10 a digital scanner to buy, and said -- well, you know,</p> <p>11 I felt a bit like Ewan MacGregor out of Trainspotting</p> <p>12 when everyone keeps coming and offering him heroin.</p> <p>13 It's: "I don't want it any more, but thanks anyway."</p> <p>14 I was also offered a list of all the personal phone</p> <p>15 numbers of all the police officers in a particular</p> <p>16 force, which -- you know, five years ago, wow, that's</p> <p>17 a great source of information or a great story. But</p> <p>18 now, I clearly can't do that kind of thing any more,</p> <p>19 so -- yes, the criminal underworld still use that.</p> <p>20 Do journalists still use digital scanners? I don't</p> <p>21 know. You can, I think, buy them in America and there's</p> <p>22 a few little twiddles you can have done to make them</p> <p>23 work in the UK. But I mean, I haven't got one.</p> <p>24 I haven't used a digital scanner. It's technology</p> <p>25 that's beyond me and but -- no, I'm sure that as soon as</p> <p style="text-align: center;">Page 63</p>
<p>1 listened to some of the messages -- was s that true?</p> <p>2 A. Yeah. No, I mean when I broke a story and if I wasn't</p> <p>3 actually in the office -- if I was away on the story,</p> <p>4 either in a foreign country or Northampton or something,</p> <p>5 I would occasionally play a tape of the words that would</p> <p>6 allow us to run that story without fearing being sued</p> <p>7 over the phone and then the editor would go: "Okay,</p> <p>8 we've got it. Yes, we've got it. We can go with that."</p> <p>9 Q. Mr Campbell goes on to say:</p> <p>10 "In other meetings I have had with him, he has said</p> <p>11 that the use of private detectives was widespread across</p> <p>12 newspapers, and that in addition to hacking, private</p> <p>13 detectives and journalists on occasion sat outside the</p> <p>14 homes of targets, in vans fitted with technology,</p> <p>15 capable of listening in to conversations taking place</p> <p>16 inside, based on the assumption more people now use</p> <p>17 mobiles at home than landlines."</p> <p>18 Did you say that?</p> <p>19 A. Well, we all know that. We all know -- we've read the</p> <p>20 Squidgy tapes and when Prince Charles rang up Camilla</p> <p>21 and said, "Oh, I'd like to be a tampon, darling." We</p> <p>22 all know that that was got -- actually, it's not just</p> <p>23 for mobiles, because if you use a landline that hasn't</p> <p>24 got a wire, that's acting as a radio transmitter as</p> <p>25 well. So I think the Squidgy tape came from a BT phone</p> <p style="text-align: center;">Page 62</p>	<p>1 you invent a new bit of technology, someone over in</p> <p>2 Taiwan will be inventing a way to listen in, be it an</p> <p>3 app or -- but, you know, that's -- my days have gone,</p> <p>4 the last 20 years, not the next 20 years.</p> <p>5 Q. Can I ask you now, please, about email hacking. To your</p> <p>6 knowledge, was the News of the World responsible for</p> <p>7 hacking into anybody's email account?</p> <p>8 A. I don't know. Don't think -- I don't remember that.</p> <p>9 That's certainly nothing I ever needed to do to do</p> <p>10 a story.</p> <p>11 Q. I understand that you've been made aware of a technology</p> <p>12 which allows information from smartphones in particular,</p> <p>13 from iPhones to be taken surreptitiously. Is that</p> <p>14 right?</p> <p>15 A. Yes, I mean, it's always going to be the case -- I mean,</p> <p>16 actually, Hugh Grant kept going on, "Can they read my</p> <p>17 texts?" I think now the reality is now there is an app</p> <p>18 that yes, when you get texts it can be transmitted to</p> <p>19 someone else's phone so they can read it.</p> <p>20 Q. Do you know whether or not journalists are using that</p> <p>21 technology?</p> <p>22 A. No, I don't know. I'm out of the loop for the last</p> <p>23 couple of years and I don't do investigations any more,</p> <p>24 but yeah, to be honest, you might be able to legislate</p> <p>25 against staff reporters and photographers, but you can't</p> <p style="text-align: center;">Page 64</p>

<p>1 legislate against all the Italians, Mexicans, all the 2 paparazzi from all around the world who actually gonna 3 give a hoot about what you're saying here. They won't 4 be watching it. They don't care. They just want to 5 make money and get pictures of someone slightly more 6 profitable than Hugh Grant and then send it back to 7 Mexico, and it doesn't matter at all what you say or 8 what laws you pass here because it won't stop it. 9 Q. Moving from that form of hacking to a completely 10 different form of information-gathering technique -- 11 LORD JUSTICE LEVESON: Before we do, I think the shorthand 12 writer is entitled to break and Mr McMullan's entitled 13 to break, so let's have five minutes. 14 (3.30 pm) 15 (A short break) 16 (3.36 pm) 17 MR BARR: Mr McMullan, could I resume by asking you, please, 18 about blagging. 19 A. All right. 20 Q. You've already mentioned once an example of blagging 21 being used. Was blagging a commonly used technique to 22 obtain information when you were working at the 23 News of the World? 24 A. Yes. Serious wrongdoers don't admit it. They're 25 generally really pompous and overbearing people and it's</p> <p style="text-align: center;">Page 65</p>	<p>1 phones? You know, yes, but it's not necessarily all the 2 time. 3 Q. I'm asking you about blagging now. So was blagging 4 reserved for particular cases which were thought to 5 be -- 6 A. Is that not a blag? Saying I'm a teenage rent boy is 7 not a blag? 8 Q. You're telling me you blagged your way into his presence 9 by pretending to be a rent boy? 10 A. Yes. 11 Q. What I'm asking is: was blagging a technique that was 12 reserved for certain cases or was it something that you 13 would consider deploying wherever you thought it might 14 get a result? 15 A. Absolutely, yes. You can't just say, "Hello, I work for 16 the News of the World, tell me all the criminal stuff 17 you've been getting up to." It doesn't work like that. 18 You have to be cleverer than the criminals. 19 Q. I'm going to move to a related area, but perhaps before 20 I do so, I should ask you: was blagging, to your 21 understanding, a methodology which was used widely 22 across the tabloid media? 23 A. Well, daily newspapers wouldn't have to use it half as 24 much as a Sunday which deals in exclusives. So, you 25 know, if you want to do an investigation, ie the</p> <p style="text-align: center;">Page 67</p>
<p>1 an absolute joy to bring them down. My favourite 2 example is the prison governor I've alluded to already. 3 My second example is -- if I may, is a Catholic priest 4 that we turned over. It just shows you the lengths that 5 we had to go to to get this picture. This is a picture 6 of the guy who stands up and gives sermons every Sunday 7 without any pants on, about to spank a rent boy in 8 a pair of boxer shorts. 9 Now, you don't just get into that situation without 10 being extremely devious and without inventing a persona, 11 as I did for myself -- you know, this is 15 years ago. 12 I pretended to be Brad the teenage rent boy and actually 13 got him to hire me. So -- and at the time, in order to 14 get the picture, I stripped down also to my boxer shorts 15 and at the allotted time, this rent boy, who we'd paid 16 £2,000 to, got some of the priest's own ampule -- I 17 think it's called GBH -- cracked it open, the priest 18 sniffed it and fell back in his seat, at which point 19 I got out my camera, took the picture and it was like: 20 "Got it; scarper." 21 So there's two of us, in our underpants, running 22 through a nunnery at midnight after getting the priest. 23 And it was such fun that -- that was under Piers Morgan. 24 So that was the kind of lengths you would have to go to 25 to get proof to run a story, and -- so would we hack</p> <p style="text-align: center;">Page 66</p>	<p>1 slightly special story that will hold for a week, then 2 yes, blagging would be completely necessary. 3 Q. Moving now to stings. I think the story you've just 4 shown us would be an example of a sting. 5 A. I see; a blag is more like ringing up a hotel and 6 saying -- because some of the stars, obviously, I've 7 said didn't use mobiles but they'd check into hotels 8 instead, so make use of the hotel phone. Very wise, 9 except a blag might be: "Hello, I am Mr X's accountant, 10 could you please fax the bill", and then you get a list 11 of all the phone numbers that he's just rung and then 12 you ring them all up and you find the mistress he's just 13 rung. 14 Q. Without asking you who might have done that, do you know 15 whether that sort of thing went on? 16 A. Yeah, of course it did, yeah. 17 Q. Stings. You've explained the sting that you used with 18 the priest you've just shown us. Did you impersonate 19 others to run stings? 20 A. Yeah. No, Mazher was always the fake sheik, and I was 21 either a drug user, a drug dealer or a millionaire from 22 Cambridge were my -- I was only a rent boy once. 23 Hopefully I don't look too much like one, but you never 24 know. 25 Q. Can I ask you now about the question of photographs and</p> <p style="text-align: center;">Page 68</p>

<p>1 obtaining photographs. Was it ever considered an 2 acceptable practice to steal a photograph of somebody to 3 print in the News of the World? 4 A. Yes. Just looking for it now. That, by the way, is my 5 surveillance van after I'd posed as a drug dealer. 6 Luckily I wasn't in it when it was torched, but 7 I mean -- anyway, I'm saying it was a difficult job and 8 a dangerous job. Hang on, I can't -- here we go, 9 I think this is what we're talking about. 10 Q. I think you may not wish to hold that one up. 11 A. That's the president's wife of France without any 12 clothes on. 13 Q. It's a little early for that, Mr McMullan. 14 A. It's the News of the World. It's a family paper. 15 Q. Perhaps you could tell us a little bit about how the 16 News of the World got hold of that photograph. 17 A. Yeah, it came from a really obscure Paris fashion 18 photographer who published in a really small, low 19 circulation magazine just for the fashion world, and 20 found it and I thought: "Wow, that's pretty good", and 21 copied it with my camera and both of those are going 22 back a wee while and -- I'm fairly sure Piers Morgan was 23 the editor then, and I said, "Look, I've got this. 24 Here's Naomi Campbell topless and Helena Christensen and 25 Sarkozy's now wife, but we'll never get them in Page 69</p>	<p>1 instances where sources were promised money, the 2 information was taken and the source was not then paid? 3 A. Oh yeah, all the time, yeah. In fact -- what, the 4 De Niro thing? Yeah, I did a story about two girls in 5 a bubblebath with Robert De Niro and one of them was 6 foolish enough to tell me all about it and give me all 7 the pictures without signing a contract. So -- you 8 know, the normal thing is you promise 10 grand for 9 a splash or 20 or whatever, 10 maybe for a spread and 10 two or three for a page lead and that made a spread. 11 I think that was at Cannes one year. And we didn't pay 12 her. She was on my back for ages, but because we didn't 13 pay her, as I recall, I got a 750 quid bonus for ripping 14 off the source of the story, but we had the story 15 already. 16 That's why Max Clifford is so useful for people who 17 need to approach the newspapers with that kind of 18 a story, even though he takes a very large cut. 19 Q. Is it right that the News of the World encouraged people 20 to come forward with stories in exchange for money? 21 A. Yes, but there's absolutely nothing wrong with that. 22 I used to say that we didn't just have 15 feature 23 writers; we had 5 million reporters, because if you sit 24 either at the news desk or the features desk at the 25 News of the World, the phone would ring all the time, Page 71</p>
<p>1 a million years because the French are precious about 2 that kind of thing." And he said, "It's okay, we'll 3 just nick them." 4 So we did that and didn't pay for them. And the 5 other one I held up was John Major's mistress, that one. 6 Q. You needn't describe your personal role in that one, but 7 can you tell us in broad terms how the News of the World 8 obtained a photograph of John Major's alleged mistress? 9 A. Yeah, I was sent to France -- because I'd lived there 10 and worked for an agency over there for a while -- to 11 try and track down the woman who took John Major's 12 virginity. This was a while ago. We found her but we 13 couldn't get a picture of her with her new boyfriend. 14 So the idea was she is traded in John Major, the British 15 Prime Minister, for this French wrinkly. I think the 16 cleaner was in the house, so I blagged my way in and 17 pinched it off the mantle piece and then copied it. 18 I remember at the time Rebekah Brooks said, "No, put it 19 back, we're not allowed to nick stuff!" And Piers said, 20 "No, who cares? Well done. We'll put it in the paper." 21 Which is what we did. 22 But it was in France, so I don't know what sort of 23 legislation that comes under. 24 Q. Can I ask you now about the arrangements for payment 25 that were made with sources? Did you ever come across Page 70</p>	<p>1 every few minutes. 2 "Just saw Victoria Beckham walking into a doctor's 3 surgery. I reckon she's pregnant. Can I have 10 4 grand?" 5 Well, that's not good enough. 6 "Hello, I'm the receptionist at a doctor's surgery. 7 Victoria Beckham is pregnant. Can I have 10 grand?" 8 You know, every few minutes. It is the British 9 public that were supplying us with the vast majority of 10 stories for money. It was what they wanted to read and 11 what they gave to us to find a way of writing and get it 12 in the paper. 13 Q. The next subject I'd liking to deal with is payments. 14 I should be especially clear to you that I'm not asking 15 you to tell me about anything that you personally might 16 have done. 17 Are you aware of the News of the World paying police 18 officers for information? 19 A. Yeah. I mean I'm not -- I wasn't crime. I was kind of 20 investigations, so I -- I have quite a -- I don't think 21 much of the British police force. I think there are no 22 Sherlock Holmes amongst them, there are quite a lot of 23 Inspector Clouseaus and I would prefer to stick my 24 surveillance van outside the home of a policeman and get 25 some dirt on him, as a member of the establishment, to Page 72</p>

<p>1 be ridiculed and knocked down than, you know, get into 2 bed with the police. Whereas the crime guys, that's 3 more their remit, and a couple of times I have been sent 4 on stories that the crime guys have got from policemen 5 who have -- you have to have a relationship for quite 6 a long time with a copper for him to risk his career by 7 giving you a story that's going to make him, again, 8 two grand for a page lead, you know, 10, maybe, for 9 a spread, and to -- yeah, I mean that's the risk. 10 I mean, some stories are worth a lot. For example, 11 Diana's whereabouts was worth much more than that 12 because that would be, you know, a front-page story. So 13 maybe if one phonecall saying -- as indeed we got from 14 one of Diana's bodyguards, that yes, they will be 15 landing at Helsinki airport at 3 o'clock this afternoon. 16 "Can I have £30,000, please? I need to pay my 17 mortgage." Yes, no problem, because that was a defining 18 story about -- as you know, Al Fayed married 19 Miss Finland, hence the Helsinki link. 20 So dangling a carrot of a lot of money was a very 21 good way of getting the best stories, which the British 22 public lapped up. 23 Q. You've told us in that answer about security guards. 24 Could I rewind just for a moment to police. Do you have 25 any feeling, based on your experience, for the extent to Page 73</p>	<p>1 because what do you do? You can't put your fingers in 2 your ears. There is a difference to paying someone to 3 go into that office and to flick through the records 4 maybe. So did we do that? I do know that there was 5 that PI who specialised in medical records, but -- yeah, 6 I mean I have a vague -- I haven't really thought too 7 much about that question because no one's really asked, 8 but I wasn't told -- I mean, generally Rebekah Brooks' 9 door was open all the time, but occasionally -- 10 Q. If you don't know, I won't press you, but perhaps 11 I could ask this ethical question: however the 12 information comes to you, if it's confidential medical 13 information, if the story is published, is there an 14 ethical difference? 15 A. Again, I -- my feeling is that, you know, I'm 16 a journalist. I am there to, you know, catch people out 17 who lie to us and who rule over us, and any means is 18 fine by me. I would have no problem at all, if the 19 target was worth it, with looking at someone's medical 20 records. I can't actually remember if I have or if 21 I haven't. I'd better say I haven't because I'd be 22 implicating myself again, but no, if the end does 23 justify the means -- no, I mean Kelvin MacKenzie said, 24 "If you get the story and you don't get caught, you get 25 a Pulitzer prize. If you get caught and not the story, Page 75</p>
<p>1 which police officers are prepared to accept money in 2 return for information? 3 A. Yeah, not as much as they did in the 1980s, but now 4 I think it would be very difficult to offer a policeman 5 pretty much anything for anything. But certainly, as -- 6 well, the 70s was a notoriously corrupt time, but then 7 it got stamped on and got progressively harder to get 8 information from the police unless it was in an official 9 way. 10 But yeah, I mean a couple of stories. The one you 11 might be referring to, Denholm Elliot's daughter, came 12 from a policeman who was paid, and I wrote that story 13 but it was the crime guy who facilitated the payment. 14 Q. We may come to that particular story in a little while. 15 Can I ask you now: in your experience as 16 a journalist, have health workers ever been paid by 17 a newspaper you have worked for for medically 18 confidential information? 19 A. When I joined, about two years prior to that, there was 20 a girl whose name I can't remember. She'd -- in about 21 1992, wasn't she jailed for selling -- or a PI who 22 specialised in medical records. 23 There is a difference between you answering the 24 phone to a receptionist at a doctor's who has just, for 25 example, seen a positive pregnancy test of a big star -- Page 74</p>	<p>1 you get sent to prison." So I don't know where you're 2 going by that question. 3 Q. Perhaps I can ask you now: are you aware of any of the 4 newspapers that you have worked for paying for 5 information from credit card companies? 6 A. Yeah. Actually, I'm fairly sure that at the start, 7 there were PIs who were able to track people's credit 8 histories or where they'd been with credit cards. 9 Again, a vague recollection, not something I've thought 10 about particularly. But again, you know, I see nothing 11 wrong with knowing, for example, if the governor of the 12 Bank of England has huge debts, because that might be 13 relevant to the way he operates in his job and is 14 something worth publicising, for example. 15 LORD JUSTICE LEVESON: That's twice you've given the same 16 sort of example. 17 A. Yeah -- 18 LORD JUSTICE LEVESON: "People who rule over us" is one, and 19 now the governor of the Bank of England. But do you 20 distinguish? Because a moment ago you were talking 21 about a celebrity. 22 A. Yes, this is the whole point about circulation and the 23 public getting what the public wants. They want that 24 because the circulation stays high, therefore it is what 25 the public want to read, and I think the public are Page 76</p>

<p>1 clever enough to be the judge and jury of what goes on 2 in the newspapers and they don't need an external judge 3 and a jury to decide what should and shouldn't be 4 published, because if they had any distaste for it, they 5 would stop buying it. 6 LORD JUSTICE LEVESON: They may not but what about the 7 person who is the victim? 8 A. Well -- 9 LORD JUSTICE LEVESON: Too bad? 10 A. The ordinary people who buy the product are -- set 11 themselves up for, in a sense, being the victim also. 12 There really is no massive difference between an 13 ordinary man or woman, a celebrity or a -- you know, 14 someone who rules over us, because it all sells the 15 product. It is clear that this is what the British 16 public want to read. There is a taste for it. There is 17 a market for it. 18 LORD JUSTICE LEVESON: I understand. 19 MR BARR: The same sort of question in relation to telephone 20 companies. Are you aware of any of the newspapers that 21 you have worked for paying for information from, for 22 example, British Telecom or from a mobile phone company? 23 A. That was more the kind of tricks that news got up to. 24 The people we employed were more into blagging to try 25 and trick people out of their PIN codes and that kind of</p> <p style="text-align: center;">Page 77</p>	<p>1 this money on unnecessary detail. 2 Like I said, I would never want to ring anybody 3 until I'd spent a week in a van outside the house, 4 because you're just going to tip them off. Whereas if 5 they're unsuspecting, you have a much greater chance of 6 getting a kiss on a doorstep or whatever it is you're 7 looking for. 8 So I tried to rein it in, but not only that, 9 I wanted to know exactly what they were doing. So 10 I demanded the tapes of the blags that they'd had. 11 "We're paying you between £2,000 and 4,000 a week to do 12 this, so how do you do it?" Now, they didn't want to 13 answer because it was in their interest not exactly to 14 tell me how to obtain a pin number for a mobile phone 15 because that's where they were making their money, and 16 when finally I said, "I'm paying you for that tape; send 17 it in", funnily, when I listened to some of the tapes 18 they were awful. They were so much worse than anything 19 that I could have done and I thought: who are these 20 people? Now, you look more closely into who a private 21 investigator is. I mean, is he a failed professional 22 footballer? In one case, he was a Hells Angel. And 23 Steve Whittamore, at least, had a pedigree and was quite 24 respectable, in a sense. 25 So I stopped using the Hells Angel as soon as</p> <p style="text-align: center;">Page 79</p>
<p>1 thing, rather than actually paying someone who worked at 2 Vodafone or whatever. I mean, that's Glenn Mulcaire. 3 That's why he made so much money, because for some 4 reason he was really good at that. 5 Q. Moving then to the question of private investigators: 6 how extensive, in your experience, was the use of 7 private investigators by the News of the World? 8 A. It was too extensive. I spent five years as a features 9 reporter and then, as soon as I got made deputy features 10 editor, I was suddenly confronted with the budget that 11 Rebekah Brooks had had before me, and I really couldn't 12 believe it. I mean, some weeks we actually paid 13 Steve Whittamore £4,000. I went, "Wow, that's a lot. 14 We could have two senior features writers for that. Do 15 we really need to be doing this?" And the answer was: 16 actually, most of the time we didn't. And it was just 17 the laziest reporters who would make most number of 18 calls to the PIs because they didn't want to go to 19 Middlesbrough, they didn't want to sit outside 20 a footballer's house, they got an agency to do it for 21 them, they used the PIs to turn around the numbers and 22 the number plates so they got a picture without actually 23 doing any work. In reality, all it really needed was 24 someone to drive up there in a car to follow whoever it 25 was we suspected of wrongdoing rather than waste all</p> <p style="text-align: center;">Page 78</p>	<p>1 I heard the tape because I thought: this is really going 2 to get us into trouble. And what a lot of trouble it 3 did get us into. 4 Q. What sort of trouble did you think the Hells Angel was 5 going to get you into? 6 A. Well, he was so bad at it, he was being paid by us for 7 doing a lot of unnecessary things that were a waste of 8 money and no good could come of it. Much as I tried to 9 rein it in and put a bit of a break on it, there were 10 other parts of the newspaper, particularly on the side 11 of news, who were pressing the accelerator. I lay the 12 blame there with Andy Coulson. 13 Q. Can you give us some indication of the number of 14 different private investigators that you were aware were 15 being used? 16 A. Well, they sort of came and went. I remember one of my 17 colleagues did a mailshot to nearly every private 18 investigative firm in Britain. I spent an afternoon at 19 a private investigators' conference just saying, 20 "Listen, sometimes some of your clients are going to 21 have stories that the wife might want to get revenge by 22 also selling it to the News of the World, which, A, 23 would be good for your client, and make them another 24 £10,000", so we did actively recruit private 25 investigators. And most private investigators will have</p> <p style="text-align: center;">Page 80</p>

<p>1 one good story on their books maybe once a year or maybe 2 once every two years, but if you tap up 50, then, you 3 know, it wasn't -- it was quite a good way to go. 4 Q. Did the Sunday Express use private investigators as 5 well? 6 A. We used a private investigator who was totally 7 legitimate and, I think, was married to a police officer 8 and knew exactly where the boundaries were and never 9 stepped over them, and didn't commit any illegal act. 10 Q. Going back to the News of the World, can you give the 11 Inquiry an indication about the range of different tasks 12 that were required of private investigators? 13 A. One of the hardest things is when you're working to 14 a deadline and you need to get an interview, you just 15 want to know where that person is, so you can drive to 16 the house and knock on the door, and it's quite hard. 17 In the old days, when I worked for the Fleet Street News 18 Agency, we used to go to the records office, get 19 a marriage certificate, get the name of a first 20 husband -- you know, the maiden name and then go to the 21 mother and then -- but a private investigator can do 22 that in about ten minutes and it's just amazing. They 23 kind of triangulate where the most likely address is. 24 They go, "We have this, the mother lives there, and 25 they're almost certainly here." You drive to that and Page 81</p>	<p>1 colleagues have made, and that is why there is a paper 2 trail that links them directly. I'd say, as an 3 investigator of some experience, I didn't need to go 4 down that route. I felt a lot more comfortable using my 5 own blags, that I was the only one who knew about it, 6 I didn't have to pay anyone for it, there was no paper 7 trail leading to anything that I'd done, and I think the 8 decent investigators at the News of the World, I don't 9 think you'll get anything on them. I think -- unless 10 I was sitting here, I'd -- you know, I'd laugh at the 11 police when they said, "Come in, we're going to arrest 12 you tomorrow at Scotland Yard". It's like, "What have 13 you got on me? You haven't got anything", because 14 I know what I did and I know who I might have paid to do 15 things and I wouldn't have been so stupid to have paid 16 someone to do something illegal who is then going to 17 bill me for it. One illegal act, Paul McMullan. There 18 you go. So I don't think you're going to get people 19 like myself or Mazher like that at all, because, I've 20 got to say, he'd probably never do an illegal act 21 anyway, but, yeah, some people did have that philosophy, 22 let's puts it one step away, but that backfired big 23 time, as we know. 24 Q. Turning to a new topic, that of pursuing celebrities. 25 Do you have any experience of pursuing celebrities in Page 83</p>
<p>1 say, "Blimey, that's good." That's legal. That's using 2 computer technology you can buy off the shelf. It's 3 quite expensive, but -- and it's quite hard to operate 4 it effectively, but the good, legitimate private 5 investigators can, you know, spin around an address in 6 a matter of minutes. And they're worth paying because 7 the deadline is going and someone else is going to get 8 there before you. 9 Q. You're giving the impression that it was for reasons of 10 efficiency. Would that be right? 11 A. Yes. 12 Q. As opposed to trying to find a method of obtaining 13 information that was perhaps at one step removed from 14 the journalist and therefore deniable to some extent? 15 A. You're going to have to be more specific. 16 Q. Was there any sense that if you -- and I use "you" as 17 the News of the World -- if News of the World 18 commissioned a private investigator to do something, 19 that if dodgy means were used -- 20 A. Oh yeah. 21 Q. -- it could be blamed on the investigator and not on the 22 journalist? 23 A. Yeah, I can see that being one step away from it. 24 I mean, yeah. I came across that, but equally I think 25 there was a -- that was a mistake that some of my Page 82</p>	<p>1 cars? 2 A. Yes. Yes. 3 Q. Was that a common tabloid tactic? 4 A. Yeah. We had -- at the News of the World, we had a set 5 of pool cars, about 12, that we could switch and swap 6 around, because, I mean, you can park outside Paul 7 McCartney's house on the Wednesday but if the same car 8 is there on the Thursday, it was quite handy to mix and 9 match. And yes, I absolutely loved giving chase to 10 celebrities, I must admit. It was -- before Diana died, 11 you know, it was such good fun. I mean how many jobs 12 can you actually have car chases in? It was great. 13 Q. And afterwards? 14 A. No change there then, really, but yeah. 15 Q. Could you speak up, please? 16 A. There was a change. I mean, all News of the World 17 photographers had to go to work wearing a suit and we 18 were quite clear in distancing ourselves from the 19 paparazzi. But no, I would be told by the features 20 department, "Take a fast car, see what you can get." 21 Q. Was any consideration given to safety when pursuing 22 a celebrity? 23 A. Quite often the celebrities would absolutely love it. 24 I give an example of Brad Pitt, who I've been doing more 25 recently. I mean, he's got a big chopper, big Page 84</p>

<p>1 motorbike. I mean, his wife gave him a Ducati for his 2 birthday present. He would come out -- invariably 3 outside Brad Pitt's house, be it in the South of France 4 or LA, there would be about 15 paps. That is his status 5 as the number one star, and he's not one to complain 6 about it. Sienna Miller should be cock a hoop there are 7 15 paps outside her house, because who's she? 8 Occasionally he'd come out on his big chopper, "Hey, 9 guys, let's go", and they'd just have a laugh going 10 around LA and then he'd home again, and that was his 11 sport for the evening. So I think he had a very 12 positive attitude towards that aspect of the job, which 13 was a whole lot of fun. 14 Q. Before pursuing a celebrity, was any thought given to 15 ethics and whether it was a proper thing to do? 16 A. No. I think it was just great fun from both sides. 17 Q. Binnology. Do you have any experience -- 18 A. Oh, yeah. 19 Q. -- of journalists searching through people's rubbish in 20 order to find information for stories? 21 A. Yeah. Probably ought to ask advice on whether or not 22 this was legal at any point. 23 Q. There's no need to tell us about your own involvement. 24 What we're interested in at this stage is whether or not 25 the practice went on.</p> <p style="text-align: center;">Page 85</p>	<p>1 I thought, "Hang on, did I put in a 90 or a 45?" I was 2 just waiting for the click and I had to get out of 3 there, and I don't know if I should carry on, but it was 4 like a test and I remember they rolled a big joint and 5 put a lot of cocaine in it because I'd bought from them 6 3 grammes and when they weighed it, it was about 2 and a 7 half left, and then, "As a sign that you're not 8 a copper, there you go, smoke that". 9 You know, I was in an extreme state of anxiety and 10 indeed panic that, A, the machine was about to click 11 off, and I was being tested, and that's the kind of 12 pressure you're under when you're doing investigation. 13 It's not easy. You just can't go up to someone and say, 14 "You know, do you smuggle a lot of cocaine through 15 Dover?" You can't. You have to be cleverer than that. 16 Q. We can understand the need for covert activity in those 17 circumstances. Was covert surveillance ever used in 18 relation to celebrities, to your knowledge? 19 A. Yes. Well, I mean, obviously it was. 20 Q. Presumably without the same threat to life and limb? 21 A. No, I must admit after I -- my closest near-death 22 experience at the hand of a group of asylum seekers, 23 I just backed away. I thought: I'm not getting paid 24 enough to do this, you know, to get killed for people 25 who don't really care.</p> <p style="text-align: center;">Page 87</p>
<p>1 A. I think most journalists, me included, would find the 2 contents of people's bins incredibly interesting. I can 3 only -- I mean, it gives you such a great starting 4 point, much better, actually, than hacking a phone 5 because that almost tips them off that you're looking. 6 But is it illegal to go through someone's rubbish? Is 7 he saying that it is, even if the 1990s? 8 Q. What I'm saying is there's no need for you to say what 9 you did. What I would like to know is whether bins were 10 rifled for information, to the best of your knowledge? 11 A. Yeah. 12 Q. Covert surveillance. Was covert surveillance used? 13 A. No, yeah, I just showed you a picture of my burned-out 14 surveillance van. I was trying to break a cocaine 15 smuggling ring and I remember I got to know the cocaine 16 smugglers quite well. I remember sitting amongst them. 17 In the old days, you didn't have these tiny little 18 cameras or -- in phones and I had a big tape recorder. 19 Sometimes you'd have a battery pack strapped to your 20 back and a wire going up here to the video, and sitting 21 with two guys who, you know, would knife me at the drop 22 of a hat. It was a very dangerous job, and I had 23 someone backing me up outside in that particular van, 24 and I remember I was getting close to the end of the 25 tape and I knew I'd been there for about 45 minutes and</p> <p style="text-align: center;">Page 86</p>	<p>1 The most dispiriting phone call of my life was when 2 I was the embedded reporter with the British Harrier 3 force and they gave me a token, perhaps a joking, rank 4 the squadron leader, so I could use the officers' 5 toilets and I was really enjoying it and I used to pool 6 copy, so I remember writing the front page of the Times 7 once and long pieces for the Sunday Telegraph. 8 I thought, "This is great, I hope I can stay here a long 9 time", and I got a phone call from the news editor 10 saying, "The war's not doing very well, can you come 11 back and do a bit of showbiz?" I thought, Jesus, here I 12 am in a chemical suit using a satellite phone and can 13 I come back to London to do showbiz? So I lost my taste 14 for putting myself out to enlighten the British public 15 who now seem to have turned against journalists 16 somewhat. 17 Q. When engaging in covert surveillance of celebrities, was 18 there any consideration as to whether or not it was an 19 ethically proper thing to do? 20 A. Oh no, absolutely, it's nothing -- it's just nonsense. 21 I mean Hugh Grant, what's he do? He puts on a bit of 22 make up, prances about in front of a camera and then 23 complains about it. Stephen Coogan says, "Oh, I'm a 24 serious actor, you know, and a writer and I want to talk 25 about my privacy on telly", you know. Sienna Miller,</p> <p style="text-align: center;">Page 88</p>

<p>1 what does she do? She's got a crummy film out and, 2 "Ooh, here I am with Rhys Ifans -- oh, you're 3 interfering with my privacy." She's got another one 4 out: "Ooh, here's me with Puff Diddy -- oh no, you've 5 caught me." 6 I did a series of articles for the Enquirer on 7 Robert Pattinson and, you know, I couldn't believe it 8 there was Sienna Miller. It's like, "What are you doing 9 here? Go away. I'm actually not going to do you this 10 time." 11 So there's no -- the joke actually I made to 12 Hugh Grant when he walked in is, "blah di blah, I'm 13 writing a book, the title is, 'I'd never heard of 14 Sienna Miller until she started going on about her 15 privacy'", and it's actually the same with Hugh Grant. 16 I mean, the guy hasn't made a film for two years. The 17 pictures I took of him were quite a hard sell. If I had 18 been his publicist I might have advised him, "Why don't 19 you go banging on about your privacy? You know, your 20 career will do that." All of a sudden, ten times 21 photographers are outside his house than ever there were 22 before, so I have a huge amount of cynicism for both 23 Hugh Grant and Steve Coogan who have really done rather 24 well with their careers by banging on about their 25 privacy.</p> <p style="text-align: center;">Page 89</p>	<p>1 never actually come across anyone who's been doing any 2 good. The only people I think need privacy are people 3 who do bad things. Privacy is the space bad people need 4 to do bad things in. Privacy is particularly good for 5 paedophiles, and if you keep that in mind, privacy is 6 for paedos, fundamental, no one else needs it, privacy 7 is evil. It brings out the worst qualities in people. 8 It brings out hypocrisy. It allows them to do bad 9 things. And no, once the British public wise up to the 10 true perils of privacy, which, you know, one spin-off -- 11 for example, if there is a privacy law, your secrets are 12 going to be much more valuable than they were before. 13 So I think of an example of somebody who lives in 14 a free and open society who, for example, I gave this 15 example at a lecture, wants to abort a child. Now, 16 currently in Britain you can do that privately, but if 17 that person goes on to get a part in Eastenders, that 18 becomes a very valuable commodity and also gives a lot 19 of power to the person who has that secret. Whereas if 20 you live in a society where, yes, you can have an 21 abortion but you must do it openly and you cannot have 22 any privacy, in the same way as legalising heroin will 23 get rid of the drug dealers, privacy will have some 24 really bad consequences, not just for democracy but in 25 a whole host of ways I don't think many people have</p> <p style="text-align: center;">Page 91</p>
<p>1 Q. Certainly -- 2 A. You don't need to do that. All you have to do is jump 3 off the stage for five minutes and people lose interest 4 in you very, very quickly. It doesn't take long. But 5 if you jump back on the stage -- and it happens all the 6 time. It happens with Katie Price. I missed her once 7 going to a hairdressers and she knew that I'd missed 8 her, because she had a brolly down, she was being too 9 good sort of pretending not to like the paparazzi, which 10 is what -- I was wearing my paparazzi hat that day 11 because I saw her going to a hairdressers. I was like, 12 "Come on, Katie, be nice." She came out of the 13 hairdressers and she gave me the finger through the 14 hairdresser's door and I went, "Aw, thanks, love", and 15 I sold it for 2 grand. And she knew exactly what she 16 was doing, that I'd missed her and she knew that, "Oh, 17 damn, I've actually gone to the hairdressers without 18 being papped, what a disaster", so she came out and gave 19 me the bird, which I won't do because it's 4 o'clock or 20 whatever it is. And I'll give you another example 21 involving Katie -- 22 Q. Perhaps I could just stop you there and ask you this, so 23 that we can understand that. Are you telling us that in 24 your view there should be no such thing as privacy? 25 A. Yeah. In 21 years of invading people's privacy I've</p> <p style="text-align: center;">Page 90</p>	<p>1 bothered to think about yet. 2 Q. Could I test that against the article you wrote about 3 Jennifer Elliott? Jennifer Elliott was the daughter of 4 Denholm Elliott, wasn't she? 5 A. Yes. 6 Q. You wrote a story about her in 1995, didn't you? 7 A. Yeah. 8 Q. And the theme of the story was that Ms Elliott was 9 begging and was working part-time as a prostitute? 10 A. She wasn't doing the second bit, but yes: although I -- 11 yeah, anyway. No, I mean it's one of a couple of 12 stories that I regret. I remember interviewing, also, 13 Lena Zavaroni after she was caught stealing a 50p bag of 14 sweets and then I interviewed her again and then she 15 killed herself, I think, as well, and Jennifer Elliott 16 went on to overdose after an article that absolutely 17 humiliated her and it was unnecessary and I really 18 regret it because I got to know her fairly well and 19 I quite liked her and she was in a very vulnerable 20 position. Her father had just died of AIDS and she had 21 taken two -- she was on a methadone script, which I knew 22 about, and she also -- there were heroin needles in her 23 bin -- God knows how I knew that -- and also there were 24 notes with the phone numbers of her drug dealers in her 25 bin.</p> <p style="text-align: center;">Page 92</p>

<p>1 So I knew exactly where she was at, and the fact 2 that she was begging outside Chalk Farm station came to 3 our crime reporter from a police officer, who was 4 surprised, when he told her to move on, who he had told 5 to move on, because in fact Denholm Elliott had been in 6 Trading Places and had been had millionaire and, indeed, 7 his daughter lived in a really nice flat in Camden, but 8 she actually didn't have any money to get a £10 bag or 9 whatever it was she needed, and, yeah, I went too far on 10 that story. She was someone crying out for help, not 11 crying out to meet a News of the World reporter, and 12 I -- yeah, and I said, "Well, here's a couple of quid 13 begging, and if I gave you 50, would you come back to my 14 place and would you have sex for £50?" You know, tape 15 recorder's running, photographer's hiding in a bush. 16 And she went, "Oh, yeah, all right." 17 And so was she a prostitute? It gets worse, but 18 I don't need to go into the really sordid details of it 19 because it's not something children should be listening 20 to, but no. I then took her back to her flat and took 21 a load of pictures of her topless, it turns out, and 22 then I think -- she was a bit obviously in the grips of 23 an addiction, and when she went on GMTV after, on the 24 Monday morning, she said -- she described me as her 25 boyfriend, so I had befriended her -- I mean I'd never Page 93</p>	<p>1 be able to use their own judgments about whether or not 2 they want to buy something, no matter how distasteful it 3 is, and that is distasteful to me and I wrote it. 4 But would I have bought it? Tell you what, 5 sometimes I wouldn't have bought the News of the World 6 even though I was working for it, but the British public 7 carried on. 8 Q. Can I ask you now about prior notice? I understand that 9 there was an occasion when you gave prior notice of 10 a story to Jefferson King? 11 A. Oh, yeah. 12 Q. When you gave prior notice, and in that case, what was 13 your objective? 14 A. He was a gladiator in a big show, Gladiators, and he had 15 in his contract that if he ever had any problems with 16 drugs, as it was a children's show and he was a role 17 model, he'd be instantly fired. 18 The Sunday Mirror had set up a sting to catch him 19 buying coke and we had a mole inside the Sunday Mirror 20 who would tell us exactly what they were up to, so we 21 knew that he'd been done trying to buy coke so I rung 22 him up and said, "you're in big trouble because you've 23 been caught buying cocaine, but, you know, damage 24 limitation exercise, tell me all about it and I'll turn 25 you into how -- you know, 'Kids don't follow my route, Page 95</p>
<p>1 gone anywhere near her in a sexual way, but I did 2 actually really want to help her, but I was driven 3 primarily to write the best story I could. The best 4 story I could was: here is the golden girl on the red 5 carpet as her dad goes to pick up a Golden Globe and he 6 used to take his daughter with him -- and she was really 7 pretty, and here she is with dreadlocks and covered in 8 dirt begging at a tube station offering passers-by sex 9 for -- in return for money. 10 Also, a police officer had come across her and 11 possibly should have helped her as well instead of 12 ringing up the News of the World and getting paid for 13 that. And then, when -- she did briefly beat drugs, but 14 then when I heard a few years later that she'd killed 15 herself, I did think, yeah, that was one that I really 16 regret. But there's not many. 17 Q. Does that experience make you think that in fact there 18 ought to be some form of protection for privacy? 19 A. No, because the News of the World readership didn't 20 decline after that. It didn't put anyone off buying it. 21 But this particular -- the judge and jury of our 22 readership were okay with that. And I just don't think, 23 if you want to live in a free society, you can argue 24 that you're not allowed to read this. I thinking that 25 people should have freedom of speech and people should Page 94</p>	<p>1 do it like this'. " 2 And he went -- he wasn't very bright, and he said, 3 "Oh, right, then." "But what you got to say, is you got 4 to be honest, you've got to say, 'Yes, I've done a line 5 of cocaine.'" And he went, "I've got to say that, 6 have I? All right, I've done a line of cocaine." 7 "Thanks very much." So we immediately rang up ITV and 8 got him the sack and he hasn't really worked since. 9 Q. Did you consider that ethical? 10 A. Yeah, I think people who buy class A drugs are 11 responsible for a lot of misery around the world, so 12 yes. 13 Q. Legal oversight. How much legal oversight was there of 14 the work you did when you were working for the tabloid 15 press? 16 A. Well, I said already, absolutely everything you read in 17 my cuttings book is on tape, but you would not be 18 allowed to get -- it was a sacking offence not to do an 19 interview that wasn't recorded, and if there was any, 20 you know, point of problem with it, if the editor was 21 a bit concerned, he would make you sit down and 22 transcribe it. Tedious. It would take three hours to 23 transcribe an hour's tape. And then Tom Crone would 24 want to either listen to the transcript or -- sorry, 25 listen to the tape or read the transcript. Page 96</p>

<p>1 Q. Did you get the impression that the judgments that were 2 being made prior to publication were aimed at ensuring 3 compliance with the law or were they based upon 4 a judgment of how much profit would be made from 5 publishing the story weighed against possible financial 6 consequences of legal action? 7 A. No. It was to make sure we didn't get sued. The editor 8 would want every story that was possible to go in the 9 paper and it was Tom Crone's job to make sure that any 10 attempt to sue us would be headed off at the pass by 11 being able to say, "Actually, here's the video" or 12 "Here's the tape". Nearly everyone -- not every story 13 I wrote, but at least once a month someone would try it 14 on and attempt to sue over a story I'd written because 15 simply it was a way of making a lot of money, and they 16 would deny it, they would deny everything they'd said, 17 and then you'd turn around and say, "Actually, do you 18 want to listen?" Or, "Do you want the transcript?" and 19 they'd back away. In seven years -- and actually, 20 I know my byline count, I think I ended up writing about 21 300 stories for the News of the World, I didn't lose 22 a single libel action. I was really tight, all my 23 quotes were on tape. 24 Q. The question of expenses. Can you tell us a little bit, 25 again without any personal examples, of the culture in Page 97</p>	<p>1 of you, as well. For example, I remember trying to get 2 back from Kosovo. We just couldn't get out of there, so 3 the only way out was -- Swiss Air were flying the last 4 planes and they were charging so much money for that 5 flight and I was just -- for one time in my life, Stuart 6 Kuttner actually put his hand in his pocket and he gave 7 us a five star hotel in Greece and a first class Swiss 8 Air flight because he knew that actually, that 9 particular week, a German photographer and his reporter 10 had gone out with us, we'd gone to that checkpoint, 11 they'd gone to that checkpoint, they'd been shot in the 12 head by Albanians and we'd met the Serbs, who shot at us 13 with machine guns but missed. So we said, "We want to 14 get out now", and yeah, you were allowed a lot of leeway 15 if -- you know, there's a bit of give and take. You're 16 not being paid a huge amount of money to be there, but 17 you know: "That's great, put in for two or three grands' 18 worth of expenses as a thank you." 19 Q. Can I ask you now a question which I've been asked to 20 put to you. It's about the relationship between the 21 News of the World and the police. Are you aware of 22 whether any sticks and carrots were provided by the 23 newspaper to the police to turn a blind eye to anything 24 which the newspaper was doing? 25 A. Well, you'd have to say that the way the whole -- the Page 99</p>
<p>1 the tabloid newspapers that you worked for in relation 2 to expenses. First of all, the News of the World. How 3 would you describe the attitude to expenses at the 4 News of the World? 5 A. In some regards, we weren't that well paid. My leaving 6 salary as the deputy features editor was only 60,000 7 a year, and as a way to bump up salaries, we were given 8 a certain amount of leeway. So I'd claim, I don't know, 9 another 15, 20 a year, of which about 3 was legitimate. 10 Is that what you mean? Is that legal? It's not. 11 I mean, that was just the general ethos. That was the 12 way -- you know, for example, one guy was letting the 13 side down by -- because he didn't leave the office very 14 much and the features editor said, "Listen, you got to 15 starts making up trips to Manchester so your expenses 16 match the rest of us." 17 So it was almost a direction from above: "You will 18 claim at least 400 quid a week or you're letting the 19 side down." So it's not illegal. We weren't fooling 20 anyone. 21 Q. Without telling us what you personally did, was it 22 a case of people putting in excessive expenses claims 23 that did not match the actual expenditure? 24 A. Well, yeah. You could be slightly creative. But also, 25 if they didn't like it, that was one way they'd get rid Page 98</p>	<p>1 way it developed, from the first time that Margaret 2 Thatcher wanted to get elected in the 70s and tapped up 3 Murdoch and said, "Will you back me?" and he did, and 4 then the next time when Tony Blair flew to Sydney, when 5 it was his turn to ask Murdoch: "Will you back me?" and 6 he did, and you know, the Sun backs Blair and so on, and 7 he won the election. And then it comes to Cameron's 8 turn and he does the same but Murdoch's getting on 9 a bit. But for the previous 21 years, you've got the 10 political parties -- at least the Prime Minister saying, 11 "We have a lot to owe, so we are going to turn a blind 12 eye to whatever illegality they might be getting up to", 13 so the police in turn are going to say, "Well, if that's 14 the way of viewing News of the World and the activities 15 of News International from our political masters, then 16 equally, this is the way we will view it too." 17 And so that's why we get to a point where David 18 Cameron wants to become Prime Minister and he ends up 19 with Murdoch lite, James, and Rebekah Brooks. And so 20 for the 21 years, you have a culture of illegality of 21 phone hacking and fiddling your expenses, if you like, 22 that's gone on under Rebekah Brooks, and so what we have 23 is a future Prime Minister cosying up and being moulded 24 by, you know, the arch-criminal, Rebekah Brooks, the 25 criminal-in-chief. The association -- Cameron's Page 100</p>

25 (Pages 97 to 100)

<p>1 election's based on criminality, and that was why I was 2 so excited, when I first met Nick Davies, to think, 3 "That's why I'm going to stick my surveillance van 4 outside Rebekah Brooks' house", because fundamentally, 5 what a great story. If I can catch her and James and 6 Cameron all kind of planning, scheming how they're going 7 to try and make Cameron into the next Prime Minister, 8 and if Rebekah Brooks ends up going to jail for the 9 things that she did which helped Cameron become 10 Prime Minister, I thought: "Wow, this is my Watergate. 11 This is -- I'm going to bring down a government." 12 I didn't mean to bring town the News of the World. That 13 was a shock, that Murdoch turned around and said, "I'm 14 going to close it", but I do think I am entirely 15 responsible for the reopening of the investigation which 16 led to Glenn Mulcaire's notebooks being gone through and 17 ended up with the realisation that Milly Dowler's phone 18 had been hacked, and here we are today. 19 Q. You've explained what you think was the relationship 20 between various politicians and the Murdochs. Is that 21 something you have direct knowledge of or not? 22 A. Yeah. I mean, I spent a while in the Cotswolds going 23 around all the pubs and restaurants where they used to 24 meet each other, hanging around outside their houses. 25 You don't need to regulate the press. The press will Page 101</p>	<p>1 evidence, and I refused three times and they wrote me 2 a letter that I could probably find somewhere, saying 3 I must come in to give evidence. And in return, I just 4 said, "No, I'm not coming in. You know where I am. I'm 5 in Dover. Drive down and arrest me if you want to." 6 And instead of doing that, they just wrote: "Paul 7 McMullan, no new evidence, case closed." 8 And I kept jumping up and down about that and that's 9 why we're here today, because those policeman, Yates and 10 the other guy, you know, they fell on their swords, 11 because clearly there had been a cover up because we 12 know so many journalists were involved with senior 13 police officers and it became quite an intimate 14 relationship between the politicians, the police and the 15 journalists. Too cosy, maybe. And so I think -- you 16 know, I have parked my surveillance van outside police 17 officers' houses and I'm a lot more comfortable with 18 that side of things than -- I'm deeply suspicious of 19 police officers and I prefer to come at that question 20 from that angle than saying -- you know, I would rarely 21 cosy up to a police officer. 22 Q. Can I ask you now about the PCC. Do you have any 23 opinion, through your experience as a journalist, about 24 how effective the PCC has been as a regulator of the 25 press? Page 103</p>
<p>1 eat itself. We will regulate ourselves. Not only 2 did -- you know, I was deputy features editor and here 3 I am with a surveillance van outside my former features 4 editor's house. And I've also -- somewhere in there 5 I've called Viscount Rothermere a pimp. I did the story 6 that Lord Rothermere and the Daily Mail, you know, are 7 living off immoral earnings because of the number of 8 vice girls who advertise at the back of their 9 publications. And I mean, when I fronted him up about 10 it, it was: "Oh, actually, thank you very much. 11 I hadn't noticed. Good bit of journalism." 12 So you will point a decent journalist who is after 13 a story at anybody, be it a celebrity, be it a press 14 baron, be it your own boss. If there is a good enough 15 story, that's the job of a good journalist, to keep the 16 journal of the day and write about what happens about 17 those who have power over us. 18 Q. Is what you said earlier in your answer about the police 19 and how they might have behaved towards the 20 News of the World -- is that a matter of speculation or 21 is that something that you have direct knowledge of? 22 A. Well, I have direct knowledge of it, in the sense that 23 the police made three requests for me to come into 24 Scotland Yard to give evidence under caution, which 25 means I would have been arrested first before giving Page 102</p>	<p>1 A. No, it has. People have stepped back a bit. The glory 2 days of the 1990s when it was so much fun, before Diana 3 died, have gone. People do take notice of the PCC and 4 people are reined in because editors don't want to be 5 ticked off. There comes a point when your proprietor 6 may say, "You've had too many rulings against you, 7 I think we need a new editor, because public opinion 8 will go against us." And it's the god of circulation 9 again, which -- fundamentally, it's just a product and 10 that product has to sell and at the moment it's not 11 selling very well. My old news agency went bust because 12 there were not the commissions to keep the journalists 13 in work any more. I mean, you don't need to clamp down 14 on press freedom because the press is failing without 15 any restriction. So it's a changing industry and 16 I think in ten years' time, newspapers will be very 17 different. It's quite exciting in many ways, but 18 I don't know how it will come. 19 Q. Mr McMullan, you've spoken out -- you've been very vocal 20 on this issue in the media since the story broke. Can 21 I ask you this: have you been lent on at any time by 22 News International or any other part of the Murdoch 23 empire not to speak out? 24 A. No. Some of my former colleagues have given me the 25 thumbs up. I remember doing a live with Sky or BBC Page 104</p>

<p>1 outside News International and a few of them drove past 2 me and it was like: "Yeah, well done", because 3 fundamentally the little men, the reporters, were all 4 screwed big time by our bosses, Rebekah Brooks and Andy 5 Coulson. 6 So for that reason alone, no, none of the senior 7 ones would ever risk trying to lean on me because they'd 8 know that I'd probably tape record them and throw it 9 back in their faces. 10 Q. Finally, you said at one point in your evidence that 11 others were worse, I think, referring to other 12 newspapers in comparison to the News of the World. Are 13 you in a position to give an informed view about whether 14 or not others were worse? 15 LORD JUSTICE LEVESON: That's evidence-based, that I'm 16 thinking of, more than anything else. 17 A. Yeah. I have shifted for a number of different 18 newspapers and I've -- we all move around. You know, 19 I was offered a job at the People about ten years ago. 20 I did a few shifts at the Sunday Mirror. And, you know, 21 the news editor of Sunday Mirror one day then switches 22 over to the News of the World and it's quite a small 23 little community. So it's a bit -- one guy knows that 24 this is a really great way of getting a story and that's 25 why he's been headhunted to go and work for another Page 105</p>	<p>1 of Inspector Clouseaus, that the hacking of 2 Milly Dowler's phone was not a bad thing for 3 a journalist, a well-meaning journalist who is only 4 trying to help find the girl to do. 5 I did a World Service phone-in a little while ago 6 and from Mexico City to Nairobi, the people there just 7 instantly assumed that the police are corrupt and more 8 likely to commit a murder than actually solve one. So 9 they were with me and they said how lucky it was the 10 Dowlers had bright, enthusiastic, well-meaning 11 journalists on their side also looking for Milly, and 12 how annoying it must be for PC Plod as his inept 13 colleagues to hide away information and, you know, it's 14 not such a bad thing. 15 There's a number of articles that I wrote on 16 Milly Dowler. I'll show you one. I was the first 17 journalist to put a link to a railway that may have 18 been -- that's my Daily Mail link to vice girls, 19 a career-ending story -- that -- so our intentions were 20 good. Our intentions were honourable. We were doing 21 our best to find the little girl, and the police are 22 utterly incompetent and should be ashamed that the man 23 who killed her was allowed to carry on, and there are 24 other mothers now without their children because of the 25 police's incompetence, and I felt the same emotions at Page 107</p>
<p>1 newspaper. Is he going to leave it behind? 2 But no, I'm not going to say anything about any 3 other newspapers because I'm pretty unemployable as it 4 is, so I'd better not carry on down that route. 5 Q. Is there anything you would like to say to Lord Justice 6 Leveson to assist him in making recommendations for the 7 future regulation of the press? 8 A. Yes. This all came about due to the phone hacking of 9 Milly Dowler's phone. I don't think anyone gives two 10 hoots about the celebrities, a lot of whom are being 11 paid by the same companies who paid me. You know, 20th 12 Century Fox and News International. But last summer -- 13 I have a two-year-old son who went missing out of our 14 back garden. He only went missing for about 20 minutes 15 and I was -- I felt the emotion that I imagine that 16 Mrs Dowler felt when her own child went missing, and 17 it's one of the most powerful emotions you can feel. 18 I remember sprinting up and down the high street and out 19 to the park thinking -- you know, I'd left the side gate 20 of the garden open. 21 Now, it's clear that Glenn Mulcaire appears to have 22 furnished the information to allow the hacking of 23 Milly Dowler's phone and it is my -- it's very difficult 24 for me to say that actually, because I know how corrupt 25 the police can be and how actually, it's run by a bunch Page 106</p>	<p>1 losing a child that I imagine Mrs Dowler must have felt, 2 and you must put that aside and say, actually, the press 3 and a free press and a press that strays into a grey 4 area is a good thing for the country and a good thing 5 for democracy and that's all. 6 LORD JUSTICE LEVESON: Right. 7 MR BARR: Thank you for your evidence, Mr McMullan. 8 LORD JUSTICE LEVESON: Right. Is there anything else that 9 anybody wants to raise? Yes, Mr Sherborne? 10 Discussion 11 MR SHERBORNE: There is one matter I need to raise and 12 I think you're aware of it. A witness statement has 13 been served by Ms Jemima Khan in relation to the attack 14 on Mr Grant last week by Associated Newspapers, accusing 15 him, as you'll recall, in the context of his giving 16 evidence -- 17 LORD JUSTICE LEVESON: Yes, I've seen the statement. 18 MR SHERBORNE: Sir, you'll recall that Mr Garnham and 19 I raised this matter on the Tuesday morning last week 20 after Mr Grant had given evidence, following the 21 publication of a press statement and -- 22 LORD JUSTICE LEVESON: Yes, and the Twitter remark from 23 Jemima Khan denying it, as I remember. 24 MR SHERBORNE: Sir, indeed. I have the part of the 25 transcript where you raised this with Mr Caplan. It was Page 108</p>

<p>1 after lunch on the Tuesday. Just for the record, it's 2 pages 1 to 5. I don't know, sir, whether you want me to 3 remind you what you said? 4 LORD JUSTICE LEVESON: No, I don't need to be reminded what 5 I said. 6 MR SHERBORNE: But where it was left, in effect, was that 7 Mr Caplan's clients were going to come back, hopefully 8 with an explanation -- 9 LORD JUSTICE LEVESON: Yes. 10 MR SHERBORNE: -- as to why they accused Mr Grant of lying. 11 LORD JUSTICE LEVESON: Yes. 12 MR SHERBORNE: As you're aware, seven days have passed since 13 that point was raised and we've had a deafening silence. 14 LORD JUSTICE LEVESON: Well, I'm expecting some evidence to 15 be served by Associated Newspapers in due course. 16 I can't necessarily do all these things on the hoof 17 because witnesses are arranged, plans are made and there 18 it is. I'm very conscious that the line in the 19 Associated newspaper article was removed from their 20 online edition and I've not forgotten about it. 21 MR SHERBORNE: Sir, Mr Jay, you'll recall, said when this 22 was raised that there would be further discussions this 23 week, ie the end of last week, and you quite rightly, in 24 my submission, said: 25 "I was hoping it would be dealt with rather more Page 109</p>	<p>1 struck me as probably important to deal with all of 2 apiece. 3 When I said I wanted it resolved quickly, I was 4 hoping that some decisions would be made about what 5 could be proved and what couldn't be proved so that we 6 could know what the position is, but I wasn't 7 necessarily saying I'd be calling evidence immediately 8 thereafter. 9 MR SHERBORNE: Sir, I understand that, but of course it was 10 the "mendacious smears" line which you asked for an 11 explanation about, given that this goes well beyond 12 suggesting that Mr Grant may have been mistaken or 13 wrong -- 14 LORD JUSTICE LEVESON: I understand that and you will 15 remember what I said to Mr Caplan and you remember how 16 Mr Caplan responded to me. Doubtless that's part of the 17 transcript to which you wish to refer me. 18 MR SHERBORNE: It is, and that's why I'm asking whether 19 Mr Caplan's clients intend to say anything at all, and 20 if they don't, then I would rather they said that 21 because then, of course, consideration will need to be 22 given as to what the next step is. 23 LORD JUSTICE LEVESON: Yes. I hear what you say, 24 Mr Sherborne. It is not a matter that is unimportant. 25 I'm not suggesting it is. It is relevant for all sorts Page 111</p>
<p>1 speedily than that." 2 We're now seven days on, as I say. Ms Khan has put 3 in a statement, given that this is still a matter that 4 has been repeated publicly, a statement in which she's 5 categorically denied either that she spoke to anyone or 6 that she could possibly have been the source, as was 7 suggested, given that the first time she knew about this 8 plummy-voiced executive was when she read it in the Mail 9 on Sunday herself. 10 LORD JUSTICE LEVESON: Yes, I understand. I will find out 11 about the evidence. I certainly wanted it looked at and 12 examined and resolved, but I have a slightly different 13 issue about when I'm going to call evidence about it 14 because of the other arrangements that have been made. 15 MR SHERBORNE: Sir, I understand that. Am I right in 16 thinking that evidence has been produced by Associated? 17 LORD JUSTICE LEVESON: I don't know. I think not but I just 18 don't know. 19 MR SHERBORNE: Sir, you'll see the point. 20 LORD JUSTICE LEVESON: I understand. 21 MR SHERBORNE: It's very important. 22 LORD JUSTICE LEVESON: I understand the point and 23 I understand that it's important to bottom the 24 particular allegation, but on the other hand, I'm not 25 prepared to take that evidence out of all context and it Page 110</p>	<p>1 of reasons to what I am doing, even if I'm not going to 2 make a finding of fact specifically, unless I am 3 required to do so for other reasons. I am not sure 4 that -- well, let me just take it step at a time. 5 Mr Caplan, you've heard what Mr Sherborne has said. 6 You've read the transcripts, of course. I'm very 7 conscious of what you said in answer to me -- 8 MR CAPLAN: Yes. 9 LORD JUSTICE LEVESON: -- and the result online that 10 followed. It probably is a matter that will require 11 evidence. It would be sensible if that was sooner 12 rather than later. I don't know whether you are in 13 a position to say anything at this stage. 14 MR CAPLAN: I'm not. As you'll appreciate, there's been 15 quite a lot to deal with over the last few days. It is, 16 I assure you, the matter of enquiry and evidence is 17 being taken. I don't know where we are with it, quite 18 frankly, at the moment. Mr Sherborne and I sit a few 19 feet away from each other and this is the first enquiry 20 that I've had from him as to where we are. 21 LORD JUSTICE LEVESON: All right. 22 MR CAPLAN: But I can speak to Mr Jay and Mr Sherborne and 23 let them know. 24 LORD JUSTICE LEVESON: I would be very grateful. Then if 25 it's necessary to find some time to deal with it, we Page 112</p>

28 (Pages 109 to 112)

1 will. I think that's the better way in the first brush
2 of dealing with. Mr Sherborne, I've not forgotten.
3 I understand the point and I understand the significance
4 of it to you and, more particularly, to your client.
5 MR SHERBORNE: Sir, I appreciate that. Can I just say this:
6 the matter was left very much in Mr Caplan's hands.
7 LORD JUSTICE LEVESON: Yes.
8 MR SHERBORNE: That's why I've raised it, given that there's
9 been a silence, and it is a matter that I have raised
10 with the Inquiry over previous days, as you're well
11 aware.
12 LORD JUSTICE LEVESON: I understand that. Equally, I'm
13 conscious that although it's obviously important, there
14 are a wide range of issues that have to be thought about
15 under some pressure of time. I understand your point,
16 and I don't object to you raising it with me. You've
17 heard how we've dealt with it.
18 MR SHERBORNE: Sir, I'm grateful.
19 LORD JUSTICE LEVESON: Thank you very much.
20 (4.49 pm)
21 (The hearing adjourned until 10 o'clock the following day)
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