

<p>1 2 (1.45 pm) 3 MR JAY: Mr Pike, Mr Silverleaf's opinion is dated 3 June 4 2008. Am I right in saying that in the first instance 5 it was sent to your firm? 6 A. That's right. 7 Q. Can you recall to whom you then sent the opinion within 8 your client? 9 A. Tom Crone. 10 Q. Pardon me? 11 A. Tom Crone. 12 Q. You sent it to Mr Crone. Did you discuss its contents 13 with Mr Myler? 14 A. No, I don't think I did, no. 15 Q. Did you discuss its contents with anyone else within 16 News International apart from Mr Crone? 17 A. No, I don't think I did, no. 18 Q. So you would not be in a position to assist the Inquiry 19 one way or the other as to who within News International 20 saw that opinion? 21 A. No. 22 Q. Is that correct? 23 A. That's right. 24 Q. Can I ask you, please, about a separate matter, namely 25 private investigators, please? First of all, in your Page 1</p>	<p>1 Q. Did you not have knowledge of that at the time, though? 2 A. I had knowledge that -- in April 2010 that 3 a surveillance was being carried out on Mr Lewis and 4 Ms Harris. I didn't have any knowledge of the detail of 5 that. 6 Q. But you did have knowledge, did you not, as a matter of 7 fact, that one particular private investigator, Mr Webb, 8 had been paid by NGN or NI, or have I misunderstood what 9 you're saying there? 10 A. I think you misunderstand. I didn't know Mr Webb even 11 existed in 2010. 12 Q. But you knew that two lawyers were under surveillance; 13 is that right? 14 A. That's right. 15 Q. Under surveillance by who? 16 A. By the News of the World. I didn't know who the 17 individual was who was doing it. 18 Q. But didn't you think that it must have been a private 19 investigator who was carrying out the surveillance in 20 2010? 21 A. Not necessarily, no. It could quite easily have been 22 two or one freelance journalist. 23 Q. Oh, right. Can I just explore that in a little bit more 24 detail, Mr Pike? In April 2010, you were aware that two 25 lawyers had been placed under surveillance for Page 3</p>
<p>1 first witness statement, paragraph 14, which is our 2 page 01313, you say, under paragraph 14: 3 "To the best of my knowledge, the firm has not 4 advised NGN or NI on retaining private investigators in 5 order to source information for articles, nor has it 6 advised either company generally on the legality of 7 paying police officers, public servants et cetera." 8 So you're making it clear there that your firm has 9 not advised News International on retaining private 10 investigators specifically in order to source 11 information for articles; that's correct, isn't it? 12 A. That's right, yes. 13 Q. You weren't intending to go any wider than that, were 14 you? 15 A. No, that's what I said. 16 Q. In paragraph 15, you say: 17 "Save for that which I set out below, I do not have 18 knowledge as a matter of fact that private investigators 19 have been paid by NGN or NI or of either company having 20 connections with private investigators." 21 Do you stand by that sentence? 22 A. Yes, I do, yes. 23 Q. Even in relation to the surveillance of two lawyers 24 which took place in 2010? 25 A. Correct. Page 2</p>	<p>1 a particular purpose; is that correct? 2 A. That's correct. 3 Q. Did you not have more specific information, without 4 knowing the identity of the investigator, that it was 5 a private investigator as opposed to a journalist? 6 A. No, I don't think, I did, no. 7 Q. Okay. But it's the sort of task, would you not agree, 8 that a private investigator might be asked to undertake 9 rather than a journalist, since after all it's outside 10 the realm of what a journalist normally does, don't you 11 think? 12 A. In my experience, it's perfectly possible for both. 13 Freelance journalists are able to carry out this 14 exercise as much as a private investigator. 15 Q. Paragraph 18. You say: 16 "On a few occasions, the firm has instructed private 17 investigators on the instructions of NGN in respect of 18 matters arising in individual cases in which we have 19 represented NGN." 20 So you're not intending there, are you, to be 21 covering the surveillance of two lawyers? 22 A. No, it's a general statement that sometimes in cases 23 it's necessary to instruct private investigators to do 24 certain jobs for you. I've explained some of those 25 examples in a later witness statement. Page 4</p>

<p>1 Q. Your second witness statement, paragraph 5, please. 2 I don't have the ERN number for this. 3 A. It's all right, I have it. 4 Q. You ask more specific questions about surveillance and 5 then you say in paragraph 5: 6 "For a number of reasons, by the early part of 2010, 7 I had concerns, which had accumulated over the previous 8 months, that Ms Harris and Mr Lewis may be exchanging 9 highly confidential information gained from acting for 10 claimants (and Mr Taylor in particular) in cases against 11 NGN in order to assist other clients in bringing further 12 actions against NGN." 13 In paragraph 6: 14 "I shared those concerns with NGN and in March 2010, 15 I suggested we should consider again whether Ms Harris 16 and Mr Lewis were in a position to continue acting. 17 I also mentioned surveillance." 18 Pausing there, who did you mention surveillance to? 19 A. That was in an email that I sent to Mr Crone. 20 Q. I think it's the email of 26 March? 21 A. That's right. 22 Q. But I just wanted to check. 23 "I was instructed by NGN on 5 May 2010 to engage 24 private investigators to conduct a review." 25 So of course one is moving forward in time about Page 5</p>	<p>1 surveillance? 2 A. That's correct. 3 LORD JUSTICE LEVESON: Wouldn't you have been somewhat 4 concerned about that, Mr Pike, to make sure they didn't 5 overstep the bounds of what you considered were 6 appropriate? 7 A. That's a very reasonable observation in hindsight with 8 what we know now. At the time, I thought it perfectly 9 obvious what the bounds of that investigation was meant 10 to be, and one -- I'd hoped at the time -- anticipated 11 at the time that News of the World would be able to 12 carry out what was, frankly, a very straightforward job 13 of surveillance as regards Lewis and Harris. 14 MR JAY: I want to ask you a little bit more about that. 15 It's of its nature somewhat unusual for two lawyers to 16 be placed under surveillance; would you agree? 17 A. I absolutely agree, yes. 18 Q. And the purpose of doing this -- and you cover it in 19 paragraph 8: 20 "If it were established by these enquiries that 21 Ms Harris and Mr Lewis were in an intimate relationship, 22 this would not of itself have proved that they had 23 improperly shared any confidential information but it 24 could well have provided circumstantial support in 25 evidence." Page 7</p>
<p>1 seven or eight weeks, but you're making it clear there, 2 in the next two sentences, that that was a review by 3 a private investigator of documents which were in the 4 public domain; is that right? 5 A. Correct, yes. 6 Q. Let's look at the email of 26 March. We'll come to that 7 in a moment, actually, if you bear with me. 8 Paragraph 7, though. If I could just continue to the 9 end of this witness statement before looking at 10 particular documents. You say: 11 "By that time, I was aware of the fact that NGN had 12 put Ms Harris and Mr Lewis under surveillance. I was 13 not informed of the nature of the surveillance." 14 When were you aware of that fact, Mr Pike? 15 A. I'm not certain. Probably about the -- I think it's 16 towards the end of April. 20 April I think was the 17 date. 18 Q. Were you told what the products of that surveillance 19 were? 20 A. No. 21 Q. Were you told anything about the nature of the 22 surveillance? 23 A. Not at all, no. 24 Q. Is it your evidence that you were told nothing about 25 who, in general terms, was carrying out the Page 6</p>	<p>1 Let's assume you're right about that just for the 2 purposes of argument. The sort of surveillance, though, 3 which we are talking about here would have to be of 4 a somewhat expert nature, wouldn't it? 5 A. Not necessarily. I mean, you have to be able to carry 6 out a surveillance exercise. It doesn't necessarily 7 have to be expert. 8 Q. I just wonder whether it's the sort of thing that 9 a journalist would ordinarily do. Here you have two 10 individuals who, after all, are just lawyers, if they 11 don't mind me putting it in those terms. It's quite 12 a delicate operation. You would expect, would you not, 13 a private investigator to be doing this sort of thing, 14 wouldn't you? 15 A. Certainly if I was organising it, it would be done via 16 a private investigator, but you know, there are, 17 I think, probably plenty of examples -- I'm probably not 18 the best person to ask this question, but there are 19 plenty of examples of journalists who will carry out, 20 you know, a surveillance operation to see, you know, 21 where someone's moving. 22 LORD JUSTICE LEVESON: We're dancing a bit on the head of 23 a pin, aren't we, Mr Pike, because you did say in your 24 first statement that you would expect the newspaper to 25 use private inquiry agents and indeed for it to be Page 8</p>

<p>1 common in the business?</p> <p>2 A. Absolutely. But I don't think it automatically follows</p> <p>3 that on each occasion there's a surveillance exercise</p> <p>4 that it's always going to be a private investigator.</p> <p>5 MR JAY: Just to explore your state of mind, didn't you</p> <p>6 think it, at the very least, possible that a private</p> <p>7 investigator might be carrying out the surveillance</p> <p>8 exercise?</p> <p>9 A. It's certainly possible, yeah.</p> <p>10 Q. And is it your evidence that at the time you did not</p> <p>11 enquire further into what was going on and indeed the</p> <p>12 propriety of it?</p> <p>13 A. That's correct.</p> <p>14 Q. Your third witness statement doesn't take the matter</p> <p>15 much further, but I should ask you, therefore, about the</p> <p>16 supplemental witness statements of Mr Lewis and what</p> <p>17 appears at the back of that statement, which is at the</p> <p>18 back of your tab 2. You'll see there, I hope, the</p> <p>19 document which is headed, "Report 3". Are you with me,</p> <p>20 Mr Pike?</p> <p>21 A. I am, yes.</p> <p>22 Q. Could you help us, please, with the authorship of this</p> <p>23 report?</p> <p>24 A. I can't. The first time I saw this document was</p> <p>25 yesterday afternoon when it was given to me by the</p> <p style="text-align: center;">Page 9</p>	<p>1 Again, that's something unknown to you?</p> <p>2 A. Yes, absolutely.</p> <p>3 Q. The email we were talking about a little bit earlier on,</p> <p>4 dated 26 March 2010, is at page 22. If I could ask you</p> <p>5 to look forward to that, please, Mr Pike.</p> <p>6 A. I have it.</p> <p>7 Q. It's from you to Mr Crone. Under the heading</p> <p>8 "Solicitors", top of page 23:</p> <p>9 "I think we should look again at preventing JMW ..."</p> <p>10 That's Ms Harris' firm, isn't it?</p> <p>11 "... and Stripes [that's Mr Lewis' firm] from</p> <p>12 acting. They will both continue to be deeply</p> <p>13 untrustworthy, continuous leaks to the Guardian, and the</p> <p>14 potential cost-savings of JMW acting did not exactly</p> <p>15 materialise in Clifford. I think we should go and get</p> <p>16 an expert review on the question of conflict."</p> <p>17 Then you suggest going to leading counsel at</p> <p>18 39 Essex Street, Mr Treverton-Jones, Queen's Counsel.</p> <p>19 "I've not mentioned to Taylor's lawyers that Lewis</p> <p>20 has appeared acting for Phillips, but I strongly suspect</p> <p>21 Taylor may want to hand this to the SRA complaint he's</p> <p>22 made against Lewis."</p> <p>23 So you were aware that Mr Taylor had complained to</p> <p>24 the Solicitors Regulation Authority about Mr Lewis and</p> <p>25 that was something that you felt you could contribute</p> <p style="text-align: center;">Page 11</p>
<p>1 Inquiry.</p> <p>2 Q. Thank you. Can I ask you, please, about page 5 of the</p> <p>3 report on the internal numbering of it, under the</p> <p>4 heading "News of the World strategy". Maybe to put it</p> <p>5 in context, forgive me, Mr Pike, if we could go back to</p> <p>6 the key points on the first page:</p> <p>7 "The motivation of and association between the key</p> <p>8 civil lawyers opposing News International is becoming</p> <p>9 clear. Specifically, the main protagonists are</p> <p>10 politically motivated with a number being strong Labour</p> <p>11 party supporters, their cases helping promote their</p> <p>12 professional advancement. The News of the World is</p> <p>13 planning to use these tensions and motivations as a way</p> <p>14 to force compromise and settlement."</p> <p>15 Did that represent News International's strategy as</p> <p>16 far as you were aware?</p> <p>17 A. I had no knowledge of that whatever.</p> <p>18 Q. Okay. I think it would also follow then that your</p> <p>19 answer to my question on page 5 would be the same.</p> <p>20 Under the heading "News of the World strategy":</p> <p>21 "The News of the World is aware of these facts and</p> <p>22 is planning to put pressure back on the solicitors by</p> <p>23 revealing these facts and by linking their political</p> <p>24 affiliations and career benefits from the cases. They</p> <p>25 plan to do this publicly and through discreet lobbying."</p> <p style="text-align: center;">Page 10</p>	<p>1 to; is that right?</p> <p>2 A. Mr Taylor -- well, his lawyers contacted us partially</p> <p>3 because he needed to be released from his</p> <p>4 confidentiality agreement in order to both instruct</p> <p>5 Brabners and to take his complaint forward. So they</p> <p>6 contacted us in that context and the clearly we were</p> <p>7 able to assist them to some extent.</p> <p>8 Q. The next sentence has been heavily redacted, Mr Pike.</p> <p>9 A. Mm.</p> <p>10 Q. "I had a brief word with [redacted names] but we need to</p> <p>11 put some surveillance onto them."</p> <p>12 Pausing there, the surveillance was going to be put</p> <p>13 onto Mr Lewis and Ms Harris, wasn't it?</p> <p>14 A. That's right.</p> <p>15 Q. And the surveillance you're referring to is surveillance</p> <p>16 by private investigators or journalists?</p> <p>17 A. If it had been done through my office, it would have</p> <p>18 been via private investigators. If it had been done by</p> <p>19 News of the World, as far as I was aware, it could have</p> <p>20 been done either way.</p> <p>21 Q. Can we look at a letter you wrote -- or rather, your</p> <p>22 firm wrote -- on 14 September 2011 at page 20 of this</p> <p>23 bundle. May I ask you to provide the context for this?</p> <p>24 It's obvious that the author of the letter, who is</p> <p>25 a fellow partner of yours, has spoken to you for the</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 purpose of providing the information to Linklaters, but 2 can you help us as to why the letter was written? 3 A. Yeah. I think by the beginning of September -- and 4 you've got sight of the answer at tab 4 in my bundle -- 5 there had been some coverage of the fact that -- I think 6 it was probably the three solicitors, Lewis, Harris and 7 Thompson -- it had been made public that they were all 8 put under surveillance and therefore we were asked what 9 we knew about that. 10 Q. Fair enough. This is covering, in the main, the 11 instructions which were given to a firm called Tectrix 12 in May 2010. They covered public domain information, 13 didn't they? 14 A. That's right. 15 Q. Can I ask you about one sentence at the end of 16 paragraph 1 of this letter: 17 "Julian Pike's email, dated 20 April 2010, refers to 18 the paper renewing their surveillance and so he believes 19 he must have been told something about the surveillance 20 of Lewis and Harris, but he does not recall whether he 21 was told by Ian Edmondson or Tom Crone." 22 Can you assist us further as to what you might have 23 been told about the surveillance, in particular who was 24 carrying it out? 25 A. As you've seen, I sent an email on 26 March suggesting</p> <p style="text-align: center;">Page 13</p>	<p>1 A. That's right. 2 Q. But paragraph 7, please. 3 "We advised [that presumably is Farrers advised] 4 Tom Crone in making the enquiries early in 2010. When 5 instructed by him to do so, we reported back to him on 6 the information provided by the PI." 7 Could you assist us as to what that might be 8 a reference to? 9 A. I think that's a reference to what you've seen already. 10 You've got the email of 26 March and we then -- 11 I appreciate it might seem to be a relatively long 12 period of time. An awful lot was happening between sort 13 of March and beginning of May, but beginning of May, we 14 are given those instructions to proceed with those 15 limited enquiries and we make those searches. And as 16 you know, I think we reported back about ten days or so. 17 Maybe not quite that long, but a few days later after 18 the enquiries had been made. 19 Q. We know that you obtained advice on behalf of your 20 client from leading counsel on 13 May 2010? 21 A. That's correct. 22 Q. The attendance note we see at page 7. Did you seek 23 advice from him as to the propriety of any surveillance? 24 A. He was aware that -- I think it's right in saying he was 25 aware that surveillance had been carried out, but</p> <p style="text-align: center;">Page 15</p>
<p>1 that there should be surveillance of the two of them. 2 I know that -- having seen an email of 20 April, that 3 Mr Crone told me on that date that they were renewing 4 the surveillance. I don't have specific memory for the 5 intervening period, whether or not I had a another 6 conversation with Mr Crone about that surveillance 7 operation, but obviously with my notes mentioning 8 "renewing surveillance", it is perfectly possible that 9 there was a conversation between 26 March and 20 April 10 between me and Mr Crone about the issue of there having 11 been surveillance. I can't specifically recall that, 12 I have no record of a conversation during that period 13 dealing with that point, but it's certainly possible. 14 Q. Did not Mr Crone tell you words to the effect that the 15 surveillance hadn't in fact yielded anything of 16 interest? 17 A. I don't specifically recall that, no. 18 Q. There's a slightly earlier letter I need to refer you to 19 as well, Mr Pike, at page 18 of this bundle, 20 7 September 2011. You can see from paragraph 4 at 21 page 19 it being confirmed and reiterated: 22 "The only investigations that Farrer commissioned 23 were in May 2010." 24 Those are the Tectrix investigations of public 25 domain documentation?</p> <p style="text-align: center;">Page 14</p>	<p>1 certainly there was no suggestion whatsoever from him 2 that what was being undertaken was wrong, as it wasn't. 3 Q. So is it your evidence to this Inquiry that you were 4 aware, in general terms, of the surveillance being 5 undertaken -- this is before the surveillance your firm 6 itself commissioned on 5 May 2010 -- but you weren't 7 aware of who was undertaking it. In particular, you 8 weren't aware that a private investigator was 9 undertaking it as opposed to a journalist? 10 A. That's correct. 11 Q. For your own peace of mind, at the very least, did you 12 not enquire as to who was undertaking the surveillance? 13 A. I don't think I did, because I had hoped that 14 News of the World would be able to carry out what, to my 15 mind, was a fairly straightforward exercise. 16 Unfortunately, history has shown that that has not 17 turned out to be correct. 18 Q. From your own experience in litigation or generally, are 19 you aware of cases where, in the course of continuing 20 litigation, lawyers have been put under surveillance, 21 namely the other side's lawyers? 22 A. No. I mean, we were -- you haven't asked me about what 23 was behind all of this, in that here we were faced with 24 what we perceived to be significant breaches of 25 confidentiality over a significant period of time and</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 the issue was we wanted to look at getting to the bottom 2 of that and dig around and put together a jigsaw of what 3 was going on. 4 In that context, it was a perfectly legitimate 5 exercise to carry out the enquiries that were carried 6 out through the firm of investigators that we 7 instructed, and in terms of carrying out the 8 surveillance operation on Mr Lewis and Ms Harris, that 9 also was a perfectly legitimate exercise to do. 10 Carrying out exercises in relation to Mr Lewis's 11 family I could not condone at all because it served 12 no purpose. Entirely irrelevant. 13 Q. In order to reach that judgment that it was a perfectly 14 legitimate exercise, wouldn't you have to know more 15 about the nature of the surveillance which was being 16 undertaken and the degree of intrusion which it might 17 entail? 18 A. No. If it was being done properly, then you wouldn't -- 19 it wouldn't be a hugely intrusive exercise at all 20 because the individuals involved would be only on public 21 property, only carrying out surveillance from that 22 vantage point. They're not going, for example, into 23 somebody's house or into a building. So I -- I have no 24 concerns about instructing a firm of investigators to do 25 that exercise. I agree, clearly things have gone beyond Page 17</p>	<p>1 Q. Is it your evidence that you were unaware until it was 2 quite widely publicised two months ago that Mr Webb was 3 systematically carrying out surveillance on behalf of 4 News International and NGN? 5 A. Correct. 6 MR JAY: Thank you. Those are all the questions I have for 7 you, Mr Pike. 8 A. Thank you. 9 MR SHERBORNE: Sir, there is one matter I would like to 10 explore with Mr Pike in relation to a document he has 11 just been shown. I don't know whether, sir, you will 12 give me permission to do so. 13 LORD JUSTICE LEVESON: Which document is that? 14 MR SHERBORNE: It's the attendance note of the conference 15 with Mr Treverton-Jones. 16 LORD JUSTICE LEVESON: And you want to analyse page.? 17 MR SHERBORNE: I obviously don't have the bundle that you 18 have -- 19 LORD JUSTICE LEVESON: No, no, the page within the document 20 MR SHERBORNE: The page within the document is -- it's the 21 first page, the front page, the record of attendance. 22 LORD JUSTICE LEVESON: Yes. 23 MR SHERBORNE: I don't know whether it's possible to have 24 the top of that document on screen so everyone can 25 follow. It's, I think, page 7 of tab 4 of Mr Pike's Page 19</p>
<p>1 that which was legitimate, but there was a perfectly 2 legitimate exercise being carried out and clearly 3 someone has strayed beyond that remit. 4 Q. But you're investigating two lawyers. The purpose of 5 the investigation is to see whether there is 6 a relationship between them. Although the investigation 7 might be carried out only from public property, it still 8 carries with it serious Article 8 implications at the 9 very least; wouldn't you agree? 10 A. Article 8's not an absolute right, I have to say. That 11 has to be balanced with other interests. I say now that 12 if I was faced with the same circumstances today, I'd 13 have very little trouble doing it again because it's 14 a perfectly legitimate exercise. 15 Q. But in order to ensure that it's being carried out 16 within reasonable constraints, you would want to be 17 satisfied of the instructions given either to the 18 journalist or the investigator to make sure that they 19 kept within proper boundaries. Wouldn't you agree with 20 that? 21 A. Well, that's easily said now, but I -- at the time, 22 I would have and I did expect the News of the World to 23 be able to carry out a very straightforward surveillance 24 exercise without straying from what they were permitted 25 to do. Page 18</p>	<p>1 bundle. I don't know whether the technician has -- the 2 technician doesn't have the bundle. 3 Sir, do you have a copy in front of you? 4 LORD JUSTICE LEVESON: I do. I don't particularly want to 5 give you my bundle because then I don't have it. 6 MR SHERBORNE: I can hand up a clean copy, actually. 7 LORD JUSTICE LEVESON: All right. 8 MR SHERBORNE: It's just the top of the page. (Handed) 9 It's just the top part. 10 A. Thank you very much. 11 Questions by MR SHERBORNE 12 MR SHERBORNE: Mr Pike, this is an attendance note made by 13 your firm on 13 May; is that right? 14 A. Correct. 15 Q. If we just look at the top of that, we have a client 16 there. That's your client, isn't it, News Group 17 Newspapers Limited? 18 A. That's correct. 19 Q. Can you help us with the number there, 8085? What does 20 that refer to? 21 A. That's the client number. 22 Q. That's an internal reference to a client number? I see. 23 Then we look at "matter" and we have a number of names 24 there. We have, for example, Sky Andrew. That was the 25 claim brought by Mr Andrew, Sol Campbell's agent, Page 20</p>

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<p>1 against News Group Newspapers; is that right?</p> <p>2 A. That's right.</p> <p>3 Q. That's a claim for the unlawful interception of his</p> <p>4 voicemails?</p> <p>5 A. That's right.</p> <p>6 Q. And Vanessa Perroncel, similarly a claim against your</p> <p>7 client?</p> <p>8 A. That's correct.</p> <p>9 Q. And Nicola Phillips?</p> <p>10 A. I should add that in relation to Vanessa Perroncel,</p> <p>11 that's not part of the phone cases -- case series, as it</p> <p>12 were.</p> <p>13 Q. But she made a complaint about that?</p> <p>14 A. No, she didn't. She made a complaint about a breach of</p> <p>15 privacy which did not involve phones.</p> <p>16 Q. But it was made at that time?</p> <p>17 A. The claim was alive at that time, yes.</p> <p>18 Q. And Nicola Phillips was also a complaint about voicemail</p> <p>19 interception?</p> <p>20 A. Correct.</p> <p>21 Q. And Andy Gray?</p> <p>22 A. Yes.</p> <p>23 Q. David Davies?</p> <p>24 A. Yes.</p> <p>25 Q. George Galloway?</p> <p style="text-align: right;">Page 21</p>	<p>1 A. Correct.</p> <p>2 Q. Were you aware that the application for the documents</p> <p>3 from the Metropolitan Police was made on 1 June 2010?</p> <p>4 A. I wasn't aware of that at the time, but I subsequently</p> <p>5 became aware of that, yes.</p> <p>6 Q. Are you aware of the other features of that application,</p> <p>7 namely that it was made anonymously?</p> <p>8 A. Um ...</p> <p>9 Q. The letters "AZP", do they ring a bell?</p> <p>10 A. No, they don't. I don't think so.</p> <p>11 Q. Will you accept from me it was made anonymously?</p> <p>12 A. Okay.</p> <p>13 Q. And it was heard in private?</p> <p>14 A. If you say so. I wasn't there.</p> <p>15 Q. That application was made on 1 June. That was some</p> <p>16 three weeks after this meeting?</p> <p>17 A. Okay, yeah.</p> <p>18 Q. And as far as News Group's concerned, do you recall that</p> <p>19 the first time any mention was made that there was</p> <p>20 a complaint by Miss Miller was on 6 September, some four</p> <p>21 months later?</p> <p>22 A. That may be right. I haven't researched this.</p> <p>23 Q. Would it be helpful for me to show you the letter before</p> <p>24 action that was sent by --</p> <p>25 A. I'm prepared to accept it if that's what you say, yes.</p> <p style="text-align: right;">Page 23</p>
<p>1 A. Correct.</p> <p>2 Q. Kelly Hoppen?</p> <p>3 A. Correct.</p> <p>4 Q. Let me ask you about the Sienna Miller reference, if</p> <p>5 I may. It's right, isn't it, that Miss Miller we know</p> <p>6 issued proceedings against News Group Newspapers for the</p> <p>7 interception of her voicemails as well?</p> <p>8 A. That's right.</p> <p>9 Q. And you were involved as acting on behalf of News Group</p> <p>10 Newspapers in that litigation, weren't you?</p> <p>11 A. That's right.</p> <p>12 Q. Can you recall that the first step taken in</p> <p>13 Miss Miller's action was a Norwich Pharmica order,</p> <p>14 wasn't it?</p> <p>15 A. I didn't know that at the time, but I learnt that it was</p> <p>16 what happened, yes.</p> <p>17 Q. And that was a route that some of the hacking victims</p> <p>18 took, which was to apply to the Metropolitan Police for</p> <p>19 an order and not to notify News Group Newspapers before</p> <p>20 doing so?</p> <p>21 A. I think that's the route taken by one or two, yes.</p> <p>22 Q. And once the document had been obtained, then a claim</p> <p>23 was made, a letter of complaint was sent to News Group</p> <p>24 and then proceedings or a claim form were issued against</p> <p>25 News Group Newspapers; is that right?</p> <p style="text-align: right;">Page 22</p>	<p>1 Q. You see, what I don't understand, Mr Pike, is how, on</p> <p>2 13 May, did you know about a claim from Miss Miller that</p> <p>3 didn't even exist at the time?</p> <p>4 A. I don't know the answer to that question. I could go</p> <p>5 back and see if I could find the answer to it. Clearly</p> <p>6 there's a reason for it.</p> <p>7 Q. Are you saying that you really have no recollection as</p> <p>8 to how Sienna Miller's name and a claim was referred to</p> <p>9 in the record of attendance on 13 May?</p> <p>10 A. As I just said, I don't have a recollection, sitting</p> <p>11 here today, as to why that's the case.</p> <p>12 LORD JUSTICE LEVESON: Presumably it's not terribly</p> <p>13 difficult to go back to file 730 and see where it</p> <p>14 starts?</p> <p>15 A. I'm sure I can, yes.</p> <p>16 LORD JUSTICE LEVESON: Right.</p> <p>17 MR SHERBORNE: Perhaps you can do that, Mr Pike.</p> <p>18 A. With the permission of Linklaters, I will.</p> <p>19 MR SHERBORNE: You see, the point is that at that time the</p> <p>20 only people that will knew about the fact that</p> <p>21 Miss Miller's voicemail had been hacked into and that</p> <p>22 she was going to complain about it were Miss Miller's</p> <p>23 solicitors and the police.</p> <p>24 A. I don't know the answer --</p> <p>25 LORD JUSTICE LEVESON: We'll have to see, won't we? Let's</p> <p style="text-align: right;">Page 24</p>

6 (Pages 21 to 24)

<p>1 find out the answer. 2 A. Right. 3 MR SHERBORNE: I have no further questions. 4 LORD JUSTICE LEVESON: Thank you. Mr Rhodri Davies, is 5 there any issue of privilege? I'm not so sure there is, 6 as to this. 7 MR DAVIES: I can't imagine that there can be privilege. 8 LORD JUSTICE LEVESON: Right. You're not very far away, 9 Mr Pike, in Lincoln's Inn Fields. 10 A. That's right. 11 LORD JUSTICE LEVESON: I would be grateful if you could do 12 that. 13 A. Can I raise one matter? 14 LORD JUSTICE LEVESON: Please. 15 A. Can I take you to the witness statement of Charlotte 16 Harris, page 3, paragraph 19. 17 LORD JUSTICE LEVESON: Yes. 18 A. In that paragraph, Ms Harris has made a number of what 19 could be described as either serious or very serious 20 allegations against myself in terms of what I have 21 supposedly said to her on the telephone and in a letter. 22 In relation to the letter, she suggests that I said 23 to her in that letter that she would be committing 24 career suicide. I have had the opportunity since this 25 witness statement was served on me to go and look at the</p> <p style="text-align: center;">Page 25</p>	<p>1 What's the position, Mr Sherborne? 2 MR SHERBORNE: Sir, the version of Ms Harris's witness 3 statement I have doesn't contain any reference to that. 4 Mr Pike obviously has a different version. 5 MR JAY: I think it's an earlier version and that's why -- 6 LORD JUSTICE LEVESON: What I am looking at is a signed 7 version, so -- 8 A. Dated 28 -- 9 MR SHERBORNE: I'm looking at a signed version too, and mine 10 doesn't have it in it. Do you want to exchange 11 versions? 12 LORD JUSTICE LEVESON: No, you can see mine. I'm perfectly 13 content to accept -- 14 MR BARR: Sir, since I called Ms Harris, I think I can 15 clarify this. There was the signed version you have. 16 There was a subsequent signed version which omitted the 17 allegation about the letter, and that subsequent version 18 was the one which went into evidence, sir. 19 LORD JUSTICE LEVESON: Very good. So it is withdrawn, 20 Mr Pike. 21 A. And is the allegation also withdrawn about the telephone 22 conversation? 23 LORD JUSTICE LEVESON: You had better let me see the 24 original statement. Thank you very much. It's merely 25 the last two sentences. So I record that you challenge</p> <p style="text-align: center;">Page 27</p>
<p>1 correspondence to the relevant file and that claim as 2 set out in that statement is untrue. I would invite the 3 Inquiry to suggest to Ms Harris that she goes back to 4 look at the file and correct her evidence. I have the 5 letter. I know exactly what it says. It does not say 6 that of her. 7 MR JAY: I think Ms Harris withdrew that part of her 8 statement. 9 LORD JUSTICE LEVESON: Is that right? Well, I seem to be 10 resolving many issues between many people during the 11 course of this Inquiry and it's only right that 12 professional people have the chance to do that. 13 You have the letter to which you think she's 14 referring? 15 A. I do. 16 LORD JUSTICE LEVESON: Does it offend any privilege that you 17 owe to anybody to let us see it, or more particularly 18 also to let Mr Sherborne see it? 19 A. I'd obviously have to ask Linklaters if they're happy 20 for -- well, if News International are happy for this 21 letter to be released. The alternative, of course, is 22 Ms Harris can correct her evidence. 23 LORD JUSTICE LEVESON: I don't care how we do it. I think 24 it's obviously sensible just to spend no more than a few 25 minutes on it.</p> <p style="text-align: center;">Page 26</p>	<p>1 that which Ms Harris says? 2 A. I do. She's referring to a different case and the 3 conversation relates to a conversation about her client, 4 not about her. 5 LORD JUSTICE LEVESON: Right. Thank you very much. So 6 there's just one bit of information we'd like from you 7 and that relates to this title. 8 A. Yes, that's fine. 9 LORD JUSTICE LEVESON: Thank you very much indeed. Thank 10 you, Mr Pike. 11 MR JAY: Before I call the next witness, Mr Crone, I'd just 12 like to check that the bundles are in order. If I could 13 just be permitted a minute or so to do that. 14 LORD JUSTICE LEVESON: Yes, certainly. Does that mean you 15 want me to have a break? 16 MR JAY: Please. 17 LORD JUSTICE LEVESON: I can do that. 18 Mr Sherborne, you've heard what Mr Pike says about 19 the conversation. I don't think it's a matter for me to 20 go further in at all and I don't intend to do so. It's 21 a matter between her and him. But it might be sensible 22 that she checks that her memory is as she says rather 23 than as Mr Pike says. But it's a matter for her and for 24 him. 25 (2.28 pm)</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 (A short break)</p> <p>2 (2.35 pm)</p> <p>3 Mr THOMAS GERALD CRONE (sworn)</p> <p>4 Questions by MR JAY</p> <p>5 MR JAY: Please sit down Mr Crone. Your full name, please.</p> <p>6 A. Thomas Gerald Crone.</p> <p>7 Q. Thank you. You have provided the Inquiry with two</p> <p>8 witness statements. The first is dated 30 September of</p> <p>9 this year, and it has your signature and a -- it doesn't</p> <p>10 actually have a statement of truth, but do you confirm</p> <p>11 that this is your truthful evidence?</p> <p>12 A. Yes.</p> <p>13 Q. The second one was provided pursuant to a notice under</p> <p>14 section 21, subsection 2 of the Inquiries Act. It</p> <p>15 hasn't, at least in the version I have seen, been signed</p> <p>16 by you, but again, is this your evidence, Mr Crone?</p> <p>17 A. It is my evidence. There's one correction I need to</p> <p>18 make in it, I think, the second one.</p> <p>19 Q. Could you identify that for us, please?</p> <p>20 A. It's in relation to the passage about the meeting with</p> <p>21 Mr Lewis, where I went with him to a restaurant in</p> <p>22 Fetter Lane and Mr Lewis had previously given evidence</p> <p>23 at the CMS committee, I think, to the effect that</p> <p>24 Mr Pike was supposed to be accompanying us to that lunch</p> <p>25 and he couldn't make it. I, in my evidence, say</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. In the period with which we are concerned, your</p> <p>2 responsibility was the News of the World primarily and</p> <p>3 someone else was responsible for the Sun; is that right?</p> <p>4 A. I would say my responsibility was for the Sun and the</p> <p>5 News of the World. I spent more time on the</p> <p>6 News of the World because my deputy tended to spend more</p> <p>7 time on the Sun.</p> <p>8 Q. Fair enough. As for your role within</p> <p>9 News International, you tell us about that in</p> <p>10 paragraph 2 of your first statement. It covers both</p> <p>11 prepublication issues and post-publication issues,</p> <p>12 including, of course, litigation; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Can I ask you, please, about paragraph 3? The question</p> <p>15 related to the legality of methods of information</p> <p>16 gathering. You say:</p> <p>17 "I am answering this question on the basis that the</p> <p>18 relevant legality relates to compliance with criminal</p> <p>19 law. I can remember very little by way of detail over</p> <p>20 such a long period, but during the 31 years I was</p> <p>21 a newspaper lawyer, there were occasions when my advice</p> <p>22 was sought by a journalist on the legality methods of</p> <p>23 receiving or obtaining information. Since these</p> <p>24 conversations were in the context of advising an</p> <p>25 individual about his or her potential legal liability in</p> <p style="text-align: center;">Page 31</p>
<p>1 Mr Lewis is wrong about that and Mr Pike was there. He</p> <p>2 is right; I am wrong. I apologise. There was a third</p> <p>3 person.</p> <p>4 LORD JUSTICE LEVESON: It's (f):</p> <p>5 "As far as I was concerned, the lunch was purely</p> <p>6 a social occasion. Mr Lewis' recollection that Mr Pike</p> <p>7 was not there was wrong; he was."</p> <p>8 So I just need to cross out that sentence?</p> <p>9 A. Yes. There was a third person, but it wasn't Mr Pike.</p> <p>10 MR JAY: Thank you, Mr Crone. First of all, I'm going to</p> <p>11 take you through your first witness statement, highlight</p> <p>12 matters and ask some supplemental questions before</p> <p>13 I move on to your second statement.</p> <p>14 In your first statement, you tell us who you are,</p> <p>15 that you were called to the bar in 1975. You practised</p> <p>16 for five years then you moved to the legal department of</p> <p>17 the Mirror Group. In 1985 you moved to NGN, and you</p> <p>18 became legal manager of News International in 1991; is</p> <p>19 that correct?</p> <p>20 A. I think 1989 is when I became -- legal manager of -- did</p> <p>21 you say News International? Oh sorry, I wasn't</p> <p>22 listening. Yes, you're absolutely right.</p> <p>23 Q. Yes. You occupied that position until this year; is</p> <p>24 that right?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 specific situations, I believe them to be covered by</p> <p>2 privilege."</p> <p>3 I think I can ask this general question, though,</p> <p>4 Mr Crone: did you ever advise News International or its</p> <p>5 employees on issues of phone hacking?</p> <p>6 A. On one occasion. Well, actually, probably on several</p> <p>7 occasions after the arrests, one occasion before.</p> <p>8 Q. The arrests were on 8 August 2006; is that correct?</p> <p>9 I can't ask you about a specific case because that is</p> <p>10 covered by privilege, but I can ask you when that</p> <p>11 occasion was, please.</p> <p>12 A. I'm concerned about this, sir, because I am sure it's</p> <p>13 covered by privilege. I was asked for advice. I went</p> <p>14 away and did some research and I came back and gave some</p> <p>15 advice about specific matters. If I give the date or</p> <p>16 the time I gave the advice or to whom or the content, it</p> <p>17 seems to me I am encroaching on areas I shouldn't --</p> <p>18 LORD JUSTICE LEVESON: If you gave to whom or the context,</p> <p>19 you most certainly are infringing on legal professional</p> <p>20 privilege. I don't immediately see why you are if</p> <p>21 you're merely asked for the date, by which I suppose</p> <p>22 Mr Jay means the year, to get some context?</p> <p>23 A. Because, I would contend, there are various people under</p> <p>24 arrest at the moment. Some of those people were around</p> <p>25 in certain years and some of them were not around in</p> <p style="text-align: center;">Page 32</p>

<p>1 certain years, and it seems to me that at the very least 2 I think I would be giving a fairly decent clue as to who 3 I might have been giving the advice to if I gave the 4 time. 5 LORD JUSTICE LEVESON: I'm not so sure you would, actually, 6 because it could be anybody from a junior journalist up 7 to editor-in-chief. Mr Jay, help me on this. 8 MR JAY: Sir, you're right. I can't obviously proceed down 9 a certain road but the innocuous question I have posed, 10 in my submission, can be asked. 11 LORD JUSTICE LEVESON: Just pause. 12 Mr Rhodri Davies, I appreciate that this may or may 13 not be relevant to you, and it may or may not be 14 a former employee, an employee -- it obviously was 15 a former employee because he's always worked for you. 16 MR DAVIES: Yes. 17 LORD JUSTICE LEVESON: I don't want to step on anybody's 18 toes but I just don't see how identifying a year would 19 help identify a person or a situation at all. But I'm 20 anxious for a contrary argument, if there is one. 21 MR DAVIES: From a standpoint of legal professional 22 privilege, I do not think that I could object to 23 Mr Crone answering as to a year. It seems to me that 24 the point Mr Crone has raised is a slightly different 25 one, which is that his answer may not breach privilege</p> <p style="text-align: center;">Page 33</p>	<p>1 who. And presumably, as you've made it clear, your 2 advice was sought by journalists, in the plural. That's 3 not just restricted to senior members of the editorial 4 staff, I suppose, generally? 5 A. That is true, yes. Sorry, was that a question? Yes. 6 LORD JUSTICE LEVESON: Yes. So ... 7 A. It's a -- I'm sorry, sir. My thinking on this, which -- 8 I'm subject to your ruling. It's a game of 20 questions 9 and every one chips away at the privilege. 10 LORD JUSTICE LEVESON: But actually Mr Jay has only asked 11 one. I appreciate that he might ask a second -- I'm not 12 saying he will -- and I am prepared to consider each 13 question on a question by question basis. So far, so 14 good. I understand the point you're making. I hope 15 I have made it clear that I am anxious to protect the 16 integrity of the investigation and not to impact 17 adversely on the rights against self-incrimination the 18 witnesses have. I do not believe that anything you say 19 in answer to this question could possibly be used in 20 relation to any one individual. That's how I see it. 21 A. You will no doubt rule, sir. I'm just foreseeing the 22 next question will put me in even bigger trouble and it 23 will go definitely towards providing all the clues. 24 LORD JUSTICE LEVESON: Right. What is the next question, 25 Mr Jay?</p> <p style="text-align: center;">Page 35</p>
<p>1 but it may incriminate someone else. I'm in no better 2 position to answer that than anyone else. 3 LORD JUSTICE LEVESON: It's pretty useless information, 4 given that there are a vast array of possibilities. I'm 5 not going to ask him the question he was asked and I'm 6 not going to ask him what the answer he gave. 7 MR DAVIES: No. As I say, I don't think I'm in any better 8 position than several others here to comment on the 9 situation. 10 LORD JUSTICE LEVESON: No. I know you've been particularly 11 concerned, legitimately, properly, about your 12 ex-clients. 13 MR DAVIES: Yes. 14 LORD JUSTICE LEVESON: Thank you very much. I'm going to 15 make one other enquiry. Mr Garnham, does this cause 16 potential difficulty? 17 MR GARNHAM: My answer might. 18 LORD JUSTICE LEVESON: Right, then don't answer. 19 Mr Crone, I do not believe that the year that we're 20 talking about, without identifying the context or 21 anything about it, can possibly infringe professional 22 privilege. 23 A. I was thinking of the individual rather than the 24 company, sir. 25 LORD JUSTICE LEVESON: Yes, but I'm not going to ask you</p> <p style="text-align: center;">Page 34</p>	<p>1 MR JAY: The next question is not any specific question. 2 LORD JUSTICE LEVESON: I promise you, it will be a specific 3 question but it's not directed to this topic? 4 MR JAY: It isn't directed to this topic, save it will be to 5 ask Mr Crone about whether he looked at the Regulation 6 and Investigatory Powers Act 2000 in the context of any 7 advice he gave. 8 LORD JUSTICE LEVESON: Right. So I don't think you need 9 worry about the next question, because that's -- 10 A. Perhaps the one after that, sir. 11 LORD JUSTICE LEVESON: Mr Crone, we can play this game all 12 afternoon. 13 A. No, I'm not playing a game, I promise you. 14 LORD JUSTICE LEVESON: No, I understand that and I'm not 15 suggesting you are, I really am not. I understand the 16 point very clearly and I do not intend to prejudice any 17 investigation. Once during the course of this Inquiry 18 a question has slipped under the wire of my thinking, 19 and I don't intend to let it happen again. 20 Right, you can answer this question, and then we'll 21 think about the next question. 22 A. The date was -- the year was 2004. 23 LORD JUSTICE LEVESON: Thank you. 24 MR JAY: Thank you. In the context of any advice you gave, 25 did you look at the Regulation and Investigatory Powers</p> <p style="text-align: center;">Page 36</p>

<p>1 Act 2000?</p> <p>2 A. Yes.</p> <p>3 Q. In the context of this general question, have you given</p> <p>4 advice to journalists at the News of the World in</p> <p>5 relation to surveillance?</p> <p>6 A. No.</p> <p>7 Q. Thank you.</p> <p>8 LORD JUSTICE LEVESON: While we're on the topic, what about</p> <p>9 the Data Protection Act?</p> <p>10 A. Yes.</p> <p>11 LORD JUSTICE LEVESON: Consistently throughout or --</p> <p>12 A. I was once asked to put together a note on what the law</p> <p>13 of data protection meant in relation to journalists,</p> <p>14 working journalists, and I did so. I can't remember</p> <p>15 exactly when that was. I think I've seen it in the</p> <p>16 bundles somewhere. I may be wrong.</p> <p>17 LORD JUSTICE LEVESON: All right.</p> <p>18 MR JAY: I was going to ask you about Operation Motorman.</p> <p>19 When, if at all, were you made aware of that?</p> <p>20 A. I think when Whittamore, the private detective in the</p> <p>21 West Country, was arrested, I was made aware of that.</p> <p>22 Q. And when were you made aware that some of his customers,</p> <p>23 if I can so describe them, were employees of NGN or NI?</p> <p>24 A. After the arrest. But not in any great detail, I have</p> <p>25 to say.</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Over -- throughout my career, actually.</p> <p>2 Q. Approximately how many occasions then?</p> <p>3 A. I couldn't hazard a guess. Very infrequent. Probably</p> <p>4 less than one a year. People come to newspapers looking</p> <p>5 for money and you don't necessarily know who they are</p> <p>6 until one deals with them and then they aren't</p> <p>7 necessarily coming directly but they're sending someone</p> <p>8 else in who is representing them and layers unfold and</p> <p>9 you find out what's going on and you realise that it's</p> <p>10 a situation where someone's looking to be paid who fits</p> <p>11 into one of those categories.</p> <p>12 Q. And on such occasions, can you assist us, please, as to</p> <p>13 what your advice was?</p> <p>14 A. Consistently that it would be a criminal offence to pay</p> <p>15 someone in public office for information which they</p> <p>16 shouldn't have been passing out.</p> <p>17 Q. Was that advice ever put in writing?</p> <p>18 A. Not that I'm aware of, no.</p> <p>19 Q. Can I move on to question 3 at the bottom of the page,</p> <p>20 where we're dealing with phone hacking. So we get our</p> <p>21 bearings, am I right in saying that from August 2006,</p> <p>22 you were giving general advice to News International</p> <p>23 relating to the Goodman/Mulcaire matter?</p> <p>24 A. Yes.</p> <p>25 Q. Am I also right in saying that you attended the</p> <p style="text-align: center;">Page 39</p>
<p>1 Q. Were you asked to advise at any stage on data protection</p> <p>2 issues, including any possible criminal offences?</p> <p>3 A. You mean in relation to Whittamore?</p> <p>4 Q. In relation to Operation Motorman, yes?</p> <p>5 A. I don't think so.</p> <p>6 Q. Okay. The next page of your witness statement -- I'm</p> <p>7 afraid the paragraph numbers have gone slightly awry.</p> <p>8 On our numbering, it's page O2/745.</p> <p>9 A. That's the one I have.</p> <p>10 Q. Thank you. The question you were posed related to the</p> <p>11 legality of paying public servants, including police</p> <p>12 constables, for information either in cash or in kind.</p> <p>13 You give the same sort of answer here as you gave in</p> <p>14 relation to illegal news-gathering. You say:</p> <p>15 "I can remember very little by way of detail over</p> <p>16 such a long period, but during the 31 years I was</p> <p>17 a newspaper lawyer there were occasions when my advice</p> <p>18 was sought by journalists being offered a story based</p> <p>19 upon information which came directly or indirectly from</p> <p>20 a police officer or public servant and that person, ie.</p> <p>21 the source, was looking to be paid."</p> <p>22 Can you tell us, please, when those occasions were?</p> <p>23 A. I don't remember any of the specific ones. I just know</p> <p>24 that I've encountered the situation.</p> <p>25 Q. Approximately when?</p> <p style="text-align: center;">Page 38</p>	<p>1 sentencing hearing before Mr Justice Gross on 26 January</p> <p>2 2007; is that right?</p> <p>3 A. Yes, yes, I did.</p> <p>4 Q. And then in the civil litigation that ensued, you took</p> <p>5 a close interest in the course of that litigation; is</p> <p>6 that also right?</p> <p>7 A. I was handling it as the lawyer inside the company</p> <p>8 until -- until early 2011.</p> <p>9 Q. Of course I'm going to come back to that but for the</p> <p>10 moment we're dealing with general matters.</p> <p>11 On the next page, under paragraph 8, you were asked</p> <p>12 about corporate governance. Can I ask you this, though,</p> <p>13 the second paragraph under that rubric: were you the</p> <p>14 person who dealt with the Press Complaints Commission</p> <p>15 complaints?</p> <p>16 A. No.</p> <p>17 Q. Can you tell us who did?</p> <p>18 A. That would normally be the managing editor of the</p> <p>19 newspaper, on both titles, the Sun and the</p> <p>20 News of the World. I might have had occasional dealings</p> <p>21 but it wasn't my responsibility.</p> <p>22 Q. Given the importance of such complaints -- and one</p> <p>23 imagines the importance of the Press Complaints</p> <p>24 Commission -- why didn't you have any direct dealings</p> <p>25 with those matters, save on exceptional occasions?</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 A. I think weight of work on my side, certainly. I think 2 there was plenty to get on with and occupy all of my 3 time without having to deal with the PCC complaints as 4 well. It's also not for me to allocate that I do this 5 or I do that. It's usually someone else. The editor 6 would probably have a say on who he wants to do the PCC 7 work and it certainly became the norm for a long time 8 that that was always the managing editor.</p> <p>9 Q. One possible reason might be that PCC complaints were 10 not taken very seriously and therefore why trouble the 11 main in-house lawyer; is that fair?</p> <p>12 A. No, it's not. I think they were taken very seriously. 13 In fact, I think when there was a PCC complaint, the 14 journalist usually asked more of the managing editor 15 than when there was a legal complaint being asked of me 16 or the outside lawyers.</p> <p>17 Q. Is that really the position, Mr Crone?</p> <p>18 A. Yes. That's my experience.</p> <p>19 Q. Okay. I'm not going to alight on all these answers, but 20 can I ask you, please, about question 11 at the bottom 21 of this page and the answer you give at the top of the 22 next page, O2747. You say: 23 "After the arrest and conviction of Clive Goodman, 24 a new editor, Colin Myler, came to the News of the World 25 and introduced a number of measures to tighten controls</p> <p style="text-align: center;">Page 41</p>	<p>1 managing editor's office. I certainly wasn't involved 2 in one.</p> <p>3 Q. Thank you. Reading on in your statement: 4 "I'm aware that all editorial staff were written to. 5 Cash payments were virtually eliminated, a fresh 6 programme and training days were initiated and the use 7 of private detectives was forbidden." 8 Cash payments for what are were virtually 9 eliminated?</p> <p>10 A. I think just cash payments.</p> <p>11 Q. But over what range of activities? What did they relate 12 to?</p> <p>13 A. I think it's self-defining, actually. Without trying to 14 be clever in my answer, I think cash payments were 15 reduced to an absolute minimum. For whatever. Payments 16 for stories, pictures, services. Those are probably the 17 three categories.</p> <p>18 Q. Can we look at those categories, one by one. Cash 19 payments for stories; in other words, for tips. Cash 20 payments to legitimate sources surely continued after 21 2007, didn't they?</p> <p>22 A. My understanding is that they were reduced hugely. So 23 there were still some of them but it was a lot less than 24 previously had been occurring. 25 But payments were not really my area. I'm not</p> <p style="text-align: center;">Page 43</p>
<p>1 and procedures in order to eliminate illegal or 2 unethical practices."</p> <p>3 What practices were you referring to there apart 4 from phone hacking?</p> <p>5 A. I'm probably looking at it in the context of both 6 Motorman and phone hacking.</p> <p>7 Q. Motorman --</p> <p>8 A. Motorman being data protection offences.</p> <p>9 Q. But Motorman had been known about since 2003 and 10 Mr Myler doesn't arrive until early 2007. Are you 11 saying nothing had been done about Motorman between 12 those dates?</p> <p>13 A. Well, I can't remember when I did my note on data 14 protection. I'm sure there had been legal lecture 15 courses along with other journalistic training courses 16 internally where the data protection issues were 17 addressed.</p> <p>18 The Motorman publicity from the 19 Information Commissioner was issued in 2006 in two 20 reports, I believe. So it was reasonably 21 contemporaneous at the time of the Goodman/Mulcaire 22 arrests and the subsequent arrival of Mr Myler.</p> <p>23 Q. As far as you're aware, was any internal investigation 24 conducted into the Operation Motorman matters?</p> <p>25 A. I am not aware of one. There may have been one via the</p> <p style="text-align: center;">Page 42</p>	<p>1 familiar with them at all. I've read subsequently what 2 Mr Myler has said about them and I think Stuart Kuttner 3 has produced something in writing or given evidence 4 about them, but it's not something I'm very aware of.</p> <p>5 Q. But cash payments might have legal ramifications which 6 would touch on your area, wouldn't they?</p> <p>7 A. Even when they did have a legal ramification, then it 8 would touch on my area, but I can't remember, apart from 9 the Mulcaire payments, where that became a serious 10 issue. I think the Mulcaire payments were cash, from 11 memory.</p> <p>12 Q. £12,300 was cash.</p> <p>13 A. That's right.</p> <p>14 Q. There's an issue as to what the £104,000 related to and 15 Mr Silverleaf touches on that in his opinion, but we 16 won't discuss that now; we'll discuss that later. 17 The use of private detectives was forbidden. Was 18 that really the case?</p> <p>19 A. Well, as I understand, that was the case. I mean, 20 I didn't issue the edict. It with came from Mr Myler, 21 I believe, or from the managing editor via -- originally 22 from Mr Myler.</p> <p>23 Q. I think my question was more: weren't private detectives 24 used after 2007?</p> <p>25 A. Not to my knowledge, no.</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. Okay, we'll be looking at that in due course, Mr Crone. 2 At paragraph 12, you're dealing generally with 3 responsibility for checking sources of information. 4 I think what you're really saying here is that prime 5 responsibility would lie with the reporter, but the 6 editor as well would have a responsibility for 7 undertaking necessarily checks in appropriate cases to, 8 as it were, check out the story; is that correct? 9 A. I think the responsibility went up the food chain, if 10 I can use that phrase. The reporter, because he had 11 direct contact with whoever the story was about or 12 wherever the information was coming from, had a major 13 responsibility. Those immediately in charge of him, who 14 would be the desk heads, had a large responsibility 15 because they were second in line of being most familiar 16 with the story. And then after that, it would 17 ultimately get to the editor via the production staff, 18 who had to edit the story, subedit the story, place it 19 in the paper, et cetera. 20 Q. On occasions when you were brought in to, as it were, 21 check out a story, is this right: were you concerned to 22 know the identity and quality of the source? 23 A. If the story had legal dangers, then the source of the 24 story, the evidence in support of the story, was a major 25 factor, clearly. So I would be interested, yes.</p> <p style="text-align: center;">Page 45</p>	<p>1 from the same source, according to the journalist, and 2 extraneous and independent corroboration. 3 Q. Is the thought process you're indicating by giving that 4 last answer one which an editor would naturally share? 5 A. I think it's -- it is an experience and instinctive 6 thing and most editors have been in the job for a long 7 time and will share those thoughts. 8 Q. Thank you. Let me ask you about paragraph 17 on 9 page 02749, which was another question about private 10 investigators. The question was whether, to the best of 11 your knowledge, the newspapers owned by 12 News International used, paid or had any connection with 13 private investigators in order to source stories or 14 information. You say: 15 "I have no direct knowledge about the use of or 16 payment to private investigators for these purposes, 17 apart from what I've said in connection with Operation 18 Motorman and what has come out since 2006 in relation to 19 Glenn Mulcaire." 20 I miss out irrelevant words. 21 Are you saying that you were unaware that private 22 investigators were the sources for some of 23 News International's stories? 24 A. The only ones that I can remember are Mulcaire, who 25 I found out about afterwards, and Operation Motorman,</p> <p style="text-align: center;">Page 47</p>
<p>1 Q. How did you know whether or not a story had legal 2 danger, apart from using your instinct and experience? 3 A. Just using my instinct and experience. If it makes 4 allegations which are libellous, then you need proof to 5 back up the story. 6 Q. May I ask you, please, to tell us in general terms as to 7 the steps you might take to check out a story. Did you 8 on occasion listen to tapes or read transcripts of 9 recorded conversations? 10 A. Yes. 11 Q. Was this both before publication and, if necessary, 12 after publication if the matter was turning litigious? 13 A. Yes. 14 Q. Did this at any stage cover stories which might have 15 been the result of phone hacking? 16 A. No, I don't think they did. I'm trying to remember 17 about the one incident which we're inevitably going back 18 to. I don't think it is. 19 Q. In an inappropriate case, would you ask to know or would 20 you seek to know the identity of the source? 21 A. I would always like to know, but if the journalist made 22 it clear that it was a confidential source and he was 23 deeply unhappy about revealing it or refusing, then 24 I wouldn't necessarily press for that. And you would 25 try and assess the story based upon previous information</p> <p style="text-align: center;">Page 46</p>	<p>1 which I found out about afterwards. 2 Q. Might I suggest to you, Mr Crone, many stories were 3 obtained as a result of the activities of private 4 investigators. They were then turned into stories by 5 journalists and you must have been aware of that, 6 mustn't you? 7 A. No, I wasn't, no. I'm not even sure it's right, but 8 maybe you can tell me otherwise. 9 Q. In paragraph 18, you were asked a more specific 10 question: 11 "What was your role in instructing, paying, advising 12 on or having any contact with such private investigators 13 and/or external providers of information, including 14 advising on these activities?" 15 You say: 16 "I cannot remember details but on a handful of 17 occasions over the years, we, ie usually outside lawyers 18 and I, have agreed to commission private investigators 19 to check certain matters relevant to the defence of 20 litigation arising post publication. To the best of my 21 knowledge, this did not involve any illegal activities." 22 Could you help us about the nature of the certain 23 matters which you're referring to there and which needed 24 to be checked? 25 A. I think post-publication litigation -- probably nearly</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 always, I'd have thought, for libel -- where we needed 2 to acquire or substantiate the evidence in support of 3 our story.</p> <p>4 Q. Were you intending to cover there the discreet 5 surveillance of two lawyers last year?</p> <p>6 A. No. It didn't occur to me when I was answering that 7 question, no. Let me just read the question and answer. 8 No, absolutely not.</p> <p>9 Q. Why didn't you mention those two lawyers in answering 10 that question?</p> <p>11 A. The role I played and the knowledge I had in relation to 12 the two lawyers is that I went to the -- in the context 13 of the evidence you've heard from Julian Pike today, 14 which actually were -- from my memory, there were quite 15 a few conversations about: can we get evidence that what 16 was being strongly suspected by Mr Pike and by me, 17 whether that could be proven.</p> <p>18 I had a lot of conversations with him. It kind of 19 went away for a short while, then blew up again in early 20 2010. Mr Pike came back to me and said, "Something's 21 got to be done about this", and it wasn't actually just 22 sharing or exchanging of confidential information to 23 help other cases to which the information did not 24 attach. My memory is it was also of leaking -- some of 25 them were pretty blatant leaks -- of confidential</p> <p style="text-align: center;">Page 49</p>	<p>1 a number of reasons. One is that private investigators 2 were not quite banned but there were strictures 3 internally about using private investigators when 4 Mr Myler came in, and I think I suggested -- this is my 5 memory -- that since the News of the World news desk 6 seems to be rather good at producing evidence that 7 people are having relationships -- let me add 8 legitimately, as far as I was concerned, not talking 9 about phone hacking -- that it might be worth asking the 10 news desk whether they could have a look at the people 11 in question to see whether they could establish the 12 nature of the relationship. And that did not involve 13 private investigators.</p> <p>14 Q. Can we be clear about this, Mr Crone? We're going to 15 cover this in some detail later on but we need to 16 establish what your evidence is now. Is it your 17 evidence that private investigators, in the strict sense 18 of that term, were not engaged in relation to the 19 surveillance of Ms Harris and Mr Lewis; rather it was 20 journalists at News of the World?</p> <p>21 A. My understanding -- and that's all I can speak to -- at 22 the time was that it was being conducted by the news 23 desk. I knew that Steve -- sorry, Derek Webb, I think, 24 was mentioned by the news desk to have a look at the 25 situation, and as far as I was concerned, he was</p> <p style="text-align: center;">Page 51</p>
<p>1 information to its press.</p> <p>2 Q. I'm not sure you've answered --</p> <p>3 A. There was one example when, I think, the Guardian Online 4 published the contents of one of our confidential 5 documents -- no, I think it might have been one coming 6 in from the police. I can't remember the exact 7 document. But the Guardian Online had published it 8 before Farrers sent to me and I don't think -- I think 9 it was something lodged at court actually. I don't 10 Farrers had even lodged it at court before it was on the 11 Guardian Online, which means it had to come from one 12 source and one source only.</p> <p>13 Q. That answer is all an answer to a different question 14 which I hadn't asked. Just wait, Mr Crone. The 15 question which you've answered would be to the question: 16 why did you instruct private investigators? But the 17 question I asked was: why hadn't you included 18 a reference to private investigators in your answer 19 to paragraph 18? Do you see the difference?</p> <p>20 A. Yes, but I was moving on.</p> <p>21 Q. Can you keep to the question?</p> <p>22 A. Yes, I'll try. When it blew up again at the beginning 23 of 2010, I think Mr Pike mentioned surveillance to me. 24 I had never been particularly keen on surveillance, 25 especially private investigator surveillance, for</p> <p style="text-align: center;">Page 50</p>	<p>1 a freelance journalist.</p> <p>2 Q. He wasn't a private investigator?</p> <p>3 A. I didn't know him as a private investigator. I know him 4 as -- well, I didn't know him at all, really, but I'd 5 heard the name before and I'd understood that he was 6 a freelance journalist.</p> <p>7 Q. Are you sure about that, Mr Crone?</p> <p>8 A. Yes, I am.</p> <p>9 Q. So you were drawing a fine distinction in answering 10 paragraph 18 between private investigators in the strict 11 sense of the term and a freelance journalist otherwise; 12 is that correct?</p> <p>13 A. I don't recognise it as a fine distinction. My 14 understanding is that a request to the News of the World 15 news desk meant a reporter, albeit a freelance reporter, 16 was having a look at the people as requested.</p> <p>17 Q. We're going to look at that in more detail in due 18 course. As you have rightly reminded us, the edict from 19 Mr Mile was that the use of private detectives was 20 forbidden. You've told us that in answer to 21 paragraph 11, haven't you?</p> <p>22 A. I might have overstated it because I've seen Mr Myler's 23 evidence and I'm not sure "totally forbidden" is how he 24 puts it, but -- I think there might have been 25 exceptional circumstances where they might have been</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 used, but generally not allowed.</p> <p>2 Q. Of course, in answering paragraph 18, you have used the</p> <p>3 term "private investigators", not "freelance</p> <p>4 journalists", haven't you?</p> <p>5 A. Well, it's the phrase in the question. I'm just</p> <p>6 repeating what the question says.</p> <p>7 Q. Okay. Your second witness statement.</p> <p>8 LORD JUSTICE LEVESON: Other providers of information might</p> <p>9 very well be freelance journalists, mightn't they?</p> <p>10 A. If that was right --</p> <p>11 LORD JUSTICE LEVESON: I'm only --</p> <p>12 A. No, no, I accept what you say but if that was right and</p> <p>13 I was being asked to -- I mean, freelance journalists</p> <p>14 are used every day of the week, basically, in newspapers</p> <p>15 and sometimes they would be used to do odd jobs for the</p> <p>16 legal department, who need things checking out. I mean,</p> <p>17 the list would have been hard to remember and</p> <p>18 everything, and could have run on for a long time.</p> <p>19 I didn't think that was what was being asked, I must</p> <p>20 say.</p> <p>21 LORD JUSTICE LEVESON: I see.</p> <p>22 MR JAY: I am going to come back to that, Mr Crone.</p> <p>23 Can I ask you, please, to look at your second</p> <p>24 witness statement now. You start off by raising some</p> <p>25 general questions. I'm afraid the version I have has</p> <p style="text-align: center;">Page 53</p>	<p>1 Q. Then Mr Burden says:</p> <p>2 "It is Crone who can assess better than anyone the</p> <p>3 risk/reward in running a calumnious celebrity story."</p> <p>4 I think all he's saying there is that given your</p> <p>5 vast experience, you can work out what the cost might be</p> <p>6 of publishing a story which is defamatory. Do you</p> <p>7 agree?</p> <p>8 A. Well, I think -- I kind of understood what it meant but</p> <p>9 I looked up calumnious and it's in the Oxford</p> <p>10 dictionary, and I think it's false --</p> <p>11 Q. Defamatory.</p> <p>12 A. I'm looking for it now. I beg your pardon, I've lost my</p> <p>13 plate. False and defamatory, yes. And the context in</p> <p>14 which he makes his comment, from memory -- I don't have</p> <p>15 the page in front of me -- is an assessment made in the</p> <p>16 knowledge that this story is false and defamatory. And</p> <p>17 I can't remember ever doing that, frankly.</p> <p>18 Q. If one toned it down a bit and said "in the knowledge</p> <p>19 that it might be defamatory unless justified", you were</p> <p>20 the person best placed, owing to your vast experience,</p> <p>21 in working out the risks? Is that not fair?</p> <p>22 A. That may be, but he hasn't toned it down. He puts it</p> <p>23 the other way. And if I was asked to comment on what he</p> <p>24 said --</p> <p>25 Q. That's fair enough, but if I were to tone it down, would</p> <p style="text-align: center;">Page 55</p>
<p>1 not been paginated, but I'm looking at the second page.</p> <p>2 LORD JUSTICE LEVESON: In answer to which page?</p> <p>3 MR JAY: It's (a). The question relating to page 69 of</p> <p>4 Mr Burden's book.</p> <p>5 LORD JUSTICE LEVESON: All right.</p> <p>6 MR JAY: What Mr Burden said in his book is this -- and I'll</p> <p>7 just invite your comment:</p> <p>8 "Kuttner is backed up by the quiet but potent legal</p> <p>9 boss of News International, Tom Crone ..."</p> <p>10 You needn't comment on that, Mr Crone.</p> <p>11 "... regarded as the sharpest brief in the newspaper</p> <p>12 industry ... wields the ultimate power of veto over what</p> <p>13 goes two the Murdoch tabloids."</p> <p>14 You cover that. You think that overstates the</p> <p>15 position?</p> <p>16 A. Well, misstates it. I don't have a power of veto,</p> <p>17 certainly.</p> <p>18 Q. You have the power --</p> <p>19 A. The rest of it I wouldn't comment on; you're quite</p> <p>20 right.</p> <p>21 Q. You have the power or the right or the obligation to</p> <p>22 offer strong advice. That's as far as it goes, isn't</p> <p>23 it?</p> <p>24 A. I think only the editor really chooses what goes in the</p> <p>25 paper and what doesn't go in the paper. Ultimately.</p> <p style="text-align: center;">Page 54</p>	<p>1 you agree with the proposition?</p> <p>2 A. I was the lawyer most of the time on duty in the</p> <p>3 News of the World and therefore I would be the person</p> <p>4 best placed, I would think.</p> <p>5 Q. Then Mr Burden, without naming the individual, quotes</p> <p>6 from a former News of the World journalist. This is,</p> <p>7 again, on page 69 of his book and I would ask you to</p> <p>8 comment on this description as to whether it is in the</p> <p>9 slightest bit familiar with your experience. I'll read</p> <p>10 it out first:</p> <p>11 "What you have to imagine is that in the hell's</p> <p>12 kitchen that is the News of the World newsroom, where</p> <p>13 a horde of little devils rake muck, lie, invent anything</p> <p>14 they will think titillate and tempt a less diligent</p> <p>15 public into hating, sneering at or despising someone</p> <p>16 else, preferably someone they once admired because they</p> <p>17 were in Corrie or played for Man U or won Big Brother or</p> <p>18 used to be married to a prince or sometimes just</p> <p>19 unfortunate members of the public who are in the wrong</p> <p>20 place, there, behind a string of editors, stand Kuttner</p> <p>21 and Crone, the legal ringmaster always on hand to tell</p> <p>22 them just how far they can go and what it will cost them</p> <p>23 if they do transgress, so they can balance that against</p> <p>24 additional sales."</p> <p>25 Is that a fair picture or not?</p> <p style="text-align: center;">Page 56</p>

<p>1 A. No.</p> <p>2 Q. Because?</p> <p>3 A. Mr Burden -- maybe I'm taking it out of context, but</p> <p>4 you'll probably be able to tell me. I've seen a witness</p> <p>5 statement he has before this Inquiry saying that most of</p> <p>6 his conclusions were reached by extrapolation and</p> <p>7 conjecture. Now, as a libel lawyer, in-house, I would</p> <p>8 advise anyone not to publish defamatory, damaging</p> <p>9 allegations based upon conjecture and extrapolation.</p> <p>10 Provable fact, I think, is the way to do these things.</p> <p>11 That's the way the News of the World has always tried to</p> <p>12 do them, not in the way that he suggests.</p> <p>13 Q. Okay, Mr Crone.</p> <p>14 On the next page --</p> <p>15 A. And practices, clearly, as well.</p> <p>16 Q. I didn't catch that last answer?</p> <p>17 A. And practices. It's his own statement, that he's</p> <p>18 written this on the basis of extrapolation and</p> <p>19 conjecture. It's full of defamatory statements, as are</p> <p>20 his blogs. Very fairly can he base his allegations upon</p> <p>21 any evidence because he doesn't have any and because</p> <p>22 they're untrue --</p> <p>23 LORD JUSTICE LEVESON: I'm not so sure about that, because</p> <p>24 that takes a lot of other material into account. Did</p> <p>25 you commence proceedings against him?</p> <p style="text-align: center;">Page 57</p>	<p>1 been known, hasn't it?</p> <p>2 A. I think every newspaper lawyer has come across as</p> <p>3 journalist who has told a lie, certainly.</p> <p>4 Q. "Sometimes journalists get it plain wrong."</p> <p>5 That is obvious.</p> <p>6 "Sometimes people lie and keep on lying for</p> <p>7 financial or image reasons."</p> <p>8 And then you mention two people who have been</p> <p>9 caught. So in other words, those are cases where the</p> <p>10 libel would be justified; is that correct?</p> <p>11 A. They're claimants I'm referring to.</p> <p>12 Q. Sorry, you're right. On the next page of your</p> <p>13 statement, at page 81 of Mr Burden's book -- I can read</p> <p>14 this out. I doubt whether you disagree with this,</p> <p>15 though:</p> <p>16 "Piers Morgan recounts cheerfully in The Insider</p> <p>17 how, when faced with a possible action for breach of</p> <p>18 copyright from the Mail on Sunday for lifting, or</p> <p>19 effectively stealing, an exclusive interview with Will</p> <p>20 Carling and his wife, he calls across the newsroom to</p> <p>21 Tom Crone: 'Hey Tom, how many fingers will this cost if</p> <p>22 we nick it all?' Crone flicked five fingers at him.</p> <p>23 '50,000 maximum damages.' 50 grand would have been well</p> <p>24 worth paying for a front page and two spreads inside and</p> <p>25 the bigger sales revenue it would bring."</p> <p style="text-align: center;">Page 59</p>
<p>1 A. No, I've never sued anyone for libel, sir. I could have</p> <p>2 on many occasions, various people, including him on</p> <p>3 numerous occasions. You'll probably ask me what he</p> <p>4 said. I can't remember, but it's all on record, some of</p> <p>5 it in that book.</p> <p>6 MR JAY: About ten lines into page 70 of his book, he says</p> <p>7 that you were interviewed whilst making a TV programme</p> <p>8 on the subject and you suggested you would never be</p> <p>9 unemployed as a libel lawyer for three reasons. Before</p> <p>10 coming to the reasons, do you remember or can you tell</p> <p>11 us about the TV programme he might be referring to?</p> <p>12 A. I think he identifies it as Kelvin MacKenzie, doesn't</p> <p>13 he? Am I wrong?</p> <p>14 Q. Depending on how you read page 70, you might well be</p> <p>15 right.</p> <p>16 A. I've assumed that's what he's talking about. I can't</p> <p>17 remember what I said to Kelvin MacKenzie but those</p> <p>18 phrases sound familiar.</p> <p>19 Q. Yes. So the phrases he attributes to you as to why</p> <p>20 you'd never be unemployed as a libel lawyer -- I suppose</p> <p>21 you would say this is just common sense, really:</p> <p>22 "Sometimes journalists deliberately mislead people."</p> <p>23 Is that correct?</p> <p>24 A. It's been known.</p> <p>25 Q. Newspapers -- well, at News International and NGN it's</p> <p style="text-align: center;">Page 58</p>	<p>1 I think in your answer you're effectively agreeing</p> <p>2 with that, aren't you?</p> <p>3 A. I agree that I held up five fingers, but primarily</p> <p>4 because I could have shouted across the room and I don't</p> <p>5 like shouting across rooms, and I was in the middle of</p> <p>6 doing something and so was he, so I didn't go over to</p> <p>7 him. It was some distance.</p> <p>8 Copyright-lifting is something newspapers do. Every</p> <p>9 newspaper has been caught out lifting more than they</p> <p>10 should done from someone else's exclusive, which is very</p> <p>11 often an exclusive interview that's been bought up by</p> <p>12 the other newspaper or an exclusive book serialisation.</p> <p>13 It can be a fine line. Sometimes it's a bit wholesale.</p> <p>14 Mr Morgan, I think, probably on this occasion, was</p> <p>15 thinking about doing something wholesale. I can't</p> <p>16 remember actually what he eventually did on that</p> <p>17 occasion but that was the context.</p> <p>18 Q. I think it may go a bit further than that, Mr Crone,</p> <p>19 because the context is: well, although we are committing</p> <p>20 a tort, namely the interference with an intellectual</p> <p>21 property right, lifting someone else's copyright, given</p> <p>22 that it's only going to cost us 50,000 maximum, it's</p> <p>23 something we would consider doing because of the</p> <p>24 knock-on advantages to us. Do you see that?</p> <p>25 A. Yes. That's what Mr Morgan says, yes. Absolutely.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 I don't think many editors would share the idea that 2 doing something and deliberately incurring a £50,000 3 bill for damages, never mind legal costs, would be ever 4 worthwhile, frankly, but Mr Morgan had his book to write 5 and no doubt he thought he'd tell a good story on it. 6 Q. But by clicking your fingers and indicating the 50,000, 7 weren't you giving the message that it might well be 8 worthwhile because whatever you might be paying in 9 damages, it would not be as much as the commercial 10 advantage in nicking the copyright? 11 A. I don't think there's anything -- you have the book in 12 front of you and I haven't. I don't think there's 13 anything in the way that's described which would support 14 what you've just said, no. 15 Q. Okay. Can I ask you, please, about the Firth story, 16 which is the next item at pages 116 and 117. We can 17 forget about the "arrogantly" point because it's not 18 going to go lead anywhere. I'm going to ask you, 19 though, about your view of the practical and ethical 20 issues surrounding the affair. Could you tell us about 21 that, please, Mr Crone? 22 A. The story, as I recall, was that a reporter went down 23 and availed himself of some services on offer in a house 24 in the country. I think these people, from memory, gave 25 massages, something like that. Perhaps he'd had some</p> <p style="text-align: center;">Page 61</p>	<p>1 media issues. Data protection is a very good one. 2 Doubtless Mr Jay will deal with it. But public benefit 3 is very much a matter for lawyers, isn't it? Or did you 4 not advise on that? 5 A. I would have done in the context where it was relevant 6 to whichever area of law was engaged. So on this one, 7 was data protection engaged? I don't recall that it 8 was, actually. And the privacy law really wasn't -- 9 hadn't really come into existence at all in that year. 10 LORD JUSTICE LEVESON: That goes back to a question which 11 Mr Jay asked you before in relation to the PCC, because 12 it certainly engaged the code, and to give a holistic 13 view, don't you have to think about it all? 14 A. Yes, but I was not advising on the PCC code because that 15 was definitely the area of someone else who was there on 16 the editorial floor to give advice on it, and the editor 17 would have been aware of the PCC code in any case. 18 MR JAY: Can I ask you some more questions -- 19 A. I'm not a guardian of ethics, really. I know that 20 sounds callous, but my job was really to advise on legal 21 risk, the law relating to a particular situation that 22 the newspaper was in or was thinking of getting in. 23 Q. We know that privacy law takes off, really, certainly by 24 2002, 2003. Does it not follow from that that you were 25 asked to advise in an increasing number of privacy-type</p> <p style="text-align: center;">Page 63</p>
<p>1 information that they went further than massages, so he 2 went in there and he received something that went beyond 3 massage and it was published and then they reacted quite 4 strongly against what had happened. 5 My view, getting back to your question, was that the 6 story was pretty tacky. I don't make the decisions on 7 these things going in a newspaper, but if I had made the 8 decision, I would have thought it was too tacky to 9 publish, frankly, and didn't justify the -- didn't 10 justify really identifying these people in that way. 11 Q. Were you ever asked to advise on this sort of privacy 12 issue which involved, of course, weighing up the private 13 rights of individuals against the public interest in 14 promulgating this sort of story? 15 A. Well, not in 1999, which I think was the year, wasn't 16 it? Or 1998, even. Not very often, no. 17 Q. Later, Mr Crone. 18 A. Later? Yes, all the time. No, I was asked about the 19 privacy law and how the judges would interpret it. 20 I wasn't asked for my own personal views, no. Just: 21 "Where are we on this? Are we okay with this?" And 22 that would be advice given on the basis of whatever the 23 law at a particular time was. 24 LORD JUSTICE LEVESON: But it's not just privacy, is it? 25 Public benefit runs through lots and lots of potential</p> <p style="text-align: center;">Page 62</p>	<p>1 cases from about that time and subsequently? Is that 2 right? 3 A. Yes. I think possibly Naomi Campbell was 2004, if I'm 4 not mistaken. It really increased after that, yes. 5 Q. I think her case at first instance was 2002, but the 6 exact date, Mr Crone, is not going to matter much. The 7 question was a slightly more modest one: were you asked 8 to advise increasingly on this sort of issue from about 9 the date we're talking about? 10 A. On privacy? 11 Q. Yes. 12 A. It became a bigger issue incrementally, yeah. 13 Q. Were you not asked to advise specifically, in individual 14 cases, on which side of the line a case might fall? 15 A. Yes. In terms of the way the court would look at it, 16 yes. 17 Q. Indeed, Mr Crone. 18 A. Yes. 19 Q. So you could say, for example -- because you mentioned 20 the concept of legal risk, which we understand, but in 21 certain cases, you could advise: "Well, if we follow 22 this course we are as near as certain bound to win or as 23 near as certain bound to lose"; is that right? 24 A. No, I don't think privacy could ever be -- ever have 25 much certainty about it.</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 Q. Right, okay. Your advice was more nuanced?</p> <p>2 A. Quite the opposite. I mean, it was really all over the</p> <p>3 place. Perhaps it's getting ill slightly clearer these</p> <p>4 days, but I'm not entirely sure it is.</p> <p>5 Q. There must have been situations, even with the</p> <p>6 developing common law and Article 8 jurisprudence, that</p> <p>7 you could fairly confidently advise which side of the</p> <p>8 line a case would fall, couldn't you?</p> <p>9 A. Like all legal situations, there are 60, 70 per cent of</p> <p>10 the cases which are obvious and there are 30 per cent of</p> <p>11 the cases which are arguable, and it's amazing how often</p> <p>12 what you're presented with is the 30 per cent.</p> <p>13 Q. Statistically, I'm having a little bit of difficulty in</p> <p>14 analysing that last answer, but let's not worry too</p> <p>15 much. Was your advice generally accepted or rejected?</p> <p>16 A. In the area of privacy, I think there was a healthy</p> <p>17 debate about what was okay, what was legitimate and what</p> <p>18 was not legitimate, because it's a balancing of (a) is</p> <p>19 it private? If it is private, reasonable expectation of</p> <p>20 privacy, which I think -- I am trying to remember which</p> <p>21 case that really nailed itself onto the area in. But</p> <p>22 anyway, reasonable expectation of privacy was on the one</p> <p>23 side. If you got past that hurdle -- and there were</p> <p>24 plenty of arguments on the editorial floor about was it</p> <p>25 private, was it not private, intrinsically. You then</p> <p style="text-align: center;">Page 65</p>	<p>1 A. For as long as I can remember, if a PCC -- if part of</p> <p>2 the PCC code looked as if it might be engaged, the</p> <p>3 managing editor would have a look at it, would think</p> <p>4 hard about it, would sometimes consult the PCC -- sorry,</p> <p>5 not sometimes; very frequently consult the PCC about it</p> <p>6 at the weekend and then come back with an answer. And</p> <p>7 that was all done, really, outwith my little area by the</p> <p>8 managing editor.</p> <p>9 Q. In a funny sort of way, that is anomalous since the</p> <p>10 issues bearing on the common law privacy, if I can be</p> <p>11 forgiven for using that term, are similar to the issues</p> <p>12 bearing on the code, aren't they?</p> <p>13 A. They are.</p> <p>14 Q. So is your evidence clear on this? You weren't asked to</p> <p>15 advise on code issues before publication?</p> <p>16 A. I might be asked to advise on the law of privacy, which</p> <p>17 happened to be very similar to the code issues. But you</p> <p>18 asked me about code issues and the answer's no. If you</p> <p>19 interpret "code issues" in a very, very general way</p> <p>20 but -- privacy law, yes; code issues, no. They might,</p> <p>21 on any particular subject, amount to the same thing.</p> <p>22 Q. Apart from you -- and we're looking at ex-ante now, not</p> <p>23 after publication -- did the managing editor have any</p> <p>24 legal advice available to him or her to assist as to the</p> <p>25 meaning of the code?</p> <p style="text-align: center;">Page 67</p>
<p>1 moved onto public interest, where the arguments were</p> <p>2 even bigger and higher, and more --</p> <p>3 Q. The question though was: was your advice accepted or</p> <p>4 rejected in general terms?</p> <p>5 A. I would express the view that they were probably going</p> <p>6 to get into trouble over it. That wasn't always</p> <p>7 accepted in terms of "We won't publish it", no. And</p> <p>8 that was always in the face of: "Well, we think this is</p> <p>9 in the public interest", or: "We think that this should</p> <p>10 be exposed", or: "This person makes a living off his or</p> <p>11 her public image and this is all to do with his or her</p> <p>12 public image." I always say, "Well, Mr Justice Eady</p> <p>13 might not agree with you in two weeks' time when we get</p> <p>14 in front of him for the first injunction", or one week's</p> <p>15 time, or something like that.</p> <p>16 Q. You told us about your involvement or lack of it with</p> <p>17 the PCC and suggested that somebody else was responsible</p> <p>18 for dealing with complaints; is that correct?</p> <p>19 A. Yes. PCC, yes.</p> <p>20 Q. But the complaints, of course, are coming after the</p> <p>21 event. We're looking at the situation before the event.</p> <p>22 Is it your evidence to the Inquiry that your advice did</p> <p>23 not cover the PCC code when weighing up the public</p> <p>24 interest in terms of the injunctions set out in the</p> <p>25 code?</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Well, he could come and talk it through with me, but</p> <p>2 I think he -- there were only two of them, really, for</p> <p>3 that period. Well, for -- going back to the beginnings</p> <p>4 of the privacy law. That was Stuart Kuttner first, and</p> <p>5 then Bill Akass, managing editors. I had frequent</p> <p>6 conversations with them about stories, issues, whether</p> <p>7 it was right, whether it was wrong. But in terms of,</p> <p>8 you know, is it PCC code compliant, that was their area.</p> <p>9 Q. But without the benefit of legal advice; is that</p> <p>10 correct?</p> <p>11 A. Well, they could come over and chat to me about it, but</p> <p>12 if they were going back and saying, "I think this is</p> <p>13 okay with the code, and incidentally, I was worried</p> <p>14 about it so I've had a quick word with Tom but I've,</p> <p>15 most importantly, had a word with the PCC about it",</p> <p>16 that would not be an uncommon scenario, I suspect.</p> <p>17 Q. I just wonder how seriously the code was taken because</p> <p>18 you must have been the primary resource for legal advice</p> <p>19 on the code but you're not giving us the impression that</p> <p>20 your advice was systematically sought on the code; is</p> <p>21 that fair?</p> <p>22 A. I've already made the distinction. I was the source of</p> <p>23 legal advice on the law, and if the law and the code</p> <p>24 were similar, then inevitably I was advising on the</p> <p>25 code. But I wasn't being asked to advise on the code; I</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 was being asked to advise on the law. I'm sorry if that 2 sounds like it's going around in circles, but that's the 3 way it was.</p> <p>4 Q. Okay, well, we understand your evidence. 5 A. It was -- the code was given -- I've already answered 6 this question earlier, in fact. The code was taken very 7 seriously, the PCC.</p> <p>8 Q. Yes. May I ask you now about your answer (e), still on 9 Mr Burden's book. Page 153 to 154. Are you with me? 10 A. Yes.</p> <p>11 Q. I'm not going to deal with the first eight lines because 12 you're obviously right about that; prosecution decisions 13 are taken by the CPS. But the last five lines: 14 "My experience is that Mr Mahmood has not concocted 15 stories. His investigations that led to successful 16 prosecutions against hundreds of criminals." 17 Then you give the famous recent example. What 18 evidence did you have to support the proposition there 19 that he's not concocted stories? 20 A. The evidence of working with him for however long he's 21 been there -- because I've probably been there slightly 22 longer -- and not, from memory, seeing any concocted 23 stories from Mazher Mahmood. 24 Q. Okay. Turn now, if I may, to the Max Mosley case, 25 Mr Crone. Did you advise on libel and privacy issues</p> <p style="text-align: center;">Page 69</p>	<p>1 thrust of the conversation was along the lines: "We'd 2 better not notify Mr Mosley since he'll injunct us." Is 3 that right? 4 A. That was one of the factors. The other is if you notify 5 someone, it's a good way to have the whole story leaked. 6 Put it that way. And leaked in a slightly different way 7 to the story we had but the same facts, effectively. 8 Q. You were well aware, were you not, that if Mr Mosley was 9 pre-notified (a) he would make an application for 10 injunction and (b) that application would probably 11 succeed? That's true, isn't it? 12 A. I'm not sure I was so convinced about probably succeed, 13 but I thought there was a good chance that it would 14 succeed. But not necessarily "probably". 15 Q. What's the difference between "good chance" and 16 "probably", Mr Crone? 17 A. A good chance is he was in with a good chance, say 50/50 18 chance. "Probably" is better than 50/50. 19 Q. May I suggest to you it was a bit higher than that. 20 We'll hear from Mr Myler about it, but on the balance of 21 probabilities, he knew and you knew that an application 22 for an injunction would, on the then state of the law, 23 succeed; that's true, isn't it? 24 A. No, I just said I didn't think it would definitely 25 succeed. I thought it was in with a good chance.</p> <p style="text-align: center;">Page 71</p>
<p>1 before publication of the first story on 30 March 2008? 2 A. Yes. 3 Q. Did you view the videotape? 4 A. I viewed parts of it. I didn't see it from beginning to 5 end. I saw a fair amount of it. I can't remember how 6 much exactly. 15, 20 minutes. Maybe a bit more. 7 Q. Were you aware that the existence of the story was being 8 kept to a narrow group of individuals within the 9 News of the World to avoid the possibility of leaks? 10 A. Almost certainly. I think that happened every week if 11 there was a decent story around. 12 Q. And this was a particularly big story, wasn't it? 13 A. It was a -- the big story that week, yes. 14 Q. Did you advise on whether Mr Mosley should be 15 pre-notified of intended publication? 16 A. I don't remember specifically being asked for that 17 advice, no. I think it came up in conversations. 18 Q. Who raised it in conversations? 19 A. I can't remember whether the editor was on that weekend, 20 but whoever was editing that weekend. 21 Q. I think it was Mr Myler that weekend. 22 A. It was? 23 Q. So you advised him, did you? 24 A. Yes. 25 Q. It came up in conversations. Presumably the gist or the</p> <p style="text-align: center;">Page 70</p>	<p>1 Q. Again, I didn't say "definitely". 2 A. The whole thing is we have been, at weekends or on 3 Friday night, in front of judges, weekend judges. No 4 disrespect to the judiciary but one judge will say -- 5 will give it one way and on the same set of facts 6 another judge, in our experience, would give it the 7 another way. So much of this is impression and, you 8 know, personal views applied by the judiciary to what 9 they think is right and what is wrong in behaviour. My 10 own view on this, which I set out here, is that 11 I thought it was a justifiable story without the Nazi 12 element, to be perfectly honest, because Mr Mosley is 13 a public figure. He's the global head and global 14 spokesman of a most massive organisation -- 15 LORD JUSTICE LEVESON: Nobody else seems to think that, 16 including the European Court. 17 A. Well, I'm giving my view. 18 LORD JUSTICE LEVESON: Sure. 19 MR JAY: If that was your view, then that would suggest that 20 the chance of the injunction application succeeding was 21 quite low, wouldn't it? 22 A. No, because my view doesn't accord, obviously, with the 23 court's very often on this area. That's my personal 24 view. I just think it's wrong that someone who 25 represents over 100 million electorate, really, more</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 than the president of the United States -- one has 2 the right to expect him to be a fit and proper person. 3 The local -- 4 Q. Before you climb too high on your mile high horse, 5 Mr Crone -- 6 A. It's a big issue -- I'm sorry, it's a big issue with me. 7 I can try and be quite short -- 8 Q. No, no, please just wait for the next question. 9 A. Sure, okay. 10 Q. Isn't it worse, Mr Crone, to publish a story like that, 11 which is such an intrusion into a man's private life, 12 without giving him at least the chance to explain what 13 his position is? Didn't that thought, which is based, 14 I suggest, on a degree of common humanity -- didn't that 15 just flash through your mind for a nanosecond? 16 A. I mean, that's always, you know, the balance, if you 17 like, but if a story is judged to be a right and proper 18 story, but by -- and this may, again, sound very 19 callous -- by going in front of the court, there would 20 be an order saying you can't do this made almost 21 instantly, then I think an awful lot of people in 22 newspapers think that isn't always the best scenario. 23 Not from a personal point of view, but from a general 24 sort of right to publish point of view. 25 Q. But that rather suggests that your answer to an earlier Page 73</p>	<p>1 Q. Do you accept that Mr Thurlbeck's emails to the two 2 women amounted to blackmail? 3 A. They were pretty close, I think. 4 LORD JUSTICE LEVESON: Let's just think about that for 5 a moment. Were you asked to advise on this? 6 A. No, I didn't know that had happened until it came out 7 during the litigation. 8 LORD JUSTICE LEVESON: Does it cause you surprise that you 9 weren't asked to advise on this? 10 A. A little, yes. 11 LORD JUSTICE LEVESON: I mean, this is pretty serious stuff. 12 You've seen them now? 13 A. (Nods head) 14 LORD JUSTICE LEVESON: You're there to provide legal advice 15 I'm just a bit concerned about the -- you don't like the 16 word "corporate governance", and you call it something 17 else -- 18 A. I don't mind the word "corporate governance". I just 19 don't think it's what I do. 20 LORD JUSTICE LEVESON: Well, providing oversight, legal 21 propriety oversight to very important follow-up stories 22 after an enormous publicity campaign. I'm just keen to 23 get your feeling about the approach to these women 24 which -- I may use different words at different times, 25 but "remarkable" is the word I'll use now. Page 75</p>
<p>1 question of mine was: "Yes, we well knew that 2 Mr Justice Eady, or whoever, would grant an injunction 3 pre-publication if Mr Mosley was notified." Isn't that 4 right? 5 A. I gave my answer on that. There was a good chance. 6 Q. Did you have any involvement in the follow-up piece 7 which was published on 6 April 2008? 8 A. I was on that weekend. 9 Q. Did you have any involvement in that piece or can you 10 not now remember? 11 A. I was the lawyer on duty that weekend. 12 Q. So you're suggesting you must have had some involvement 13 in it? 14 A. Yes. 15 Q. Do you remember asking Mr Thurlbeck anything about it, 16 or is it too long ago? 17 A. I don't remember asking him, no. 18 Q. Was Mr Thurlbeck party to the discussions about whether, 19 for example, Mr Mosley should be notified in advance of 20 publication of the first story? 21 A. No. I don't think so, no. 22 Q. But I think you were present during the High Court 23 proceedings during the cross-examination of Mr Thurlbeck 24 when the issue of blackmail arose? 25 A. Yes. Page 74</p>	<p>1 A. I was not consulted before the relevant emails were 2 sent. I think it would have been sensible if I had been 3 consulted because I would have suggested that's not 4 really a very good idea and you shouldn't be doing it. 5 LORD JUSTICE LEVESON: But does it not follow, therefore, 6 that the way in which these stories were being developed 7 was existing in a parallel universe to the universe in 8 which you were operating? 9 A. It was a department that didn't tell me that they were 10 doing that, certainly, which was the news desk or 11 perhaps it was just the journalist concerned. I think 12 he says not, actually, but ... 13 LORD JUSTICE LEVESON: Well, there is more than one 14 journalist concerned in it, but, you see, one can 15 imagine that in some small stories -- you're responsible 16 for a substantial organisation and I could quite 17 visualise that in some small stories people will say, 18 "It doesn't really matter, we don't need to trouble 19 Mr Crone about this." But this was about as big as it 20 was going to get. 21 A. Yes, but there are a lot -- there are many things go on 22 in relation to many stories, and on some of them -- and 23 it depends, perhaps, on who is the journalist or the 24 desk head involved -- they will come and talk it through 25 with me, and in other situations they won't. On this Page 76</p>

<p>1 occasion, they didn't.</p> <p>2 LORD JUSTICE LEVESON: This is going to be the big headline</p> <p>3 on the front page.</p> <p>4 A. The emails? I don't think --</p> <p>5 LORD JUSTICE LEVESON: No, not the emails, but the</p> <p>6 follow-up.</p> <p>7 A. Oh, the follow-up. Yes, I was there while the follow-up</p> <p>8 was being discussed. We were talking about the emails,</p> <p>9 weren't we?</p> <p>10 LORD JUSTICE LEVESON: Yes, of course.</p> <p>11 A. I'm sorry.</p> <p>12 LORD JUSTICE LEVESON: But the follow-up depends upon the</p> <p>13 emails. The idea of getting these women, that's the</p> <p>14 story, isn't it?</p> <p>15 A. It might help if I could see the follow-up, actually.</p> <p>16 My memory is that I think -- wasn't the follow-up based</p> <p>17 upon the story of one of the ladies?</p> <p>18 MR JAY: I'll take it in stages, Mr Crone. You were asked</p> <p>19 about this matter by the Select Committee on 5 May 2009.</p> <p>20 Be careful about evidence given to the Select Committee</p> <p>21 because I can't ask you a question which might impugn it</p> <p>22 but I can draw your attention to what you've said.</p> <p>23 You can see it in the file if you wish, but take it</p> <p>24 from me, question 788 by Mr Adam Price:</p> <p>25 "The only instance of alleged blackmail, of course,</p> <p style="text-align: center;">Page 77</p>	<p>1 Q. 88.</p> <p>2 A. And it's EV ...?</p> <p>3 Q. 177.</p> <p>4 A. Sorry about that. Right.</p> <p>5 Q. The more precise question is: if I were to ask you the</p> <p>6 same question as Mr Price asked you, would you give me</p> <p>7 the same answer? (Pause)</p> <p>8 LORD JUSTICE LEVESON: It might be sensible to allow</p> <p>9 Mr Crone the opportunity to read into this.</p> <p>10 A. I've started at the top of the column.</p> <p>11 LORD JUSTICE LEVESON: Let me just rise for a couple of</p> <p>12 minutes to allow you to focus on it. I think that's</p> <p>13 only fair. And we'll just give the shorthand writer</p> <p>14 a break and we'll come back in just a couple of minutes.</p> <p>15 Thank you.</p> <p>16 (3.50 pm)</p> <p>17 (A short break)</p> <p>18 (3.56 pm)</p> <p>19 A. Yes, I would.</p> <p>20 Q. So if I were to ask you the same question -- indeed I do</p> <p>21 ask you the same question, as it were -- your answer is:</p> <p>22 "No, absolutely not. You have not read</p> <p>23 Mr Justice Eady's judgment."</p> <p>24 A. It would be exactly the same, yes. Can I put that in</p> <p>25 context?</p> <p style="text-align: center;">Page 79</p>
<p>1 in relation to this case is the charge made against your</p> <p>2 own chief reporter.</p> <p>3 "Mr Crone: No, absolutely not. You have not read</p> <p>4 Mr Justice Eady's judgment."</p> <p>5 Do you stand by that answer?</p> <p>6 A. Um ...</p> <p>7 Q. Do you want to see that answer?</p> <p>8 A. I wouldn't mind, actually. I must say, I can't remember</p> <p>9 that.</p> <p>10 Q. It's in file 3, which is the larger of the files which</p> <p>11 are on the chair behind you. Tab 3. The page number on</p> <p>12 the top right-hand side is EV177 under tab 3.</p> <p>13 A. I'm so sorry, I didn't hear the last bit.</p> <p>14 Q. Tab 3 --</p> <p>15 A. I have tab 3.</p> <p>16 Q. EV177. Bottom right-hand side. The pagination is the</p> <p>17 top right-hand side.</p> <p>18 A. And the page number is?</p> <p>19 Q. EV177, question 788.S?</p> <p>20 A. I don't have that pagination, but I'll go to 788.</p> <p>21 Q. You do. It's the top right-hand side of each page.</p> <p>22 A. Well, mine says 66, 67.</p> <p>23 Q. Go much further through tab 3. Go three-quarters or</p> <p>24 four-fifths of the way through --</p> <p>25 A. Right, I have that. I'm with you. Question 7 ...?</p> <p style="text-align: center;">Page 78</p>	<p>1 Q. Please.</p> <p>2 A. If you look at question 784, halfway down, I explain to</p> <p>3 Mr Sanders MP:</p> <p>4 "What Mr Justice Eady found [and it's in</p> <p>5 Mr Justice Eady's judgment, by the way] was that</p> <p>6 Mr Mosley, in his private behaviour, his behaviour in</p> <p>7 his private life, went so far as to leave himself</p> <p>8 exposed and vulnerable to blackmail. This is not</p> <p>9 blackmail 'Give me £100,000, Mr Mosley'; this is</p> <p>10 blackmail 'I want the Formula 1 race in Abu Dhabi this</p> <p>11 year, I do not want it in Bahrain", multi-million pound</p> <p>12 decisions which impact upon large numbers of people. He</p> <p>13 has genuine power. He is genuinely a very high and</p> <p>14 serious public figure and he is bound to his</p> <p>15 constituents, and to the sport, to behave in a way which</p> <p>16 does not bring either the organisation or his office</p> <p>17 into disrepute."</p> <p>18 Move about five questions down and Adam Price</p> <p>19 comments:</p> <p>20 "The only instance of alleged blackmail, of course,</p> <p>21 in relation to this case is the charge made against your</p> <p>22 chief reporter.</p> <p>23 "No, absolutely not. You have not read</p> <p>24 Mr Justice Eady's judgment."</p> <p>25 And I think that makes total sense because I've told</p> <p style="text-align: center;">Page 80</p>

<p>1 him what was in Mr Justice Eady's statement about Mosley</p> <p>2 leaving himself open to blackmail and it has nothing to</p> <p>3 do with Mr Thurlbeck, but it is an instance raised in</p> <p>4 the case of blackmail.</p> <p>5 Q. Isn't the question, regardless of who asked the</p> <p>6 question --</p> <p>7 A. "The only instance of ..."</p> <p>8 Q. Just wait, please, Mr Crone.</p> <p>9 A. Okay.</p> <p>10 Q. The question is:</p> <p>11 "The only instance of alleged blackmail in relation</p> <p>12 to this case is the charge made against your own chief</p> <p>13 reporter?"</p> <p>14 So that was a specific reference to Mr Thurlbeck and</p> <p>15 could only be a reference to Mr Thurlbeck's emails to</p> <p>16 the two women, wasn't it?</p> <p>17 A. I think it's semantics but he's saying that what I have</p> <p>18 described in the previous column is not right, the only</p> <p>19 instance is Thurlbeck, and I am saying absolutely not</p> <p>20 because I have accurately described what is</p> <p>21 Mr Justice Eady's judgment --</p> <p>22 LORD JUSTICE LEVESON: Mr Justice Eady was postulating</p> <p>23 a possibility, but the actual instance of blackmail is</p> <p>24 a different one. Isn't that the point?</p> <p>25 A. Sir, I think that's a nice point, but it's not the one</p> <p style="text-align: center;">Page 81</p>	<p>1 needed to be taken?</p> <p>2 A. Well, I heard what was said and I heard the comments</p> <p>3 made by Mr Justice Eady in relation to that, but for</p> <p>4 steps to be taken or actions to be taken, that wouldn't</p> <p>5 be my area, and I don't know whether there were.</p> <p>6 I didn't -- I'm not sure I saw any, but I don't know</p> <p>7 what was said privately between whoever and</p> <p>8 Mr Thurlbeck.</p> <p>9 Q. Didn't you feel that that fell within your jurisdiction?</p> <p>10 It is, after all, a senior High Court judge making</p> <p>11 a serious criticism of the conduct of someone. Didn't</p> <p>12 it at least require some sort of response within the</p> <p>13 company?</p> <p>14 A. It doesn't fall within my jurisdiction. Absolutely not.</p> <p>15 Q. Maybe it was --</p> <p>16 A. Or didn't.</p> <p>17 Q. -- all part and parcel of the same syndrome: "We'll</p> <p>18 rubbish Mr Justice Eady. He's got it wrong in relation</p> <p>19 to the main point in the case. We'll ignore what he</p> <p>20 says." Did you feel that that attitude existed within</p> <p>21 the company?</p> <p>22 A. There was, within the company, criticism of judgments</p> <p>23 made by Mr Justice Eady. I personally wasn't in the</p> <p>24 business of rubbishing what he said, no. Not at all.</p> <p>25 Q. But we know from your witness statement that you</p> <p style="text-align: center;">Page 83</p>
<p>1 that was occurring to me because I had already explained</p> <p>2 that in Mr Justice Eady's judgment, he found that</p> <p>3 Mr Mosley definitely was exposing himself to the risk of</p> <p>4 blackmail. That's what I had been talking about.</p> <p>5 Mr Price is contradicting what I've said and saying,</p> <p>6 "No, the only instance is Thurlbeck", and I'm saying</p> <p>7 absolutely not, that's not right because Mr Justice Eady</p> <p>8 said something different.</p> <p>9 LORD JUSTICE LEVESON: Well, I can read it for myself.</p> <p>10 MR JAY: When Mr Justice Eady's judgment was handed down,</p> <p>11 what reaction, if any, was there within</p> <p>12 News International to Mr Justice Eady's finding in</p> <p>13 relation to the behaviour of Mr Thurlbeck in the context</p> <p>14 of blackmail?</p> <p>15 A. I'm not aware of that.</p> <p>16 Q. You're not aware of what?</p> <p>17 A. Of what reaction there was. I mean, it wouldn't be</p> <p>18 did -- if you're talking about was Mr Thurlbeck</p> <p>19 disciplined, was he spoken to, I don't know the answer</p> <p>20 to that.</p> <p>21 Q. But here was a High Court judge making a finding of</p> <p>22 blackmail against the chief reporter of the</p> <p>23 News of the World. Did that not at least spark any</p> <p>24 interest, either within your mind or News of the World's</p> <p>25 mind, such that further enquiries or further steps</p> <p style="text-align: center;">Page 82</p>	<p>1 disagree with him, don't you?</p> <p>2 A. I disagreed with him on the way the privacy law was</p> <p>3 going generally, yes, and that was obviously being</p> <p>4 case-led, case-by-case-led. I've said to him, actually.</p> <p>5 Q. Were you asked to advise in relation to any appeal? The</p> <p>6 answer to that question is either "yes" or "no".</p> <p>7 A. No.</p> <p>8 Q. I didn't ask you a question I should have asked a little</p> <p>9 bit earlier. You are aware, of course, that the video</p> <p>10 was placed on the News of the World website, aren't you?</p> <p>11 Or weren't you?</p> <p>12 A. Extracts.</p> <p>13 Q. Were you aware at the time that that was happening?</p> <p>14 A. Yes.</p> <p>15 Q. Were you asked to advise as to whether that should</p> <p>16 happen?</p> <p>17 A. I don't think I was, no.</p> <p>18 Q. Again, isn't it something which would fall within your</p> <p>19 jurisdiction, as it were?</p> <p>20 A. If brought to me, certainly. I'm not sure whether I was</p> <p>21 aware after it had already gone up or before it went up.</p> <p>22 I think after it went up, actually, is my memory of</p> <p>23 that.</p> <p>24 Q. Because that had at least as important privacy</p> <p>25 implications as the publication of the article itself,</p> <p style="text-align: center;">Page 84</p>

<p>1 didn't it?</p> <p>2 A. Yes.</p> <p>3 LORD JUSTICE LEVESON: Not least because of the Naomi</p> <p>4 Campbell litigation, where photographs went too far but</p> <p>5 the fact didn't.</p> <p>6 A. Yes.</p> <p>7 MR JAY: And of course, the interim injunction hearing was</p> <p>8 heard before Mr Justice Eady, I think, on Friday</p> <p>9 4 April. He gave his judgment the following week. By</p> <p>10 that point, of course -- you must have been involved in</p> <p>11 that hearing -- the video was well-known by everybody to</p> <p>12 be emblazoned on the website and seen by tens if not</p> <p>13 hundreds of thousands of people. You knew all that,</p> <p>14 didn't you?</p> <p>15 A. That's what tends to happen when videos go up there.</p> <p>16 They go everywhere quickly.</p> <p>17 Q. Did you express any concern to anybody about that?</p> <p>18 A. I can't recall now having done so, no.</p> <p>19 Q. Is that because you didn't, in fact, have any concern</p> <p>20 about that?</p> <p>21 A. I though it was pushing it to put up the video, I have</p> <p>22 to say. But it was already up. My memory is it was</p> <p>23 already up.</p> <p>24 Q. One thing you might do, Mr Crone, is advise that it's</p> <p>25 taken down. Did you think about giving such advice?</p> <p style="text-align: center;">Page 85</p>	<p>1 going back up.</p> <p>2 LORD JUSTICE LEVESON: Yes.</p> <p>3 MR SHERBORNE: I can check the point, but certainly --</p> <p>4 LORD JUSTICE LEVESON: We can find the facts out.</p> <p>5 MR SHERBORNE: Yes.</p> <p>6 MR JAY: Sir, I read paragraph 36 of Mr Justice Eady's</p> <p>7 judgment in the interim application as suggesting</p> <p>8 something different.</p> <p>9 LORD JUSTICE LEVESON: We can get the facts.</p> <p>10 MR JAY: We can, and of course Mr Sherborne was involved in</p> <p>11 that case.</p> <p>12 LORD JUSTICE LEVESON: Mr Crone, I'm just slightly concerned</p> <p>13 that on any showing, this was massive litigation. You</p> <p>14 were involved in privacy litigation with a man who</p> <p>15 clearly felt extremely strongly about what had been done</p> <p>16 to him, and what concerns me is that the appropriate</p> <p>17 approach wasn't discussed with the most senior legal</p> <p>18 officer in the company.</p> <p>19 A. In relation to ...? Which one?</p> <p>20 LORD JUSTICE LEVESON: "I wasn't asked to advise on posting</p> <p>21 the video. I was probably only aware after it went up."</p> <p>22 A. I --</p> <p>23 LORD JUSTICE LEVESON: "I thought putting the video up was</p> <p>24 pushing it, but I didn't advise taking it down.</p> <p>25 I wasn't asked to advise in relation to appeal."</p> <p style="text-align: center;">Page 87</p>
<p>1 A. I don't think I did advise that, no.</p> <p>2 Q. No. We know it wasn't taken down, I think I'm right in</p> <p>3 saying, aren't I? It wasn't taken down until</p> <p>4 Mr Justice Eady -- when was it taken down?</p> <p>5 MR SHERBORNE: Can I just explain?</p> <p>6 LORD JUSTICE LEVESON: Yes.</p> <p>7 MR SHERBORNE: What happened was that it was taken down</p> <p>8 after the complaint following the publication of the</p> <p>9 article.</p> <p>10 LORD JUSTICE LEVESON: Yes, and put up as soon as the</p> <p>11 injunction was --</p> <p>12 MR SHERBORNE: No, sir, it wasn't. What happened was there</p> <p>13 was an application on Friday the 4th before</p> <p>14 Mr Justice Eady, and whilst we were waiting for the</p> <p>15 judgment to be delivered the following week, it was put</p> <p>16 back up on the website, as I understand.</p> <p>17 LORD JUSTICE LEVESON: Is that right? Because was it</p> <p>18 Mr Justice --</p> <p>19 MR SHERBORNE: I'll check Mr Mosley's statement. My</p> <p>20 recollection was that was the point.</p> <p>21 LORD JUSTICE LEVESON: I remember the point, that it was</p> <p>22 already there, but there wasn't any interim relief over</p> <p>23 the weekend.</p> <p>24 MR SHERBORNE: It was taken down before the application.</p> <p>25 That was the point of the application, was to prevent it</p> <p style="text-align: center;">Page 86</p>	<p>1 These are all --</p> <p>2 A. I was only allowed a yes or a no on the appeal. I could</p> <p>3 explain more about that, if you'd like.</p> <p>4 LORD JUSTICE LEVESON: That's a matter for -- yes, I think</p> <p>5 because of the whole question of privilege.</p> <p>6 MR JAY: Yes.</p> <p>7 LORD JUSTICE LEVESON: That's a matter for you and for</p> <p>8 others. Do you understand the concern that I'm</p> <p>9 expressing?</p> <p>10 A. I do. Part of the problem is memory, to be perfectly</p> <p>11 honest. I mean, I have trouble remembering -- without</p> <p>12 having access to the files that actually most of the</p> <p>13 people in this room have had access to, I have trouble</p> <p>14 remembering what happened in what order, what I was</p> <p>15 consulted on and what I wasn't. And you might say</p> <p>16 that's bad, but I say that is the truth and it's not</p> <p>17 easy, actually, going back quite a few years to advise</p> <p>18 on what you exactly actually were involved in and how it</p> <p>19 happened and in what order, and I have found actually,</p> <p>20 with the CMS committee -- I'm not going to go on about</p> <p>21 things but I had forgotten things that are wholly</p> <p>22 supportive of what I have been saying to the CMS when</p> <p>23 they've been calling me a liar. Then Mr Pike, in his</p> <p>24 evidence, comes up with documents and actually that</p> <p>25 completely supported me. It was my document and</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 I couldn't even remember producing it. That's what 2 happens when you're out of the files for a long, long 3 time. I can't remember -- Mosley was 2007, 2008? 4 I don't remember. I may well have advised before the 5 video went up. Normally, I think, the video would have 6 gone up overnight on the Saturday night at some stage. 7 LORD JUSTICE LEVESON: But then you wouldn't have said, 8 "I thought putting up the video was pushing it", because 9 then your advice would have been rejected and I think 10 you'd probably have remembered that. 11 A. "Pushing it" doesn't mean "don't do it". It's pushing 12 it -- you know, you're taking a chance there. I advise 13 on risk. I don't necessarily make the decision on the 14 risk and as I said earlier, on privacy -- unlike libel, 15 I think, but on privacy, it would be more of a debate 16 than: "Okay, if you think it's legally wrong, we won't 17 do it." 18 LORD JUSTICE LEVESON: So are you saying that access back to 19 your file on this case would help you? 20 A. I'm not sure it would but obviously seeing what happened 21 in what order sometimes triggers other memories. 22 MR JAY: We now move off Mr Mosley's case to the issue of 23 phone hacking. Can I ask you, first of all, about 24 Mr Goodman's appeal letter of 2 March 2007. I regret to 25 say it's not in any of the four files you have,</p> <p style="text-align: center;">Page 89</p>	<p>1 Is that correct? 2 A. No, absolutely not. I think that actually his plea was 3 decided pretty late on, from my memory. I think the 4 first time I heard, sorry, his plea of guilty or not 5 guilty being discussed was at that second conference, 6 which I think was pretty late, actually, not long before 7 the plea was entered. Perhaps November. 8 Q. Your memory is right; it was November 2006 that the plea 9 of guilty was indicated. Then Mr Goodman says in the 10 letter: 11 "Despite this, the paper continued to employ me." 12 Is that right? 13 A. As I understand it. 14 Q. You know it to be a fact? 15 A. Mm. 16 Q. "Throughout my suspension, I was given book 17 serialisations to write and was consulted on several 18 occasions about royal stories they needed to check." 19 Is that right or do you not know? 20 A. I don't really know. 21 Q. Point (iv): 22 "Tom Crone and the editor promised on many occasions 23 that I could come back to a job at the newspaper if 24 I did not implicate the paper or any of its staff in my 25 mitigation plea. I did not and I expect the paper to</p> <p style="text-align: center;">Page 91</p>
<p>1 Mr Crone. You probably remember it. It's in the 2 Abramson bundle, if I can put it in these terms, we 3 were looking at earlier today, under tab 4 of that 4 bundle. 5 The third point Mr Goodman made under (iii) was 6 that: 7 "My conviction and imprisonment cannot be the real 8 reason for my dismissal. The legal manager, Tom Crone, 9 attended virtually every meeting of my legal team and 10 was given full access to the Crown Prosecution Service's 11 evidence files." 12 Is that factually correct? 13 A. No. 14 Q. What's incorrect about it? 15 A. I attended one meeting -- the first meeting I think 16 I was probably there from start to finish, possibly not 17 the whole meeting. The second -- well, I attended one 18 other meeting, whether it was the second one or not, and 19 I was only allowed in, I would say, for about 20 20 minutes, at the request -- at the wishes of Mr Goodman. 21 Q. Fair enough. 22 A. And I was specifically not allowed to have the 23 prosecution paperwork by Mr Goodman. 24 Q. "He and other senior staff of the paper had long advance 25 knowledge that I would plead guilty."</p> <p style="text-align: center;">Page 90</p>	<p>1 honour its promise to me." 2 Is that true? 3 A. No. 4 Q. So do we understand your evidence to be -- 5 A. Certainly in relation to anything I said. I don't know 6 what the editor might have said to him, but not me. 7 I told him -- and the context of that, as far as I can 8 see -- he's possibly conflating maybe two different 9 things, but I can say this. Andy Coulson had at least 10 two or three, maybe more, conversations with me, saying 11 he hoped that whatever happened to Clive Goodman at the 12 end of the criminal process, and if he was found guilty 13 and served his sentence, he would be able to come back 14 to the News of the World in some sort of role, having 15 served his sentence. Not a reporting role that involved 16 interaction with the public in any other way, but 17 perhaps book filleting or book serialisation, possibly. 18 And I think he wanted me to relay that to Clive Goodman. 19 Whether he specifically asked me or not, I can't 20 remember, but that was an impression I had. 21 So on at least two occasions, possibly at those two 22 meetings, I would have relayed that to Clive Goodman. 23 Absolutely no strings attached to that in terms of: 24 "Keep your mouth shut". That was a not a phrase I ever 25 used. That was not something I ever said to him.</p> <p style="text-align: center;">Page 92</p>

<p>1 Obviously, one of the things that I was doing by 2 attending the Goodman legal conferences was to find out 3 what was happening in the case, but that wasn't 4 something I necessarily discussed with Clive, saying, 5 "Look, I'm here so that I can report back on what you're 6 going to do." I would obviously, having attended 7 whatever I attended and been told whatever I was told or 8 listened to whatever I heard -- I would go back and 9 I would report back on it to -- which everyone knew 10 I would be doing that -- back to those at 11 News of the World, News International.</p> <p>12 Q. So your evidence is that you were giving no impression 13 to Mr Goodman that the price for his keeping silent 14 might be that he could stay on the paper; is that right?</p> <p>15 A. I don't think I gave that impression, I have to say. In 16 fact, I'm sure I didn't give that impression.</p> <p>17 When I first became aware of that, which was 18 actually not when the letter was sent because I didn't 19 see that letter until, really, a long time afterwards, 20 I spoke to one of the lawyers who was in those meetings 21 and asked him what he thought -- whether he thought 22 there was any truth in that and I was told: "Absolutely 23 not."</p> <p>24 Q. You attended the sentencing hearing, as you told me 25 earlier, on 26 January 2007. You say in your witness Page 93</p>	<p>1 probably raised it at one stage as well, along those 2 lines.</p> <p>3 That was against the background of what I was told 4 actually by Clive Goodman's lawyer, that in his -- he 5 was an experienced criminal practitioner, solicitor, 6 solicitor -- that in his experience, this case had been 7 better prepared against Goodman and Mulcaire than 8 anything he'd ever come across. The investigation 9 lasted nine months, from I think November through until 10 arrests in August. The paperwork was voluminous and it 11 was all well-presented and everything that was being 12 alleged seemed to be standing up. So against that 13 context, I came away from the sentencing hearing 14 thinking that the reference to others at 15 News International was likely to be based on real 16 evidence, rather than conjecture.</p> <p>17 Q. Although, of course, no specific evidence was placed 18 before the judge, was it?</p> <p>19 A. I don't know what was placed -- nothing that I could 20 see, unless the judge has stuff in his paperwork that 21 I wasn't aware of.</p> <p>22 Q. Didn't your thought process work on this slightly more 23 developed line, Mr Crone, that Mr Goodman was the royal 24 correspondent, and counts 1 to 15 concerned hacking into 25 voicemails of the royal household, and so that all tied Page 95</p>
<p>1 statement, under (h) -- I'm afraid this is unpaginated. 2 You might have a little bit of difficulty in finding it. 3 It's about six pages from the end. I'm not going to ask 4 you about the first --</p> <p>5 A. I have it.</p> <p>6 Q. -- sentence at the top of the page yet. You say this, 7 the second sentence: 8 "Having attended throughout the Goodman-Mulcaire 9 sentencing/hearing, I formed a strong impression that 10 was said about others at News International 11 commissioning Mulcaire's accessing in relation to the 12 non-royal victims was based upon more than 13 circumstantial evidence."</p> <p>14 How and why did you derive that impression?</p> <p>15 A. Because the prosecution, I think, had mentioned it on at 16 least two occasions in his explanation of what had 17 happened, that in relation to the other, non-royal 18 Mulcaire victims, Mulcaire was doing it for -- I think 19 the phrase was "others at News International", and that 20 phrase or something like it I think was probably used 21 twice by the prosecution. This is only memory. 22 I haven't read the sentencing judgment at all recently. 23 It was also the sentiment, if it is a sentiment, was 24 mentioned by the judge in the same way, and I think, 25 from memory, Mr Sanders, who represented Mulcaire, Page 94</p>	<p>1 up, but counts 16 to 20 related to individuals who, of 2 course, had nothing to do with the royal family and 3 therefore would be naturally outside the province of 4 bailiwick of Mr Goodman, which would give rise to 5 a strong inference that the others at News International 6 would indeed be people who were not part of the royal 7 department, as it were? Didn't your thinking go along 8 those lines?</p> <p>9 A. Yes, yes, it did. I mean, there are two explanations 10 for what you've just set out. One is that Mr Mulcaire 11 was doing it for people other than News International. 12 But since the judge, prosecution and I think Mulcaire's 13 lawyer had said for those at News International, that's 14 what I tended to think.</p> <p>15 Q. Are you suggesting that Mr Mulcaire was moonlighting for 16 some other newspaper?</p> <p>17 A. No, I'm saying those are the two explanations. He's 18 either doing it for someone else, or he's doing it for 19 others at News International, because Mr Goodman -- 20 actually, in fairness, Mr Goodman was doing a lot more 21 than royal because he had a column which was kind of 22 a gossip column, which touched on all areas of celebrity 23 as well as royalty. It was under the heading 24 "Blackadder", which he ran for, I think, a year or two 25 just before this period. Page 96</p>

24 (Pages 93 to 96)

<p>1 Q. You didn't seriously think, did you, at the time that 2 Mr Mulcaire was acting for other newspapers? He was 3 working full-time for News International, wasn't he? 4 A. I think -- I did -- I certainly think that now, and 5 I can't remember when I first thought it, but I suspect 6 at the time I probably did think that to some extent. 7 But as I say, my view is that it was for others at 8 News International because that's what I've heard from 9 the other three parties in court on that day. 10 Q. Weren't there rumours going around within 11 News International which might have infiltrated into 12 your thinking and supported the view that the others at 13 News International were indeed involved? 14 A. I don't remember rumours, but I didn't need rumours 15 because I'd already got it, really, from the hearing at 16 the Old Bailey. 17 Q. What is the basis for your saying at the very top of 18 this page of your witness statement, in answer to the 19 question which was put to you: 20 "When were you first aware that the rogue reporter 21 explanation as to the extent of phone hacking at or at 22 the behest of staff of the News of the World is 23 erroneous? How did you become so aware?" 24 Your answer was: 25 "I can't remember when and by whom the rogue</p> <p style="text-align: center;">Page 97</p>	<p>1 others were probably involved. 2 MR JAY: The party line was being put out: one rogue 3 reporter. And you heard that party line being peddled, 4 didn't you? 5 A. Yes. 6 Q. It wasn't just peddled once, it was peddled several 7 times. Didn't that ever cause you concern? 8 A. Yes. My feeling is I thought it would probably come 9 back to bite the people who were saying it, which was 10 the company, sure. 11 Q. That was your feeling, was it? 12 A. It was. 13 LORD JUSTICE LEVESON: Well, you were certainly right there 14 So did you do anything about it? 15 A. Well, I had discussions, sir, as I've said. 16 MR JAY: Were the discussions in the context of a specific 17 request for legal advice? I am entitled to ask you 18 that. 19 A. I was giving legal advice in the discussions definitely, 20 yes. 21 Q. But was it in the context of a specific request for 22 advice, Mr Crone? 23 A. I think it was me reporting upwards on what was going 24 on, the legal ramifications and what I thought. 25 Q. In the course of those discussions -- I'm not sure I can</p> <p style="text-align: center;">Page 99</p>
<p>1 reporter explanation was first put out, but I was of the 2 view that it was erroneous from the outset." 3 What was the basis for saying that? 4 A. I can't remember when, but I'm pretty sure it was put 5 out after the sentencing hearing. So I go on to say: 6 "I formed this impression at the sentencing hearing." 7 Q. You're saying quite categorically, though -- maybe one 8 shouldn't draw that inference, but you were of the view 9 that the rogue reporter explanation was erroneous from 10 the outset. That's what you're telling us here. 11 A. That was my view. 12 Q. So it was a view which was in your mind in the early 13 part of 2007, perhaps at the latest; is that right? 14 A. At the outset, yeah, whenever it was first mentioned. 15 Q. Did you discuss that view with anybody else within 16 News International? I had discussions which were 17 privileged, yes. But I don't think any of them involved 18 me saying there's clear and hard evidence, to be 19 perfectly honest. 20 LORD JUSTICE LEVESON: Quite apart from privileged 21 discussions, did you yourself, as responsible for legal 22 risk within News International, do anything pursuant to 23 your concern? 24 A. Well, I had the discussions that expressed not 25 specifically that concern but expressed the view that</p> <p style="text-align: center;">Page 98</p>	<p>1 ask you that question, Mr Crone, so I won't. But 2 looking at your state of mind, were you concerned: we 3 have at least the appearance here of a culture of 4 cover-up, that this might come back to bite 5 News International -- and sure enough it has done -- 6 these concerns had to be expressed to people? 7 A. I think I missed the question in that one. Was 8 I concerned? 9 Q. Were you concerned that we at least have here the 10 appearance of cover-up, that there was a risk that this 11 would come back to bite the company, as indeed it has 12 done -- 13 A. I think -- 14 Q. -- therefore, people needed to be warned? 15 A. There was a -- I had a concern to some extent about 16 that, but I think there was a line taken that in the 17 absence of clear, admissible evidence, and in the 18 absence of the police asking any questions of any person 19 on the News of the World other than Clive Goodman, or 20 suggesting that arrests should be -- other arrests 21 should be made, after what was an obviously very, very 22 thorough investigation, I think the line was taken that 23 this was the worst thing that had happened in the 24 newspaper's history, probably, almost certainly, and the 25 company's primary thought was to draw a line under it,</p> <p style="text-align: center;">Page 100</p>

<p>1 especially since, clearly, the police didn't look as if 2 they were taking it further in any other direction. 3 Q. Wasn't the thinking perhaps along these lines: well, the 4 police are doing nothing about it for whatever reason, 5 they've got their convictions in the Goodman/Mulcaire 6 cases, therefore the risk of it coming back to bite us 7 was in fact quite low, contrary to your view, and 8 therefore it was a risk that could appropriately be run? 9 Was that the thinking that you were encountering? 10 A. I wasn't advising along those lines, but I don't want to 11 get into the advice I was giving. We had litigation 12 running from Mr Gordon Taylor at that stage. He was the 13 only one out of the five actually who had issued 14 proceedings against us. 15 Since the remarks made at the sentencing hearing by 16 the other parties and the judge were made publicly and 17 fairly widely reported, I think, I was surprised that 18 there wasn't other litigation. I was surprised in the 19 light of what was said that we hadn't heard more from 20 the police, but I think the fact that the company hadn't 21 heard further from the police I think reassured people 22 that that that was a line that they could take and 23 hopefully draw a line under it. 24 Q. Yes, I think you perhaps misunderstood my question. I'm 25 distinguishing between your thought process and the Page 101</p>	<p>1 A. Yes. I think I can't deny that. 2 Q. Yes, and this litigation certainly had that propensity, 3 to create reputational harm, didn't it? 4 A. Yes. 5 Q. Did you have any sense, Mr Crone, that you were 6 encountering a degree of -- perhaps a tendency in 7 News International to hope that this would all go away 8 and therefore keep it quiet? 9 A. I think that was everyone's hope, to be perfectly 10 honest. 11 Q. And to keep it quiet as well? 12 A. Well, keep what quiet? It's going back to hard 13 evidence, admissible evidence, evidence known or just 14 the suspicions and what was said at court and so forth. 15 Q. There was a meeting with Mr Lewis in Manchester, 16 I believe; is that right? 17 A. That's right. 18 Q. Mr Lewis's account is in, I think, the second of the 19 files we've put together for you under tab 26. 20 A. Is that the second with a Roman second? 21 Q. Yes. Paragraph 12. Evidence along the same lines. 22 Page 23445. 23 A. Yes. Is it page 4? 24 Q. Yes. 25 A. Yes, got it. Page 103</p>
<p>1 thought process others might have had. Your thought 2 process was: there is a risk here, and that's consistent 3 with the evidence you're giving us. But the thought 4 process of others might have been: well, we'll run the 5 risk because after all the police are not doing anything 6 about it. Is that correct? 7 A. Well, I -- yes, it probably is. I was aware that there 8 was some litigation going on and who knows where 9 litigation is going to end up and what's going on come 10 out, and also whether further litigation will follow. 11 Q. Of course, you tell us that when litigation started, and 12 that was the Gordon Taylor case, proceedings were issued 13 in the spring of 2007. You were personally keen, is 14 this correct, to settle them quickly? 15 A. Yes. 16 Q. Why was that? 17 A. Just to sort the matter out and hopefully put that one 18 to bed because I was conscious there was a good chance 19 that other litigation would spring up, possibly from all 20 of the other four, possibly from other people as well, 21 and my job was to contain litigation, to conduct 22 litigation so that other litigation doesn't spring from 23 it, et cetera. 24 Q. Yes. Your job is also, if you could, to protect the 25 company from reputational harm; is that right? Page 102</p>	<p>1 Q. "After I'd issued proceedings [we know that was in 2 spring of 2007] I was called by Julian Pike, a 3 well-known partner at Farrers. Julian suggested that 4 Tom Crone should come to see me. I was very surprised 5 by this suggestion. I'd conducted many cases involving 6 NGN and not once had Mr Crone sought to meet me let 7 alone leave Wapping, where he worked, to come and visit 8 me all the way up in Manchester." 9 Is Mr Lewis factually correct there? 10 A. I can't remember "many cases". I'd certainly dealt with 11 Mr Lewis before. I don't know how many cases. I doubt 12 if it was more than three or four, max. 13 Q. I think all he's saying -- 14 A. But I hadn't visited him in Manchester, no, that's true. 15 Q. It's 2 hours and 8 minutes on a fast train, and you have 16 to get to Euston. It's quite a trip, isn't it, 17 Mr Crone? That's all he's saying, isn't he? 18 A. He's saying what I read him saying here. 19 Q. He also says: 20 "It was fairly obvious to me that NGN were worried 21 about Gordon's claim." 22 That's true, isn't it? 23 A. You mean that we were worried? Yes. Yes. I was 24 worried about it. 25 Q. So there was a meeting. Page 104</p>

26 (Pages 101 to 104)

<p>1 "I remember that he started the meeting with the 2 words 'we thought this had all gone away'. 3 Did you say that? 4 A. I can't remember saying it, but I'm not denying I did. 5 Q. "He told me that he'd asked all News of the World 6 journalists whether they'd been involved in hacking." 7 Is that correct? 8 A. Yes. 9 Q. How many people did you speak to? 10 A. Six or seven, I should think. Maybe a little bit less. 11 Maybe five. 12 Q. The "all News of the World journalists", that suggests 13 everyone. You'd obviously been a bit more selective 14 than that. 15 A. I don't think I told him I spoke to "all 16 News of the World journalists", no. I think I'd 17 suggested I'd spoken to those who could possibly or were 18 likely to have been involved. 19 Q. Could possibly or likely to be involved, but you had 20 a handful; is that right? 21 A. Yes. 22 Q. "He said that they had confirmed to him that they had 23 not." 24 Again, is that correct? 25 A. Yes.</p> <p style="text-align: center;">Page 105</p>	<p>1 A. I don't remember hearing the 250, so if it ended 2 swiftly, in my memory it had nothing to do with that, 3 no. I don't remember it ended swiftly, actually. 4 I thought we just ran out of discussion. It was all 5 very pleasant and shake hands and off I went. 6 Q. Yes. Okay. Then the litigation proceeded and know 7 that. We also know that in January 2008 Mr Taylor made 8 an application for third-party disclosure against the 9 police and that you were sent documents disclosed by the 10 police to the claimant in April 2008. Do you follow me? 11 A. Yes. 12 LORD JUSTICE LEVESON: Mr Jay, just pause there for 13 a moment. 14 MR JAY: Yes. 15 LORD JUSTICE LEVESON: How long do you have for Mr Crone? 16 MR JAY: At least another hour. 17 LORD JUSTICE LEVESON: Then I think the answer probably is 18 to draw stumps now and carry on, if it's a convenient 19 moment. 20 MR JAY: Yes. And I note the time and Mr Crone has been 21 going for a while. 22 LORD JUSTICE LEVESON: Yes. 23 MR JAY: Regardless of -- 24 LORD JUSTICE LEVESON: I'm very conscious that I am 25 responsible for disrupting today's timetable.</p> <p style="text-align: center;">Page 107</p>
<p>1 Q. "In response to this statement I said to Tom that whilst 2 I believed him, I did not believe them." 3 Did Mr Lewis say that? 4 A. Yes. 5 Q. Did you believe them? 6 A. Well, I'm reverting -- I'm returning to what I've been 7 saying to you in the last few answers: I thought it 8 probably was more widespread than one rogue reporter. 9 Q. I think there's a dispute -- 10 A. But I couldn't say to them, "You're lying to me and 11 here's some evidence", because I didn't have any. 12 Q. Fair enough. The next sentence is in dispute: 13 "He asked me how much Gordon Taylor would accept to 14 settle his claim and I told him £250,000 was the figure 15 that my client would accept." 16 Did he say that? 17 A. My best recollection is that that figure came along 18 afterwards in a letter, but it's possible he said it, 19 but I really don't recollect that. I don't think he 20 mentioned how much he had in mind until the letter came 21 along. Simply because I seem to remember when I saw the 22 letter it was, "Wow, that's a lot of money". 23 Q. But the upshot was that the meeting ended quite swiftly; 24 is that right, because, from your perspective that 25 whatever the figure was it was far too high?</p> <p style="text-align: center;">Page 106</p>	<p>1 But just before we leave, let me just ask one 2 question of you, if I might: some employers might take 3 the view that they would have to find out if any of 4 their employees had been breaking the law. Some 5 employers. They might ask the police for help, get back 6 their own documents to see what they revealed, and 7 commence an internal investigation to clear out anyone 8 who might have been involved in illegal behaviour. 9 An alternative view is perhaps represented by an 10 answer that you gave me, and this is why I want to ask 11 you now while it's still fresh in people's minds, namely 12 that even in relation to a reporter who is convicted of 13 serious crime and sent to prison, will want to try and 14 help him, not in the same public-facing role, but to 15 find work for him, and that might mean that there's no 16 real purpose investigating, in going further, who did 17 what to whom. 18 Because I'm concerned about practice and custom and 19 ethos, rather than the individual specifics, I just 20 wonder whether you want to comment on the perception 21 that within the newsroom here, the latter view prevailed 22 and absolutely not the former? 23 A. The -- I think the sentiment that Clive Goodman could 24 return, if I can just deal with that, was 25 Andy Coulson's. It certainly wasn't shared above, as</p> <p style="text-align: center;">Page 108</p>

<p>1 I found out subsequently, because he was dismissed 2 immediately after -- very shortly after he was 3 sentenced. 4 LORD JUSTICE LEVESON: Yes. It's not specifically the 5 decision, of course. I take your point, and I know he 6 was. That's how you got into the topic. 7 A. Mm. 8 LORD JUSTICE LEVESON: But it's the general feeling, it's 9 the ethos of the system, not the specific decision that 10 I'm really directing my question to. 11 A. I can't speak for what was going through other people's 12 minds, those running the company at the time, and they 13 didn't specifically share with me in this context. But 14 I think there was a feeling that bad things had 15 happened, clearly, possibly more than had come out, but 16 there was also a feeling that they weren't going to 17 happen any more, they weren't happening now, when those 18 thoughts were going on, they weren't going to happen any 19 more, and the company hoped to move forward on that 20 basis. That's my view of it. 21 LORD JUSTICE LEVESON: It's particularly in the context of 22 what Mr Goodman then says is, "Come on, everybody, I was 23 promised this support". Anyway, I was just keen to get 24 your over-arching view of the ethos at the time, which 25 to me is more important than any of the specific details</p> <p style="text-align: center;">Page 109</p>	<p>1 2 I N D E X 3 4 MR LAWRENCE HOWARD ABRAMSON (sworn) 5 Questions by MR JAY1 6 7 MR JULIAN CHARLES PIKE (sworn)25 8 Questions by MR JAY25 9 Questions by MR SHERBORNE66 10 11 Mr THOMAS GERALD CRONE (sworn)75 12 Questions by MR JAY75 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 111</p>
<p>1 about the individuals, as I'm sure you appreciate. 2 All right. Thank you very much indeed. 10 o'clock 3 tomorrow morning. Thank you. 4 (4.40 pm) 5 (The hearing adjourned until 10 o'clock the following day) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 110</p>	

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