

<p>1 Monday, 6 February 2012</p> <p>2</p> <p>3 (2.00 pm)</p> <p>4 (Proceedings delayed)</p> <p>5 (2.21 pm)</p> <p>6 LORD JUSTICE LEVESON: Mr Jay, I understand that there is an</p> <p>7 IT difficulty, so that although the proceedings are</p> <p>8 being recorded, they are not presently being streamed</p> <p>9 live. This is a problem that hasn't previously arisen,</p> <p>10 and I don't feel it's appropriate to wait any longer</p> <p>11 while it is resolved. What it will mean is those who</p> <p>12 wish to follow this afternoon's proceedings will be able</p> <p>13 to do so but not contemporaneously. As soon as the link</p> <p>14 is restored, it will happen, and we will make sure that</p> <p>15 the recording in any event is placed on the web so that</p> <p>16 it is available for anybody to see thereafter.</p> <p>17 MR JAY: Sir, may I mention some evidence which is to be</p> <p>18 read or possibly read at this stage. You will have seen</p> <p>19 a statement from Ms Jemima Khan dated 27 November 2012.</p> <p>20 LORD JUSTICE LEVESON: Yes.</p> <p>21 MR JAY: There's no difficulty with that statement.</p> <p>22 Then on Friday and Saturday there was a late flurry</p> <p>23 of evidence. The second supplementary witness statement</p> <p>24 of Mr Hugh Grant, together with an exhibit, which also</p> <p>25 contained a statement of Patricia Owen and a voice file.</p> <p style="text-align: center;">Page 1</p>	<p>1 to resolve, and I'm prepared to do that at some stage</p> <p>2 that is convenient to the parties.</p> <p>3 MR JAY: Indeed. I'm asked to point out -- this, I think,</p> <p>4 is implicit in what you know already -- that there is no</p> <p>5 sound going to our annex. I think it's part of the same</p> <p>6 syndrome as the streaming problem you mentioned.</p> <p>7 LORD JUSTICE LEVESON: I didn't know there was no sound.</p> <p>8 I am also getting information to the effect that there</p> <p>9 is sound.</p> <p>10 MR JAY: Then I will ignore that last message. Maybe the</p> <p>11 sound has just arrived.</p> <p>12 Sir, may we press on then with Mr Paul Dacre?</p> <p>13 LORD JUSTICE LEVESON: Yes, let's do that.</p> <p>14 MR PAUL MICHAEL DACRE (sworn)</p> <p>15 Questions by MR JAY</p> <p>16 MR JAY: Mr Dacre, if you could kindly make yourself</p> <p>17 comfortable and provide us, please, with your full name?</p> <p>18 A. It's Paul Michael Dacre.</p> <p>19 LORD JUSTICE LEVESON: Mr Dacre, I thank you, as I've</p> <p>20 thanked the editors of other newspapers who have allowed</p> <p>21 me to visit their newsrooms. I know you weren't there</p> <p>22 at the time but I'm grateful to you for allowing me to</p> <p>23 do so.</p> <p>24 MR JAY: Mr Dacre, you have signed and dated a witness</p> <p>25 statement, 25 October of last year. It runs to 48</p> <p style="text-align: center;">Page 3</p>
<p>1 That arrived at about 4.30 in the afternoon.</p> <p>2 Then there was a supplementary witness statement of</p> <p>3 Mr Paul Dacre, together with an exhibit. That arrived</p> <p>4 in my inbox at around 9.00 in the evening. It wasn't</p> <p>5 received by the solicitor to the Inquiry, since the</p> <p>6 email bounced back, but in any event it was far too</p> <p>7 late. So there's that statement to address, and then</p> <p>8 there's a second statement of Mr Mark Thomson, which</p> <p>9 I understand you haven't seen, of Saturday's date,</p> <p>10 4 February.</p> <p>11 All I would wish to say is that it's disappointing</p> <p>12 that this evidence has come so late, but it's for you to</p> <p>13 decide how to address it.</p> <p>14 LORD JUSTICE LEVESON: I can't pretend that I have studied</p> <p>15 it at length, although I have seen at least one of the</p> <p>16 statements to which you have just referred. I'm very</p> <p>17 anxious that this Inquiry is not diverted into a dispute</p> <p>18 between one of those who's given evidence and one of the</p> <p>19 newspaper core participants. I think we should proceed</p> <p>20 to hear the evidence that we need to hear. Mr Dacre has</p> <p>21 a lot of ground that he can cover and has already</p> <p>22 demonstrated in the seminar how he has been thinking</p> <p>23 about the future. I am not prepared presently to</p> <p>24 publish any of these statements until I've heard some</p> <p>25 argument as to how far they take the issues that I have</p> <p style="text-align: center;">Page 2</p>	<p>1 paragraphs. Is this your main evidence to the Inquiry?</p> <p>2 A. Yes.</p> <p>3 Q. Thank you very much. You also were kind enough to</p> <p>4 address the seminar which took place on 12 October of</p> <p>5 last year. Are you content to adopt what you said then</p> <p>6 as part of your evidence?</p> <p>7 A. Absolutely.</p> <p>8 Q. Thank you very much. Mr Dacre, in terms of your career,</p> <p>9 you are the longest-serving editor on Fleet Street. You</p> <p>10 have been editor of the Daily Mail since 1992, and</p> <p>11 editor-in-chief of Associated Newspapers since 1998.</p> <p>12 Could you kindly explain to us what "editor-in-chief"</p> <p>13 means, in particular in the context of each individual</p> <p>14 title, which I understand has its own autonomous editor?</p> <p>15 A. It's a firm principle of my group,</p> <p>16 Associated Newspapers, that we -- that the editors of</p> <p>17 our individual titles edit their papers. They're</p> <p>18 autonomous. My role as editor-in-chief is to decide the</p> <p>19 strategy for the group, look after the financial</p> <p>20 implications of the individual papers, to deal with</p> <p>21 areas that cover all the papers -- the promotions and</p> <p>22 marketing strategy -- and, you know, from time to time,</p> <p>23 have chats with my editors and discuss how we can</p> <p>24 forward the fortunes of our group and their individual</p> <p>25 papers.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. Thank you very much.</p> <p>2 A. But I would like to stress that just as I am given the</p> <p>3 freedom to edit by our management, I leave the</p> <p>4 individual editors of the titles -- it can't be any</p> <p>5 other way. You can't edit by remote control.</p> <p>6 Q. Thank you. I'll come back to that issue in due course.</p> <p>7 In terms of your career in relation to the PCC and</p> <p>8 related bodies, you were a member of the Press</p> <p>9 Complaints Commission between 1998 and 2008. You've</p> <p>10 been a director of PressBoF since 2004, and when you</p> <p>11 left the PCC in 2008, you then became chair of the</p> <p>12 Editors' Code of Practice Committee?</p> <p>13 A. Correct.</p> <p>14 Q. And I think you remain the chair of the Code of Practice</p> <p>15 Committee as we speak.</p> <p>16 A. (Nods head)</p> <p>17 Q. I'm going to take your first statement really as read,</p> <p>18 and if I may, start off by asking you a number of</p> <p>19 general questions about philosophy before looking at</p> <p>20 your ideas for the future and then some more specific</p> <p>21 matters.</p> <p>22 You said at the seminar on 12 October that this</p> <p>23 Inquiry's panel of experts, I quote, "don't have the</p> <p>24 faintest clue how mass-selling newspapers operate". I'm</p> <p>25 not going to ask you to seek to justify that remark, but</p> <p style="text-align: center;">Page 5</p>	<p>1 I, single-handedly and with great and total willpower,</p> <p>2 impose my will on the paper. It, again, is</p> <p>3 a misunderstanding of how newspapers work.</p> <p>4 First of all, I employ an immensely diverse range of</p> <p>5 journalists. We invest, at Associated, in quality</p> <p>6 journalism. It's our philosophy. We employ the best</p> <p>7 writers, the best leader writers, the best reporters,</p> <p>8 the best executives, the best sub-editors et cetera to</p> <p>9 produce quality papers to appeal to our market.</p> <p>10 On any given day, the paper will adopt a position on</p> <p>11 things in its leader column. I will call a leader</p> <p>12 conference. It will be attended by some of my top</p> <p>13 writers, some brilliant leader writers, a diverse</p> <p>14 assembly of people. We vigorously debate the issues of</p> <p>15 the day. There is no world view there imposed by me.</p> <p>16 Diametrically opposed views. On one side, I'd have Alex</p> <p>17 Brummer, my distinguished City editor, violently</p> <p>18 disagreeing, on an almost daily basis, with my</p> <p>19 distinguished political commentator, Simon Heffer. Out</p> <p>20 of that debate, we adopt a view that we feel best</p> <p>21 represents our position for our readers in looking after</p> <p>22 their interests.</p> <p>23 Again, you know, the Daily Mail is a huge, huge</p> <p>24 paper. It's a huge product. It's 120 pages. Are you</p> <p>25 telling me that I impose my views on the brilliant</p> <p style="text-align: center;">Page 7</p>
<p>1 which or what aspects of the operation of mass-selling</p> <p>2 newspapers require, in your view, enlightenment?</p> <p>3 A. That's a difficult question to answer. What I was</p> <p>4 trying to say was that, distinguished though they are,</p> <p>5 the assessors come from a somewhat narrow area of</p> <p>6 journalism. 20 million people read the popular</p> <p>7 newspapers. I suspect most of these assessors don't</p> <p>8 read those newspapers and therefore don't understand how</p> <p>9 those newspapers operate. I think it would have been</p> <p>10 advantageous for everybody if someone from that</p> <p>11 background could have been included.</p> <p>12 Q. I think the question was more not so much to justify</p> <p>13 what you say -- I understand the answer you've given --</p> <p>14 but which or what aspects of the operation of</p> <p>15 mass-selling newspapers require enlightenment.</p> <p>16 A. Well, how they think, how they work, how they are</p> <p>17 produced. Their values, their approaches.</p> <p>18 Q. Let's see if we can delve into that to some extent, and</p> <p>19 examine it in this way: your role as editor of the</p> <p>20 Daily Mail, two general points. To what extent does the</p> <p>21 paper bear the imprint of your personality, your</p> <p>22 management style and your world view?</p> <p>23 A. Well, any editor who edits a paper, his values, his</p> <p>24 world view will obviously be relevant, but can I deal</p> <p>25 with this? Because I think it's a bit of a canard that</p> <p style="text-align: center;">Page 6</p>	<p>1 writers we employ? Do you think I tell Sir Max Hastings</p> <p>2 what to write? A distinguished historian who graces our</p> <p>3 pages every day? He has his own views. Do you think</p> <p>4 I tell Janet Street Porter, from a different political</p> <p>5 perspective, what to write? She's a columnist. Do you</p> <p>6 think I Craig Brown, one of Britain's premier parodists,</p> <p>7 what to write? These people would leave if I imposed my</p> <p>8 view to them.</p> <p>9 All our writers -- and I'm leaving out some</p> <p>10 brilliant ones -- have their strongly held views, many</p> <p>11 of them different. It's a rich, diverse spectrum of</p> <p>12 opinion that permeates the paper.</p> <p>13 Again, the Daily Mail -- you know, the Daily Mail --</p> <p>14 different parts in different parts of the country.</p> <p>15 I appoint editors to reflect the interests of their</p> <p>16 readers, not impose their wills. In my time, I launched</p> <p>17 the Scottish Daily Mail. It's now the biggest selling</p> <p>18 paper in Scotland. The editor there has values and</p> <p>19 views, which he represents in his papers because he's</p> <p>20 reflecting his readers' interest, which are totally</p> <p>21 antipathetic to the views in London. Ditto in Ireland.</p> <p>22 We started the Irish Daily Mail. It's proving very</p> <p>23 successful. Some of the views espoused by its editors</p> <p>24 there make my hair go white, but nevertheless he's</p> <p>25 appealing to his local market, representing his readers'</p> <p style="text-align: center;">Page 8</p>

<p>1 interests.</p> <p>2 Q. I've been asked to ask you to slow down a bit, Mr Dacre.</p> <p>3 A. I'm so sorry.</p> <p>4 Q. You also say that in order to sell newspapers, you must</p> <p>5 connect with your readers' views and reflect their</p> <p>6 interests and aspirations. That obviously means that</p> <p>7 you must empathise with your readers' views. Is that</p> <p>8 right?</p> <p>9 A. I hope so.</p> <p>10 Q. Does that include your readers' fears and prejudices, do</p> <p>11 you think?</p> <p>12 A. "Anxieties" rather than "prejudices", is the word I'd</p> <p>13 use.</p> <p>14 Q. What is your vision for your organisation as we move</p> <p>15 forward, Mr Dacre?</p> <p>16 A. To sell -- to create as many quality products -- and</p> <p>17 indeed, you know, I left out before on the list that --</p> <p>18 it was Lord Rothermere's brilliant idea, but I launched</p> <p>19 Metro. Did I impose my world vision on Metro? Metro we</p> <p>20 decided to launch as a paper targeted at young urbanites</p> <p>21 in London. We decided they weren't interested</p> <p>22 particularly in political opinion. It's a politically</p> <p>23 neutral paper, has no leader columns, no political</p> <p>24 stance. It's been immensely successful with young</p> <p>25 readers, and again, we appoint an editor who understands</p> <p style="text-align: center;">Page 9</p>	<p>1 A. Well, I suspect -- I suspect that the individuals --</p> <p>2 latitude should be given to papers who look into the</p> <p>3 lives of people who intrude into their own lives; in</p> <p>4 other words, into their own privacy. In other words,</p> <p>5 a lot of celebrities, celebrity chefs, sportspeople make</p> <p>6 a lot of money by revealing their lives to the public.</p> <p>7 I believe newspapers should be given some latitude to</p> <p>8 look into their lives when they err.</p> <p>9 Q. Sorry, by "err", do you mean err morally?</p> <p>10 A. Well, we're then going into a definition of what</p> <p>11 morality is, aren't we? Your questions are so broad,</p> <p>12 with respect, that it would help me if you gave me, you</p> <p>13 know, more specific examples.</p> <p>14 Q. Some would say that the Daily Mail's world view, or at</p> <p>15 least part of it, propounds the virtues of family life,</p> <p>16 of traditional matrimony and traditional values. (a) Is</p> <p>17 that fair, and (b), if it is, if someone's morality</p> <p>18 doesn't fit into that pattern, is it something which you</p> <p>19 would feel free to comment on and, if necessary,</p> <p>20 criticise?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. In your view, I think, Mr Justice Eady has been</p> <p>23 the vanguard of developing a privacy law which is</p> <p>24 morally neutral; to use your term, amoral. Are you</p> <p>25 suggesting that the law should be developing principles</p> <p style="text-align: center;">Page 11</p>
<p>1 that market. It's been immensely successful, and we'd</p> <p>2 like to expand in that area. We're expanding into the</p> <p>3 Internet area and I repeat, our mantra is we invest in</p> <p>4 quality journalism, we let our editors edit and we</p> <p>5 believe that commercial success follows from that.</p> <p>6 Q. We know that Associated Newspapers are successful and</p> <p>7 solvent, unlike some other newspapers. Does it follow</p> <p>8 from that that you have more resources at your disposal</p> <p>9 to check the accuracy of stories?</p> <p>10 A. We are a well-resourced paper.</p> <p>11 Q. In your view, is there any causal relationship between</p> <p>12 the decline in newspaper circulation and what you see as</p> <p>13 the development of a judge-made privacy law?</p> <p>14 A. No, I see no connection whatsoever.</p> <p>15 Q. Your statement deals with the perennial problem of</p> <p>16 balancing the public interest against the private rights</p> <p>17 of individuals. Is it your position that the public has</p> <p>18 the right to be informed about the immoral behaviour of</p> <p>19 private individuals?</p> <p>20 A. Immoral behaviour of private individuals? That's a huge</p> <p>21 question. I'd like to, if I may, draw on one of my</p> <p>22 files here.</p> <p>23 My position, I suspect, is that -- we're talking</p> <p>24 about privacy here, aren't we?</p> <p>25 Q. Mm.</p> <p style="text-align: center;">Page 10</p>	<p>1 which instead reflect a moral system?</p> <p>2 A. What I -- I mean, let's go back to that. What I was --</p> <p>3 in that Society of Editors speech, I was trying to say</p> <p>4 several things. It was a broad speech. I was clearly</p> <p>5 trying to express the growing concern by newspapers in</p> <p>6 this country that certain areas of the jurisprudence</p> <p>7 were going in an anti-newspaper, anti-democratic</p> <p>8 direction. Number one, we felt that libel tourism was</p> <p>9 something that was deeply shocking, and I made that</p> <p>10 point in my speech. We were very worried about the</p> <p>11 growth of CFAs --</p> <p>12 Q. You're going a little bit outside the boundaries of my</p> <p>13 question.</p> <p>14 A. You brought up Lord Justice Eady and I thought it</p> <p>15 helpful to put the speech in that context.</p> <p>16 Q. It was more in terms of the development of a privacy law</p> <p>17 and of principles of law, not so much CFAs and libel</p> <p>18 reform.</p> <p>19 A. Okay, well, that's the second point. All right, yes,</p> <p>20 and I accused Judge Eady's judgment -- not the man -- of</p> <p>21 being amoral and arrogant. Arrogant in the sense that</p> <p>22 I felt it was worrying that one man, one judge, seemed</p> <p>23 to be handling some of the more contentious privacy</p> <p>24 cases. One man seemed to be attaching much more weight</p> <p>25 to the right to privacy in the Human Rights Act rather</p> <p style="text-align: center;">Page 12</p>

<p>1 than the right to freedom of expression, and, yes, 2 several -- several very significant cases seemed to 3 indicate that he believed the law should be morally 4 neutral. I'm delighted to see since then that the 5 pendulum has been swinging the other way, and I think 6 there's been some judgments by Justice Tugendhat and 7 Justice Nicol which have been very significant. If 8 I could just refer to them --</p> <p>9 Q. Don't worry, Mr Dacre. We know which they are. I think 10 you're in danger of making a legal submission, which 11 others can develop for you in due course.</p> <p>12 Can I move on to a different --</p> <p>13 A. Can I just -- with great respect, you may know it, but 14 I don't think people listening will know and Tugendhat's 15 words I think strike to the very quick of what I believe 16 in. Is that --</p> <p>17 Q. You can come up with one quote, but I think a list of 18 judgments is not necessarily going to assist us greatly 19 because it can be dealt with more economically by 20 written submission. If there's one quote you want to 21 draw to our attention, please do.</p> <p>22 A. "The freedom to live as one chooses is one of the most 23 valuable freedoms, but so is the value to criticise, 24 within the limits of the law, the conduct of other 25 members of society as being socially harmful or wrong.</p> <p style="text-align: center;">Page 13</p>	<p>1 entirely private and do not matter to the wider world is 2 an affront to the very idea of community. A taste for 3 titillation must explain some people's interest in 4 Ryan Giggs' alleged extramarital activities, but for 5 many others, cheap thrills were the last thing in their 6 mind when they rebelled against private injunctions and 7 remote judges. This (inaudible) majority resent public 8 figures who think they can turn publicity on and off. 9 We reserve the right to scrutinise and censure the 10 conduct of people who have grown rich on our wages, or 11 claim authority over our lives. In asserting democratic 12 accountability, we are proclaiming our loyalty to 13 a virtuous principle. Philosophers have developed 14 a concept called the sanction of public opinion. They 15 concluded that popular materiality should not ban 16 infidelity or imprison men for betraying their wives but 17 it could create an incentive to behave responsibly. 18 People tempted to stray might be persuaded to think 19 again by the certainty that their friends and neighbours 20 would think less of them. Perversion in society has 21 been with us for a long time --"</p> <p>22 Et cetera, et cetera. Okay, I think that very well 23 sums up --</p> <p>24 MR JAY: I'm sure what he says chimes with your view of the 25 world in many of its ramifications; is that fair?</p> <p style="text-align: center;">Page 15</p>
<p>1 It is as a result of public discussion and debate that 2 public opinion develops."</p> <p>3 Could I develop that point, because I would like 4 just to read out a few quotes by Tim Luckhurst, the 5 Professor of Journalism at the University of Kent.</p> <p>6 Q. I don't --</p> <p>7 A. It captures beautifully what I think -- and you've asked 8 me the question. It would be helpful if I could just 9 run through them. Is that acceptable?</p> <p>10 Q. I don't know how many there are there, Mr Dacre, and 11 there's a lot of ground to cover.</p> <p>12 A. But --</p> <p>13 Q. It's in danger of turning into a legal submission.</p> <p>14 A. No, this is an article by a professor of journalism and 15 you asked me my questions on privacy. I do think it 16 really does capture it beautifully. I think he refers 17 to the subject, the sanction of public interest, and 18 I do think that's --</p> <p>19 LORD JUSTICE LEVESON: Mr Dacre, if you want to say it, by 20 all means do. However, we will certainly want to get 21 through all we need to get through, and that means that 22 if we can't finish it, then we'll have to come back and 23 find some other time. But please do.</p> <p>24 A. Right, thank you very much.</p> <p>25 "The notion that moral failures such as adultery are</p> <p style="text-align: center;">Page 14</p>	<p>1 A. I think that's fair, yes.</p> <p>2 Q. At the seminar, you said that the PCC has changed the 3 very culture of Fleet Street. You said that four months 4 ago. Is that a view which you still hold, Mr Dacre?</p> <p>5 A. I do.</p> <p>6 Q. You also said:</p> <p>7 "The press is vastly better behaved and disciplined 8 [I'm adding the word "now"] than in the 1970s."</p> <p>9 Again, is that a view which you still hold?</p> <p>10 A. I hold it strongly, yes.</p> <p>11 Q. Were you intending to say that, phone hacking aside, the 12 behaviour of the press is in general acceptable?</p> <p>13 A. Acceptable? No, there's always room for improvements, 14 obviously.</p> <p>15 Q. Of course, there's always room for improvement, but were 16 you intending to say that the behaviour of the press 17 was, in general, acceptable?</p> <p>18 A. I think it's much improved than it was. I think there 19 are areas where we can still improve things, but by and 20 large, as I say, I think they have improved to a much 21 more acceptable level. I don't know what you want me to 22 say here.</p> <p>23 Q. You refer, again in the seminar, to the myth, to use 24 your term, that the PCC is not independent because 25 editors do not, of course, sit in judgment on</p> <p style="text-align: center;">Page 16</p>

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<p>1 themselves. Do you accept that at least there is 2 a public perception of lack of independence because 3 serving editors are on the PCC? 4 A. I think that the critics of self-regulation promote that 5 misconception. As you know, the lay members are 6 a majority. In the many years I sat on the Commission, 7 I found the actual editors much tougher on their fellow 8 editors than the lay majority. 9 Q. Do you accept that there may be something in the related 10 point that given that the jurisprudence of the PCC, to 11 be found in its adjudications on cases, really sets the 12 standards -- there are very few adjudications, as we 13 know -- there may be a tendency for editors not to wish 14 to make adverse adjudications because they're setting 15 standards which may be turned against them subsequently? 16 A. Absolutely I don't accept that, no. 17 Q. Okay. 18 A. Never heard anyone suggest that. 19 Q. You also said at the seminar that the PCC has genuine 20 sanctions in its armoury. You were referring to the 21 publication of adverse adjudications. Were you 22 intending to say that the sanctions available to the PCC 23 at the moment are sufficient? 24 A. I think in dealing with complaints, they are, yes. But, 25 I mean, if you're moving into a standards area, then, as Page 17</p>	<p>1 your view that it's the PCC code which is responsible 2 for that, rather than other factors? 3 A. No, no, no, no. I was trying to say that one of the 4 results of the industry tightening up its code, trying 5 to behave in a more acceptable way, in a more ethical 6 way, was that the Sunday newspapers used to be given 7 great latitude to reveal truly sensational stories which 8 enabled them to create great circulations. They no 9 longer have that latitude for all kinds of reasons: the 10 growth of the privacy law, the growth of, as I say, the 11 code, the tightening up of the code. 12 Some people would argue it's a good thing that those 13 papers no longer break those stories. Other people 14 might say it's a pity that they're dying and the 15 political and serious journalism that went along with 16 those sensational stories is no longer being 17 disseminated by those papers. I wouldn't have had the 18 News of the World in my house, but it did break great, 19 great stories and put a lot of serious political 20 coverage in it, actually. That no longer now is 21 reaching their 3 or 4 million readers. I think that's 22 a pity. 23 Q. You said, as part of your annual report for the year 24 2009/2010, in your capacity as chair of the Editors' 25 Code of Practice Committee, this: Page 19</p>
<p>1 I said in my presentation, I believe the industry, in 2 the light of what's happened over the last two years, 3 needs to possibly think, where there are exceptional 4 examples of malfeasance, to impose tougher sanctions. 5 Q. You said "in the light of what's happened over the last 6 two years". What are you referring to specifically? 7 A. Obviously the revelations about the phone hacking and 8 all those things. 9 Q. "And all those things"? What other things, if any? 10 A. Well, I suppose payments to police and -- I wouldn't go 11 much further than that, actually. 12 Q. Is this right: that your recognition that standards may 13 need to change and the system needs to change is limited 14 to an acceptance that the problem lies in phone hacking 15 and in payments to the police and nothing much he is 16 else? 17 A. No, clearly -- I think you're trying to put words into 18 my mouth. There are broader issues that the industry 19 needs to look at. You know, the problem of paparazzi. 20 That worries me. I think we need to try and look 21 at that. 22 Q. I think you also said at the seminar that the PCC code 23 has blunted Sunday newspapers' ability to secure the 24 kind of sensational stories which were the bread and 25 butter of huge circulations in the past. Is it really Page 18</p>	<p>1 "They will probably never concede the truth ..." 2 The "they" is the reference to the critics of 3 self-regulation. 4 A. Mm. 5 Q. "... which is that the PCC has over the years been 6 a great success story." 7 Does that remain your view? 8 A. Absolutely. 9 Q. If that is right, in the light of what you've also said, 10 why is there the need for any change at all? 11 A. Well, it was you that used the word "perception". 12 I think the code has improved over the years. It's 13 changed, as you know, 40 times in 20 years. I think the 14 PCC, the complaints area, has improved. 15 Self-regulation cannot be above the law. By and 16 large, the scandals that have emerged over the last few 17 years and recently have been to do with issues that were 18 above the law. Hacking phones is illegal. Paying 19 policemen is illegal. I'm not quite sure what 20 a self-regulatory body was meant to do about that. 21 However, the perception is clearly, from the 22 Prime Minister down, that self-regulation has broken and 23 therefore I think we need to address that. 24 Q. I think the thrust of your evidence is that although you 25 don't personally accept that there's a need for change, Page 20</p>

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<p>1 you recognise that there is a political --</p> <p>2 A. No, no, no.</p> <p>3 Q. Is that right?</p> <p>4 A. I accept -- I accept that the PCC, as it was</p> <p>5 constituted, couldn't deal with press standards and</p> <p>6 wasn't dealing with it. I've now accepted that in the</p> <p>7 light of what we've learnt, I think it would be for the</p> <p>8 good of the industry to have another body sitting</p> <p>9 alongside the PCC to deal with standards. I said in my</p> <p>10 presentation I thought this could be run by some kind of</p> <p>11 ombudsman figure, advised by senior retired editors, and</p> <p>12 they should have the power to look into malfeasance,</p> <p>13 abuses of standards, it should have the powers to call</p> <p>14 editors and journalists and impose some kind of</p> <p>15 sanctions.</p> <p>16 Q. Are you prepared to accept that the culture, practice</p> <p>17 and ethics of the press are such that a different system</p> <p>18 is required?</p> <p>19 A. I think I would say that the complainants part of</p> <p>20 self-regulation has been doing a pretty good job and</p> <p>21 should be allowed to continue doing that. I think -- as</p> <p>22 Lord Hunt argued, I repeat: I think there's areas where</p> <p>23 we can improve things by having a standards arm into</p> <p>24 this self-regulatory system.</p> <p>25 Q. I just think in relation to this question, Mr Dacre, is</p> <p style="text-align: center;">Page 21</p>	<p>1 those terms, to the Lord Hunt contractual proposal?</p> <p>2 A. Of course.</p> <p>3 Q. We've heard from Lord Hunt that the devil may be in the</p> <p>4 detail. The detail, of course, at the moment, isn't</p> <p>5 there, is it, Mr Dacre?</p> <p>6 A. No.</p> <p>7 LORD JUSTICE LEVESON: To be fair, I think that was my</p> <p>8 phrase rather than Lord Hunt's.</p> <p>9 MR JAY: I think he accepted it.</p> <p>10 I just want to understand, Mr Dacre, what you are</p> <p>11 prepared to sign up to. Are you prepared to sign up to</p> <p>12 the principle or are you prepared to sign up to the</p> <p>13 reality, whatever might be found in the detail of it?</p> <p>14 A. I really -- I may be missing something but I don't</p> <p>15 understand the drift of this conversation. I think, if</p> <p>16 I may be so immodest, it was me who set some of these</p> <p>17 hares running in my presentation to the Leveson Inquiry.</p> <p>18 It was I who suggested that we needed a new standards</p> <p>19 arm and of course I'd be willing to sign up to it.</p> <p>20 Q. That leads on to the next question, the genesis of the</p> <p>21 Lord Hunt idea. Were you central to putting the</p> <p>22 contract idea out, as it were, and seeking to persuade</p> <p>23 the industry as a whole to sign up to it in any</p> <p>24 manifestation of it?</p> <p>25 A. No. As an individual editor, I put forward my views on</p> <p style="text-align: center;">Page 23</p>
<p>1 the answer "yes" or "no"? Once you've given a "yes" or</p> <p>2 a "no", then qualify it as you see fit. The question</p> <p>3 was: are you prepared to accept that the culture,</p> <p>4 practice and ethics of the press are such that</p> <p>5 a different system is required?</p> <p>6 A. I think a system -- a new system can improve things.</p> <p>7 Q. I'm not sure you are prepared to answer the question</p> <p>8 "yes" or "no" and then develop any broad answer, as you</p> <p>9 see fit.</p> <p>10 A. I don't think I have anything to add to that, really.</p> <p>11 Q. Okay. But I think you probably do accept, if you don't</p> <p>12 tell me, that the public must have reassurance that</p> <p>13 regulatory regimes are fit for purpose. You would</p> <p>14 presumably agree with that?</p> <p>15 A. Of course.</p> <p>16 Q. Does that not include an assessment of any failings in</p> <p>17 the current regime? Because you don't know whether</p> <p>18 something's fit for purpose until you've had a look at</p> <p>19 what may be wrong now. Would you agree with that?</p> <p>20 A. I suppose so. I don't quite know what you're ...</p> <p>21 Q. Okay. Can I ask you, please, about the new regime.</p> <p>22 A. Mm-hm.</p> <p>23 Q. I know you have some ideas you wish to share with us,</p> <p>24 and of course you're going to do so.</p> <p>25 Are you will fully signed up, if I can put it in</p> <p style="text-align: center;">Page 22</p>	<p>1 the way forward.</p> <p>2 Q. But was your view at an early stage -- we know there was</p> <p>3 a meeting on 15 December last year when a significant</p> <p>4 number of editors attended. Did you attend that?</p> <p>5 A. I did.</p> <p>6 Q. Was it your viewpoint at that stage that the contractual</p> <p>7 proposal was the most desirable solution?</p> <p>8 A. I think it's one solution. I don't think it's the only</p> <p>9 solution. I think it's a very attractive idea if it can</p> <p>10 have real teeth and it's robust. I think it's an</p> <p>11 excellent idea. But certainly -- I don't think the</p> <p>12 contractual part of it was ever suggested by me earlier.</p> <p>13 I think that was David Hunt's idea.</p> <p>14 Q. Okay.</p> <p>15 A. And yes, it sounds very interesting.</p> <p>16 Q. Some commentators have suggested -- and therefore I put</p> <p>17 this out as an idea -- that it's only being put forward</p> <p>18 by the press as, really, an attempt to save themselves</p> <p>19 from what would happen otherwise -- or what might happen</p> <p>20 otherwise, pardon me -- namely some sort of statutory</p> <p>21 solution. Is that a fair comment?</p> <p>22 A. Clearly -- it is clearly a determined and robust attempt</p> <p>23 by the industry to put up a proper form of</p> <p>24 self-regulatory structure that locks people into</p> <p>25 self-regulation and somehow avoids statutory regulation,</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 which I believe would be thoroughly, thoroughly 2 undesirable.</p> <p>3 Q. How do you bring in, then, Mr Desmond into this 4 contractual fold?</p> <p>5 A. Now, I have got some suggestions that I'd like to make. 6 Do you want me to move into those now or do you wish me 7 to discuss -- because one of my central suggestions, it 8 does involve what I call the Desmond factor, and it 9 could be anybody. It's how you lock a major player into 10 self-regulation who leaves not once but twice.</p> <p>11 Q. Well, maybe it's the time now to develop your ideas -- 12 A. All right.</p> <p>13 Q. -- for the future. Do you mind if we just take them 14 slightly out of order?</p> <p>15 A. Sure, sure. Can I just find my paperwork, please, 16 because I've been deluged with so much paper over the 17 last few days. Okay, yeah.</p> <p>18 LORD JUSTICE LEVESON: You should have been here for the 19 last three months, Mr Dacre.</p> <p>20 A. My sympathy is with you. Yes, please.</p> <p>21 MR JAY: Let us assume, Mr Dacre, that licensing of 22 journalists may well be unattractive to virtually 23 everybody, including this Inquiry. So how, in 24 a nutshell, in your view, do you lock papers into 25 self-regulation?</p> <p style="text-align: center;">Page 25</p>	<p>1 cost and I guess how much cost the industry would 2 bear -- can bear, because of the parlous state of it -- 3 I genuinely don't know. But look, it's a very welcome, 4 very positive, very constructive suggestion.</p> <p>5 My worry is how much it will lock Desmonds into it. 6 By and large, Mr Desmond -- and this is not Punch and 7 Judy show -- he doesn't produce the kind of 8 journalism -- with the exception of the McCanns, it's 9 more celebrity bland journalism -- that would end up in 10 this court, in this court of arbitration. So I'm not 11 sure how much of an inducement it would be to him --</p> <p>12 LORD JUSTICE LEVESON: It depends whether there was a costs 13 regime associated with going to the law which made it 14 more attractive to go down an arbitral route.</p> <p>15 A. What I'm trying to suggest -- I don't think, with the 16 exception of the McCanns, his papers are involved in 17 cases that do go to law. They don't produce, by and 18 large, that kind of journalism. OK magazine is very 19 bland, slightly sycophantic journalism. I think the 20 point I wish to make --</p> <p>21 MR JAY: I think we're on the point of locking people in. 22 How are we going to do that?</p> <p>23 A. All right. Well, I've just listed two areas where I did 24 have my doubts but I have one suggestion to make -- and 25 I need to stress that I'm not making this on behalf of</p> <p style="text-align: center;">Page 27</p>
<p>1 A. Right, we've discussed the civil -- the contract, which 2 I think is attractive and should be explored and it 3 needs to convince Lord Justice Leveson that it would 4 work and it would be robust and have teeth. I'm turning 5 this a little bit backwards, but I think someone else 6 has proposed this arbitration arm to the new system, the 7 new tri-part system of arbitration. I welcome that. If 8 cheap and quick justices can be -- or decisions can be 9 established in this way and in privacy and defamation 10 cases, clearly everybody, but particularly the newspaper 11 industry, would benefit, because you know we're reeling 12 from the extraordinary costs involved in no win no fee 13 cases.</p> <p>14 I must say, I welcome it, but I have my doubts. 15 I wonder whether it's going to be as cheap as you think 16 it is. I don't know how such a set-up, such a structure 17 would deal with a Mosley. I cannot believe it's not 18 going to need some kind of secretariat. I cannot 19 believe that when big, big players, very wealthy 20 players, come along, they're not going to bring along 21 expensive silks and then the industry is going to have 22 to supply its lawyers, but nevertheless --</p> <p>23 LORD JUSTICE LEVESON: Well, it could be inquisitorial 24 rather than --</p> <p>25 A. Yes, I accept that, but I still think it would involve</p> <p style="text-align: center;">Page 26</p>	<p>1 PressBoF. You know, I'm really not, and I'm not making 2 it on behalf of the NPA or the Editors' Code Committee 3 because this is my own idea, I haven't discussed it with 4 any people -- I say it's my idea; it's an idea that 5 we're been thinking about at Associated.</p> <p>6 As you've said, there have been several calls to 7 your Inquiry for the licensing of journalists. It is 8 clearly unacceptable. However, I do believe there's an 9 opportunity to build on existing haphazard press card 10 system -- there are 17 bodies at the moment providing 11 these cards -- by transforming it into an essential kite 12 mark for ethical and proper journalism. The key would 13 be to make the cards available only -- only -- to 14 members of print news-gathering organisations or 15 magazines who have signed up to the new body and its 16 code.</p> <p>17 The public at large would know the journalists 18 carrying such cards are bona fide operators, committed 19 to a set of standards and a body to whom complaints can 20 be made. Reporters and photographers would use the 21 cards as proof that they are responsible journalists.</p> <p>22 There would, however, be universal agreement that 23 briefings and press conferences by government bodies, 24 local authorities and the police, access to sporting, 25 royal and celebrity events, material from the BBC and</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 ITV, and information from medical and scientific bodies 2 would only, only be given to accredited journalists. It 3 would, after all, be in the interests of those bodies to 4 agree to this, as many of their members make complaints 5 to the PCC. Indeed, such bodies would have -- or 6 shouldn't have access to the new regulator if they dealt 7 with a non-accredited journalist.</p> <p>8 It is my considered view that no publisher could 9 survive if its reporters and writers were barred from 10 such vital areas of journalistic interest. It would be 11 part of the civil contract, if you like, that the 12 ombudsman figure would have the right to recommend that 13 accredited journalists guilty of gross malfeasance have 14 their press cards cancelled, as the GMC strikes off 15 doctors.</p> <p>16 I think the beauty of the system, the attraction of 17 the system, is it will be the newspaper industry 18 registering and disciplining journalists, not the state.</p> <p>19 There would be no threat to freedom of opinion, because 20 non-press card holders would still have the freedom to 21 express their views, and commercial interest would 22 dictate that every publisher signed up to regulation.</p> <p>23 LORD JUSTICE LEVESON: I've been thinking about press cards 24 actually, quite recently, but these 17 bodies, they are 25 presumably commercial organisations?</p> <p style="text-align: center;">Page 29</p>	<p>1 licensing? 2 A. Because it's the industry doing it. 3 Q. You say it would require the universal agreement of 4 a number of bodies, including governments, don't you? 5 A. Mm-hm. 6 Q. So the industry does it, but government would have to 7 agree to it; is that right? 8 A. I think it would be in the governing -- for press 9 briefings of ministries and lobby arrangements, I mean, 10 why shouldn't they subscribe to that? If journalists 11 abuse those systems, then they should have right of 12 redress against those journalists.</p> <p>13 LORD JUSTICE LEVESON: I think that's quite a good question 14 but somebody may say: on what basis is the government, 15 for example, removing my right to attend a briefing? 16 Are they closed briefings or could they be open to 17 anybody? I don't know. I'm asking the question. 18 A. I don't know. To use your phrase, the devil's in the 19 detail, but I do think it's in the interests of both 20 sides -- the news obtainers and the news providers. 21 I mean, bear in mind, a huge amount of material comes to 22 the BBC and ITV companies. Why should they not expect 23 that they have the right to deal with accredited 24 journalists behaving responsibly, and why should 25 journalism not expect them to take their part of the</p> <p style="text-align: center;">Page 31</p>
<p>1 A. I don't absolutely know if any of them are. They 2 include -- the National Union of Journalists distributes 3 a percentage of them. The NPA distributes a percentage 4 of them. I think television bodies have their own press 5 cards. But there are 17 of them. I am suggesting they 6 should come under one umbrella. Whether it's the new 7 management committee of the new regulatory arm or 8 whether it's under the Newspapers Publishers 9 Association, I don't know, but it should be one body 10 issuing them, registering them and they actually mean 11 something.</p> <p>12 If I'm very honest, the existing press cards don't 13 mean much.</p> <p>14 LORD JUSTICE LEVESON: Presumably that needn't just be 15 restricted to print journalism, but could cover digital 16 journalism?</p> <p>17 A. Yes. I haven't thought that through, but in principle, 18 yes. Digital journalism is global, as you know, and 19 already there's considerable evidence that news 20 providers outside Britain enjoy an advantage over our 21 digital journalists because they are, at the moment, 22 observing the code, and so they should be. But yes, 23 those cards could be used by them.</p> <p>24 MR JAY: If there's going to be one umbrella body with these 25 powers of accreditation, how does that differ from</p> <p style="text-align: center;">Page 30</p>	<p>1 contract and not deal with journalists who aren't 2 accredited? After all, they often complain to the PCC, 3 these bodies.</p> <p>4 MR JAY: So a non-accredited journalist, as a private 5 individual, is this right, would be denied access to 6 a sporting event, a government briefing, anything -- any 7 event or --</p> <p>8 LORD JUSTICE LEVESON: He couldn't be deprived access to 9 a sporting event because he could buy a ticket.</p> <p>10 A. No, but he could be deprived access to sporting press 11 conferences, interviews with the managers afterwards 12 that are always provided by these bodies --</p> <p>13 LORD JUSTICE LEVESON: I see.</p> <p>14 MR JAY: So there would be some restrictions which --</p> <p>15 LORD JUSTICE LEVESON: He would be entitled to do what any 16 citizen is entitled to do?</p> <p>17 A. He could go and watch the match, yes.</p> <p>18 LORD JUSTICE LEVESON: And write whatever he wanted for 19 whomsoever he wished to write it?</p> <p>20 A. But he wouldn't have access to the stars after the 21 match, the managers for quotes and things like this, 22 which are given to bona fide journalists.</p> <p>23 MR JAY: Okay. So that's one idea you put forward. You've 24 helped us with arbitration. Can you develop, please, 25 with your thoughts in relation to paparazzi, Mr Dacre?</p> <p style="text-align: center;">Page 32</p>



<p>1 A. Yes. I mean, like a lot of people, I think we've been 2 distressed at some of the evidence we've heard about 3 paparazzi given to this Inquiry. It's the age-old 4 problem, how you define paparazzi. What is the 5 difference between a paparazzi photographer and 6 a genuine freelance photographer, a freelance 7 photographer working for a newspaper? It's a very 8 difficult area to define. The greatest problem, of 9 course, is that the great majority of paparazzi pictures 10 are sold abroad, where there's a vast, vast market for 11 them, I'm afraid. Our streets are free, in theory, 12 therefore, you know, this needs -- it's a very difficult 13 problem and it's now compounded by the fact that 14 everybody with a BlackBerry or a mobile phone becomes 15 a citizen photographer.</p> <p>16 I mean, literally, you can take high quality 17 pictures with your mobile phone and there are lots of -- 18 there are several agencies now online advertising for 19 citizen pictures of showbusiness or celebrity or 20 newsworthy events. So, you know, this is a difficult 21 problem.</p> <p>22 However, I do think it is beholden to the industry 23 to do something about this. I think the Editors' Code 24 could look at this and the Editors' Code book. My own 25 picture editor, although his evidence wasn't read out,</p> <p style="text-align: center;">Page 33</p>	<p>1 Inquiry -- it wouldn't just be an inquiry comprising 2 editors but also lawyers -- to consider what the public 3 interest means?</p> <p>4 A. Yes, that's a suggestion I'd like to make. I think 5 "privacy" is, as Kenneth Clarke(?) told the Select 6 Committee, is impossible to define. I think the public 7 interest is a different matter. I think at the moment 8 it's too loose in the code and I think it would be 9 a worthwhile exercise at least to set up some kind of 10 inquiry -- experts, lawyers, senior editors could take 11 part -- to define what the public interest is and try 12 and codify that in some way.</p> <p>13 It may sound -- the one constituent of British life 14 that hasn't been consulted by this Inquiry is the 15 general public. Maybe it would be useful to take 16 opinion polls of their views of the public interest. 17 But the aim would be to define -- to produce 18 a definition of the public interest which all newspapers 19 in the industry I could subscribe to.</p> <p>20 Q. Thank you. Your last point relates to appointments. 21 A. Yes, it's a -- 22 Q. You're proposing a more independent -- 23 A. I believe so. I believe that at the moment, although an 24 independent assessor is involved, and independent 25 headhunters, PressBoF's appointment of the industry's</p> <p style="text-align: center;">Page 35</p>
<p>1 suggested a list of guidelines that I think we can start 2 examining much more carefully. Was the subject in 3 a public place when the photograph was taken? Was the 4 photographer standing in a public place when the 5 pictures were taken? Was the subject visible to the 6 members --</p> <p>7 Q. I think we did hear --</p> <p>8 A. You had all that, did you? Fine. Well, I think those 9 considerations I think need to be considered by the 10 Code.</p> <p>11 What I would liking to suggest -- most paparazzi use 12 several agencies to sell their papers to newspapers. 13 I believe those agencies should now be encouraged to 14 join the new self-regulatory body and abide by the code. 15 Agencies that do not sign up to regulation should not be 16 used by picture desks. Papers or magazines who use 17 their pictures should, in the event a complaint is 18 upheld, be penalised -- and the PCC's desist notices 19 have been very successful and it may be worth bearing in 20 mind by this Inquiry that better use be made of the 21 harassment law.</p> <p>22 Q. Thank you. There are two further ideas I think you want 23 to share with us. The first relates to privacy. 24 I think you're suggesting there, Mr Dacre, that the 25 Editors' Code Committee should commission its own</p> <p style="text-align: center;">Page 34</p>	<p>1 chairman, because it's so opaque, provokes unnecessary 2 controversy. I'm suggesting that in future, senior 3 appointments to whatever self-regulatory or whatever 4 regulating body should be made by an independent panel, 5 which would include lay and newspaper representatives.</p> <p>6 Q. Have I correctly understood this: that your proposals, 7 at least as regards appointments and arbitration, would 8 be part of the contractual structure which Lord Hunt has 9 outlined?</p> <p>10 A. I think that would make sense, but I stress these are my 11 views. I haven't discussed them with PressBoF, 12 I haven't discussed them with the Editors' Code 13 Committee because there hasn't been the opportunity.</p> <p>14 Q. Thank you. So those are your proposals for the future; 15 is that right?</p> <p>16 A. They are some of my proposals, yes. I mean, I've given 17 this considerable thought over the last week to see how 18 the industry can make a positive contribution to this 19 and I think they're worth some discussion, thought.</p> <p>20 LORD JUSTICE LEVESON: I entirely agree with that, and as 21 I said in relation to your proposals during the course 22 of the seminar, any suggestions that advance the debate 23 are welcome, and it's important that the solution should 24 have the support of your industry. But it has to cope 25 with all the other problems as well.</p> <p style="text-align: center;">Page 36</p>

<p>1 A. Of course.</p> <p>2 LORD JUSTICE LEVESON: As I know you understand.</p> <p>3 A. Of course, of course, yes.</p> <p>4 LORD JUSTICE LEVESON: That's how I left it with Lord Hunt</p> <p>5 and Lord Black. By all means, carry on and we'll see</p> <p>6 where we get to. Of course, I'll also be carrying on.</p> <p>7 A. Absolutely.</p> <p>8 LORD JUSTICE LEVESON: That's all to the advantage of the</p> <p>9 better understanding of what we can do.</p> <p>10 A. I think it would help the industry if they could move to</p> <p>11 some transitional arrangement as quickly as possible, at</p> <p>12 least to show their good intent, but that's up to the</p> <p>13 industry.</p> <p>14 MR JAY: Or, some would say, to avoid the sword of Damocles.</p> <p>15 Would you agree with that?</p> <p>16 A. No, I wouldn't say that, Mr Jay.</p> <p>17 Q. Moving off that topic -- because I know you were very</p> <p>18 concerned to address it not at the end of your evidence.</p> <p>19 I understand you wanted to deal with it slightly</p> <p>20 earlier, but I did have some general questions.</p> <p>21 Can I deal now with the issue of corrections and</p> <p>22 address some general principles. The Daily Mail now has</p> <p>23 a corrections page; is that right? I think that was</p> <p>24 brought in the day before you gave your evidence to the</p> <p>25 seminar. You gave your evidence on 12 October and the</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Yes.</p> <p>2 LORD JUSTICE LEVESON: It's a conjoined decision. I think</p> <p>3 Mr Jay's suggestion is that ultimately shouldn't the PCC</p> <p>4 have the ability to say, "I'm very sorry -- you may want</p> <p>5 to put it there but we think it ought to be there."</p> <p>6 A. I think the director will be representing the PCC in</p> <p>7 those discussions, so I would hope anyway he was</p> <p>8 reflecting their feelings.</p> <p>9 MR JAY: My understanding of the evidence we heard from</p> <p>10 Mr Abell last week was that although the rule has been</p> <p>11 changed such that the location and prominence must be</p> <p>12 agreed with the PCC, the PCC doesn't have the ability to</p> <p>13 dictate exactly where it goes.</p> <p>14 A. It would be a pretty unacceptable moment for a newspaper</p> <p>15 not to agree to that. I haven't sat on the Commission</p> <p>16 for many years. I've certainly heard of no cases of</p> <p>17 that.</p> <p>18 Q. But would you agree with this: that in order to maintain</p> <p>19 public confidence in any regulatory system, there should</p> <p>20 be an express rule which enables the regulator, either</p> <p>21 the PCC or regulator properly so-called, to be able to</p> <p>22 dictate exactly where a correction, apology or</p> <p>23 adjudication should be published and in what prominence?</p> <p>24 A. Well, as I say, I think it exists in a form already,</p> <p>25 with the set-up of the PCC. The Irish Press Council</p> <p style="text-align: center;">Page 39</p>
<p>1 corrections page started on 11 October of last year; is</p> <p>2 that correct?</p> <p>3 A. If you say so, yes.</p> <p>4 Q. You said at the seminar, I quote:</p> <p>5 "I believe corrections must be given more</p> <p>6 prominence."</p> <p>7 What were the underlying reasons for that belief?</p> <p>8 A. I think it was an idea whose time had come. There was</p> <p>9 growing criticism of papers that they buried apologies.</p> <p>10 It's not a criticism I accept. Our policy, by and</p> <p>11 large, was always to carry the correction on the</p> <p>12 page that the article occurred. That was more and more</p> <p>13 becoming the policy of the PCC, where newspapers had to</p> <p>14 agree with the director the placings of adjudications,</p> <p>15 and it seemed to me to have a regular slot in the paper</p> <p>16 where people could see where the mistakes had been made</p> <p>17 had great virtue. It's not a page in the paper; it's</p> <p>18 page 2, as you perhaps know.</p> <p>19 Q. Would you agree that it's a failing in the PCC that it</p> <p>20 is not able to dictate where an apology or adjudication</p> <p>21 should go in a newspaper?</p> <p>22 A. I'll have to come back to the exact wording on that but</p> <p>23 they now have agreed that they have to do it in</p> <p>24 discussion the director of the PCC.</p> <p>25 LORD JUSTICE LEVESON: Yes, that's right.</p> <p style="text-align: center;">Page 38</p>	<p>1 position on this is quite interesting. I think they</p> <p>2 said it must occur on the same page where the mistake</p> <p>3 was made, or, if it was on the front page, it should</p> <p>4 appear on the first four pages. The problem with</p> <p>5 a regulator insisting where it goes -- you're</p> <p>6 undermining the freedom of the editor to edit his paper.</p> <p>7 If, for instance, he said it had to appear on the front</p> <p>8 page, I think that would discriminate against those</p> <p>9 papers at the red top end of the market which, by and</p> <p>10 large, only have one story on their front pages. It's</p> <p>11 easily dealt with by broadsheets who have plenty of</p> <p>12 stories on their front page.</p> <p>13 Q. Maybe, Mr Dacre, but it may be said that this is really</p> <p>14 a litmus test paper issue, that it's because the PCC</p> <p>15 cannot dictate, that the editors are given too much</p> <p>16 discretion and they tend to come up with the arguments</p> <p>17 you've just advanced, that under a regulatory system</p> <p>18 with teeth, the PCC would be able to say, "Like it or</p> <p>19 not, you must publish it in a certain way", and that is</p> <p>20 likely to be a greater punishment for the very reasons</p> <p>21 you're suggesting, that if a red top doesn't have much</p> <p>22 room on the front page, it's all the more painful to</p> <p>23 force a red top to do it on the front page?</p> <p>24 A. No, I was trying to explain to you that -- you know,</p> <p>25 that it's very easy for a broadsheet to accommodate such</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 an apology, and it's -- but look, there's no rough --  2 there's no absolute ruling here. I don't rule out the  3 existing PCC -- and it may indeed have done it, insist  4 that the apologies be on the front pages. If an  5 egregious error is made, that may be correct. I'm not  6 arguing the toss with you on that.</p> <p>7 Q. So if there were to be a rule which would, in express  8 terms, empower the PCC or successor regulatory body to  9 be able to insist exactly where the apology or  10 correction went, you wouldn't resist that; is that  11 right?</p> <p>12 A. Well, I'm saying as far as I can see, it virtually  13 exists at the moment, because the director, representing  14 the views of the Press Complaints Commissioners, has the  15 right to insist where something goes with the paper. If  16 the paper refuses to do that, that would be seen as  17 a very serious position to take and would be viewed  18 very, very dimly, I would have thought, by the  19 Commission.</p> <p>20 Q. Was there a policy in the Daily Mail to bury apologies  21 in its online edition?</p> <p>22 A. I'm utterly unaware of that. I've never heard that.  23 The beauty of the Mail Online is that it doesn't have to  24 carry many apologies because it corrects things  25 instantly. It gets the complaint and changes it</p> <p style="text-align: center;">Page 41</p>	<p>1 print -- if the mistake was made in the print version,  2 the apology will occur in the printed version of the  3 Daily Mail.</p> <p>4 Q. Okay.</p> <p>5 A. I mean, I can't -- where has that suggestion come from?</p> <p>6 Q. Well, it's not for me to answer that, Mr Dacre.</p> <p>7 A. Well, but nevertheless, you are making quite a serious  8 accusation. It would be quite interesting for me to  9 know where it came from.</p> <p>10 Q. It has been suggested to me by a number of people, but  11 we hear what you --</p> <p>12 A. But anybody can make suggestions and then smear a paper  13 in this way. I give you my assurance that every  14 correction or complaint or adjudication we carry  15 regarding the print version of the Daily Mail appears in  16 the Daily Mail.</p> <p>17 Q. Thank you. Can we deal with PCC complaints and  18 adjudications. Is it the Daily Mail's policy to avoid  19 adjudications at all costs?</p> <p>20 A. No. I mean, if we think we've got something wrong, we  21 take it on the chin.</p> <p>22 Q. I think I can be more precise. Do you, as some other  23 newspapers might also do, play the system to this  24 extent: that you wear down complainants and see perhaps  25 the least you can get away with by publishing an</p> <p style="text-align: center;">Page 43</p>
<p>1 immediately, either drops the article, carries  2 a correction -- instantly.</p> <p>3 MR CAPLAN: Can I just interrupt to say one thing in  4 relation to the PCC. I do apologise. Our understanding  5 is that although the Press Complaints Commission cannot  6 say where an apology goes, it can say that it has not  7 been given due prominence and find a second breach if  8 the publication is not given due prominence.</p> <p>9 LORD JUSTICE LEVESON: That's right, but it can't say where  10 it goes. Mr Dacre's point about there only being one  11 big story on some of the newspapers' front page may be  12 dealt with by the argument that if the story was the one  13 story on the front page, there is an argument that if  14 it's appropriate -- and one has to expect everybody's  15 going to exercise power responsibly -- then they should  16 be able to direct the same. But I recognise that lack  17 of due prominence can give rise to another complaint.</p> <p>18 MR CAPLAN: Yes, thank you.</p> <p>19 MR JAY: Just so that my last question, Mr Dacre, was clear,  20 I'm not talking about the online edition's policy in  21 relation to apologies and corrections; I was addressing  22 the Daily Mail's policy. Was it the Daily Mail's policy  23 to bury apologies which relate to the Daily Mail in the  24 online edition of the paper?</p> <p>25 A. You can't do that. It obviously has to appear in the</p> <p style="text-align: center;">Page 42</p>	<p>1 apology, a correction or a clarification, rather than  2 face the risk of an adverse adjudication? Is that your  3 strategy?</p> <p>4 A. I don't know what you're trying to say. If someone  5 makes a complaint to the PCC, they investigate it, they  6 decide whether it goes for adjudication and a decision  7 is made, and then we will carry that ruling against us  8 in the paper and the reasons why the PCC found against  9 us.</p> <p>10 Q. But you know well, Mr Dacre, that there's an earlier  11 stage, that if the PCC decides to investigate, there's  12 then a mediation between the newspaper and the  13 complainant, and attempts made --</p> <p>14 A. That's a very valuable role they play, yes.</p> <p>15 Q. -- an attempt made to reach an accommodation between the  16 two. Of course, it may be in the Daily Mail's interest  17 to avoid adverse adjudications, but do you have  18 a strategy whereby you seek to achieve that by wearing  19 complainants down and --</p> <p>20 A. Clearly, we try to avoid it going to adjudication, but  21 where we reach an agreement with both sides on how to  22 solve the problem. If that is a correction placed in  23 the paper on a certain page and the other side is happy  24 with that, then clearly we proceed with that  25 (inaudible). I mean, it would be sensible.</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 Q. Do you then is help what Mr Davies says at page 367 of 2 his book, Flat Earth News: 3 "With most of the successful complaints [he's 4 referring now not to adjudications but to rulings] the 5 Mail resolved the problem by publishing a clarification, 6 usually with far less prominence than the original 7 story." 8 Is that -- 9 A. Yes, but that clarification -- the placing of it would 10 have to have been agreed with the PCC when we were 11 reaching agreement with the other side. That would be 12 part of the agreement. 13 Q. But that agreement was reached at a point where the 14 other side -- it might be said by some -- had been worn 15 down by a war of attrition. 16 A. Not at all. They're liaising with the PCC, a case 17 officer. They say, "Look, the newspaper got this wrong 18 about me." The PCC goes on to the newspaper and says, 19 "Look, a member of the public is saying you got this 20 wrong. Will you put it right?" The newspaper says, 21 "Yes, we'll put it right. We can put it right on this 22 page. We can carry an agreed form of wording." The 23 newspaper carries -- the PCC gets back to the 24 complainant. They say, "Yes, I'm happy with that", and 25 it goes ahead. I don't know quite what you're trying to Page 45</p>	<p>1 it. 2 Q. Can I try and help you or lead you to this extent? The 3 Inquiry received evidence from Mr Peter Wright, the Mail 4 on Sunday editor, and he said that he was aware of 5 Operation Motorman at the beginning of 2004, in view of 6 the Bob Crow story, which of course was published in the 7 Mail on Sunday and not the Daily Mail, which 8 I understand, because the name of the person riding the 9 scooter, who in fact was Mr Crow's PA, was obtained 10 through Mr Whittamore. Mr Whittamore did a check on the 11 registration mark of the scooter and then got the 12 gentleman's name. Do you follow me? 13 A. (Nods) 14 Q. Were you aware of Operation Motorman as a result of that 15 particular issue? 16 A. I suppose I must have been, yes. I don't recall it 17 exactly, but I must have been aware. 18 Q. Yes, because the -- I think the journalist involved was 19 interviewed and it was going to be part of 20 Operation Glade, if not Operation Motorman. 21 Operation Glade was the Metropolitan Police operation 22 into this rather than the Information Commissioner's -- 23 A. This was a Mail on Sunday journalist? 24 Q. Yes, it was. So you were aware of it from that route, 25 as it were. Were you aware that in February 2004, the Page 47</p>
<p>1 say. 2 Q. I think your evidence is you strongly repudiate that 3 suggestion? 4 A. I think I do, yes. 5 Q. May I move on to Operation Motorman. I think the 6 starting point for this is paragraph 43 of your witness 7 statement, the last sentence. This is our page 21819. 8 You say this: 9 "Until the Information Commissioner's 2006 reports, 10 I was not personally aware of the extent that our 11 journalists were using search agencies." 12 By using the term "extent", were you intending to 13 accept there that you were aware that the Daily Mail was 14 at least using these search agencies? 15 A. Yes. 16 Q. But you weren't aware of the scale of the problem -- 17 A. The numbers. The numbers I wasn't aware of. 18 Q. Were you aware before 2006 that the Daily Mail had been 19 using Mr Whittamore? 20 A. Yes. 21 Q. When were you first aware of that? 22 A. I don't know. We're talking about many, many years ago, 23 and a system that was used by all the media, insurance 24 companies, law firms, everybody. I suspect -- I suspect 25 some time about 2004/2005-ish I think I became aware of Page 46</p>	<p>1 managing editor of the Mail on Sunday sent an 2 instruction that Mr Whittamore was only to be used in 3 very limited and circumscribed circumstances? 4 A. I honestly don't recall, but I may have been told. But 5 you're talking six, eight years ago. 6 Q. I appreciate that, Mr Dacre, but the question is whether 7 you, in the Daily Mail, responded in the same way or 8 not. 9 A. From 2005, after the trial in which the -- I recall, and 10 have now checked on the files, we sent a series of 11 emails and letters to staff asking them to observe the 12 Code Committee's guidance note on the Data Protection 13 Act. We wrote to Mr Whittamore and said that -- could 14 he give us an assurance he was acting within the law. 15 As I say, we sent several emails and letters to our 16 staff during that period, yes. 17 Q. Is this the period 2004/2005? 18 A. I think it's 2005 -- the trial ended in 2005; is that 19 correct? 20 Q. April 2005, that's right. 21 A. Yes, yes. From then to -- the next 18 months, yes, or 22 so. 23 Q. Do you know when the Daily Mail stopped using 24 Mr Whittamore as opposed to the Mail on Sunday 25 stopped -- Page 48</p>

12 (Pages 45 to 48)

<p>1 A. I don't know exactly because the actual bills being paid 2 don't necessarily refer to the time when we stopped 3 using him. But you know in 2007 we brought the shutters 4 down and banned absolutely the use of all these -- of 5 Whittamore enquiry agencies.</p> <p>6 Q. It might be said by some -- or indeed by many -- that 7 looking at the position in 2004/2005, you really should 8 have conducted an inquiry in the Daily Mail to ascertain 9 the extent to which Mr Whittamore's services were being 10 used?</p> <p>11 A. I don't think that's fair because everybody -- 12 everybody, every newspaper -- and I see the BBC spent 13 nearly as much on enquiry agents as we did -- was using 14 him. We didn't realise they were illegal. There was 15 a very hazy understanding of how the Data Protection Act 16 worked and this was seen as a very quick way of 17 obtaining phone numbers and addresses to corroborate 18 stories.</p> <p>19 Q. Regardless of what other bodies might have been doing 20 with search agencies, we're talking about what the 21 Daily Mail was doing with Mr Whittamore, who, after all, 22 had had his collar --</p> <p>23 A. Well, I mean -- no, but I mean all newspapers were 24 using -- virtually all newspapers were using Whittamore.</p> <p>25 Q. Are you saying that that would be a reason for the</p> <p style="text-align: center;">Page 49</p>	<p>1 question and he gave us an assurance that he was 2 behaving within the law.</p> <p>3 Q. You say that you didn't believe that Mr Whittamore was 4 acting illegally. Of course, that was in 5 contra-distinction, really, to the position of the ICO 6 and the police, who did believe that he was --</p> <p>7 A. I think the ICO kept saying he had no evidence that 8 journalists were behaving illegally. Repeatedly I think 9 he said that.</p> <p>10 Q. He didn't quite say that, Mr Dacre. He said he wasn't 11 prepared to give you the evidence, but his position was 12 not --</p> <p>13 A. No, no, this was much later, much later. He felt he 14 couldn't give us the evidence when we asked for it 15 because he said that in itself would have been an 16 offence of the Data Protection Act.</p> <p>17 Q. On what basis did you come to the conclusion that your 18 journalists were not or probably not acting illegally?</p> <p>19 A. I've tried to explain -- if I could put this in context. 20 For years, newspapers had vast shelves full of 21 directories, phonebooks. Some of them -- most of 22 them -- all of them had reverse telephone books to get 23 addresses, but it was a laborious process. If you 24 wanted birth and deaths, you would have to go to 25 Somerset House. It would take days. If you wanted to</p> <p style="text-align: center;">Page 51</p>
<p>1 Daily Mail not carrying out a proper investigation into 2 the extent of the possible illegality, Mr Dacre?</p> <p>3 A. Well, it's very difficult to say that. The story of 4 Operation Motorman barely registered on the 5 consciousness. I don't think it made much in the 6 papers. One was aware of it, I suspect, that the man 7 had been given a conditional discharge. All newspapers 8 were still using this agency. I repeat: we thought it 9 was -- we believed and the journalists believed that it 10 was to get phone numbers quickly. I'm not sure an 11 investigation at that stage was warranted.</p> <p>12 Q. Regardless of how quick and efficient this might have 13 been as a means of obtaining information, the concern, 14 of course, is that this mode of information-gathering 15 was illegal. Didn't that cause you greater concern, 16 Mr Dacre?</p> <p>17 A. We didn't believe it was illegal. Our journalists were 18 asking for information and I'm not sure that the 19 implications of the Data Protection Act were understood 20 at that stage.</p> <p>21 Q. But didn't you, at the very least, obtain some advice 22 about it?</p> <p>23 A. I've said yes, from 2005 on, the Editors' Code Committee 24 issued a guidance note, we repeatedly communicated that 25 to our staff and we wrote to the enquiry agency in</p> <p style="text-align: center;">Page 50</p>	<p>1 get up the Electoral Register, that was a long and 2 laborious process.</p> <p>3 Somewhere in the early part of the new century, the 4 technology provided for these things to go on CD Roms. 5 Journalists thought they were getting the same kind of 6 information much, much quicker and much more 7 efficiently.</p> <p>8 Q. Did you carry out any enquiries to ascertain whether 9 that was the belief of your journalists, rather than 10 speculate, as you've done, and give us evidence as what 11 you hope might have been the position?</p> <p>12 A. I think at some stage -- I may have to come back to you 13 on this because I can't recall it, whether it was '5 or 14 '6. I think a managing editor had conversations -- held 15 conversations with a lot of journalists and heads of 16 departments and said, "Look, do you know -- what do you 17 believe you were doing here?" They said they were only 18 getting phone numbers and addresses and they didn't seem 19 to think they were behaving illegally.</p> <p>20 Q. I don't think you give any of that evidence in your 21 witness statement or schedule 1 to your witness 22 statement, do you, Mr Dacre?</p> <p>23 A. I don't know, Mr Jay.</p> <p>24 Q. When you got the second report through from the 25 Information Commissioner and saw that the Daily Mail was</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 top of the league, with 958 transactions which were                  2 positively identified as illegal, involving 58                  3 journalists, what was your reaction to that?                  4 A. Well, obviously it brought things home to me. I would                  5 point out that when we subsequently got to look at the                  6 files, there was a lot of double counting in there.                  7 I would point out that other titles had almost as many                  8 complaints. I would point out proportionally the                  9 Observer, as many as us, coming out one day a week.                  10 Look, everybody was using them. Law firms use them                  11 even now. Local authorities use them. Insurance                  12 companies use them. We were trying to get addresses and                  13 phone numbers to corroborate news stories, to check the                  14 facts.                  15 Q. How do you know that you were trying to get addresses                  16 and phone numbers to corroborate news stories?                  17 A. Because that was the main use to which they were put.                  18 Q. How do you know that, Mr Dacre?                  19 A. Because I, at the time, talked to my managing editors.                  20 Q. Because we know from the material -- and we've seen                  21 some, not all, of the underlying material -- that there                  22 were requests made by Associated titles for police                  23 national computer checks and friend and family numbers.                  24 Those couldn't reasonably have anything to do with                  25 checking out news stories, could they?</p> <p style="text-align: center;">Page 53</p>	<p>1 A. I would say that that information could all be obtained                  2 legally, but it would take time. This was a quick and                  3 easy way to get that information.                  4 Q. Yes, but that would tend to suggest that it was illegal,                  5 because --                  6 A. No, not at all. Time --                  7 Q. -- very often legal routes --                  8 A. Time -- time is everything in journalism.                  9 Q. Often illegal routes are quick, easy, but also,                  10 I'm afraid, expensive, as we know this one was, £500 for                  11 ten friends and family numbers. On the face of it, it                  12 looks as if your titles, or one of them -- I think it                  13 was Femail actually in this case -- was seeking to                  14 obtain those numbers in order to snoop around the target                  15 to see who might be of interest to the Mail?                  16 A. Those are pejorative words. They were to find                  17 information or check facts, as we heard about.                  18 Q. You don't have the first clue, do you, in the particular                  19 example? I think you're know the one I'm referring to,                  20 do you, Mr Dacre?                  21 A. I really don't know what you're talking about, no.                  22 LORD JUSTICE LEVESON: I think you might have the chance to                  23 find out which example, but I'd like to cut through                  24 a lot of this, if I can, and ask this: I don't know                  25 whether you've seen the information that the core</p> <p style="text-align: center;">Page 55</p>
<p>1 A. Of course, yes. You need to get to the people in                  2 a family to check a story, and also we don't know                  3 whether the reporter asked friends and families. We                  4 established that often Mr Whittamore supplied                  5 information that wasn't necessarily asked for.                  6 Q. In one case -- it is quite a stark case -- the request                  7 was made for friends and family numbers and there were                  8 ten phone numbers and that cost £500, and an Associated                  9 title paid £500 for it. That couldn't have been an                  10 unsolicited request, could it? Do you know the one                  11 we're talking about?                  12 A. I don't know.                  13 Q. Is it your evidence that the reason for the request for                  14 friends and family numbers was in order to contact any                  15 one of those individuals in order to corroborate stories                  16 rather than to find out who the friends and family were                  17 of someone who was of interest to the Mail? Do you see                  18 that?                  19 A. If they were of interest and they were involved in                  20 a major story, and you needed to get to them or                  21 information about them, yes, you would try to talk to                  22 them or members of their family.                  23 Q. Is it your position that that is within the Data                  24 Protection Act; in other words, not in breach of                  25 Section 55? Request for friends and family numbers?</p> <p style="text-align: center;">Page 54</p>	<p>1 participants have seen, including leading counsel acting                  2 for Associated, but it seems to me that it is extremely                  3 difficult to justify some of the requests that were                  4 made. I'm not saying you knew about them, but my                  5 question is: do you admit the possibility that at least                  6 some of these enquiries could not be justified by the                  7 type of explanation that you have given? I'm not                  8 concerned to ask how many or who because that's a detail                  9 which, for the purposes of my Inquiry, I don't believe                  10 I need to go to, but I would be keen to know whether, as                  11 a broad proposition, you are prepared to accept that                  12 possibility.                  13 Now, what I think we'll do is I think we'll take                  14 a break, because we need a break to give the shorthand                  15 writer a few minutes off, and I would have no difficulty                  16 at all about your discussing that question with                  17 Mr Caplan, if you wish to.                  18 I'm not trying to label your newspaper at all. I'm                  19 simply trying to get the overall picture so that I can                  20 move on, because I don't want to spend more time on what                  21 is a very long time ago than is absolutely necessary.                  22 I'm sure you'll understand that.                  23 I hope that doesn't cause embarrassment to you or to                  24 Mr Caplan. Thank you.                  25 (3.38 pm)</p> <p style="text-align: center;">Page 56</p>

<p>1 (A short break)</p> <p>2 (3.54 pm)</p> <p>3 MR JAY: Mr Dacre, over the short break, have you been able</p> <p>4 to ponder an answer to Lord Justice Leveson's question?</p> <p>5 A. I'll do my best. I don't want to bore you, but I do</p> <p>6 want to stress that this was ten years ago and it was</p> <p>7 a system being used by everybody. But from what we know</p> <p>8 now, I would accept there was a prima facie case that</p> <p>9 Whittamore could have been acting illegally. I don't</p> <p>10 accept that this is evidence that our journalists were</p> <p>11 actively behaving illegally. We have to know the facts,</p> <p>12 whether there was a public interest. We don't know what</p> <p>13 the journalists asked for, we don't know what it related</p> <p>14 to and whether it actually was provided, whether the</p> <p>15 information was actually provided.</p> <p>16 Q. You accept, therefore, a prima facie case; is that</p> <p>17 right, Mr Dacre?</p> <p>18 A. That Mr Whittamore may have been behaving illegally,</p> <p>19 yes, from what we know now.</p> <p>20 Q. But you accept that you didn't carry out an</p> <p>21 investigation in 2006 or earlier to ascertain the facts,</p> <p>22 don't you?</p> <p>23 A. Because, as I say, we didn't know then what we now know.</p> <p>24 Q. But what was set out in the Information Commissioner's</p> <p>25 second report was quite clear, wasn't it, in relation to</p> <p style="text-align: center;">Page 57</p>	<p>1 erased --</p> <p>2 A. No, as I said, when we looked at the books eventually,</p> <p>3 we found a lot of double counting. But anyway, go on,</p> <p>4 sorry.</p> <p>5 Q. Have you conducted any Inquiry to ascertain whether</p> <p>6 those data are still on your system?</p> <p>7 A. I don't think the data is on the systems, no. I didn't</p> <p>8 look into it but I'm sure it's not. I think we have</p> <p>9 references to bills and that's all. In fact, I'm sure</p> <p>10 that's all.</p> <p>11 Q. The information must have been given through</p> <p>12 Mr Whittamore to Associated's journalists. Associated's</p> <p>13 journalists -- just wait --</p> <p>14 A. I'm so sorry.</p> <p>15 Q. They must have put it somewhere. They must have filed</p> <p>16 it. It was provided, presumably, by telephone in</p> <p>17 virtually every case. They must have kept a note of it.</p> <p>18 Are those data still on your system?</p> <p>19 A. I think that's a misunderstanding how it works. It</p> <p>20 would have been given to the individual journalist.</p> <p>21 Q. That's right. That's what I said.</p> <p>22 A. Yeah, but with a telephone phone call, he would have</p> <p>23 made a note on his notebook possibly. I don't know, but</p> <p>24 it wouldn't have gone into our computer system I don't</p> <p>25 think.</p> <p style="text-align: center;">Page 59</p>
<p>1 the Daily Mail: 958 transactions --</p> <p>2 A. As you keep saying, and I'm pointing out the BBC paid</p> <p>3 nearly as much as we did on such enquiries, and what</p> <p>4 I want to stress is I immediately acted with huge</p> <p>5 willpower and vigour to stamp out and change all this.</p> <p>6 We did so more than any other paper. Goodness knows</p> <p>7 I don't know what more I could have done. I banned the</p> <p>8 use of these agents. I wrote the Data Protection Act</p> <p>9 into our journalists' contracts. I held seminars on the</p> <p>10 subject. And I'm glad to note that the</p> <p>11 Information Commissioner accepts now that the Daily Mail</p> <p>12 and Associated Newspapers titles no longer use these</p> <p>13 agents.</p> <p>14 Q. Given that you did not investigate at the time, you're</p> <p>15 not in a position to say whether a public interest</p> <p>16 defence would have operated in any individual case, are</p> <p>17 you?</p> <p>18 A. I'm not, but equally I -- no.</p> <p>19 Q. No. Is Mr Whittamore's data, or rather data obtained as</p> <p>20 a result of his activities, still on the Daily Mail's</p> <p>21 systems?</p> <p>22 A. Can you explain that? I'm sorry.</p> <p>23 Q. Well, Mr Whittamore provided Associated with a vast</p> <p>24 array of data. We know from the report 958 transactions</p> <p>25 had been positively identified. Have those data been</p> <p style="text-align: center;">Page 58</p>	<p>1 Q. No, not necessarily your computer systems. I said</p> <p>2 "systems" more widely, by which I include filing</p> <p>3 systems.</p> <p>4 A. No, because this would have been individual journalists</p> <p>5 rushing to a story, needing to ascertain how to get in</p> <p>6 touch with people, and it would have been given over the</p> <p>7 phone presumably by Whittamore to that journalist.</p> <p>8 Q. The information must have been stored somewhere and</p> <p>9 retained; would you accept --</p> <p>10 A. No, not necessarily, it wouldn't.</p> <p>11 Q. How do you know?</p> <p>12 A. Well, let me enquire and come back to you, but I don't</p> <p>13 think so. I think it's a misunderstanding of how</p> <p>14 journalism works. They're rushing to a story, they are</p> <p>15 in a car, they phone the news desk and the news desk</p> <p>16 tells them what they know. The journalist then possibly</p> <p>17 contacts Whittamore, he gets the phone numbers and</p> <p>18 that's how it happens.</p> <p>19 Q. The point is being made to me by others, and therefore</p> <p>20 I'm advancing it, that it can't be said that this is</p> <p>21 prehistoric because it could still well be the case that</p> <p>22 these data, prima facie illegally obtained, are still</p> <p>23 somewhere in Associated's offices, because you've made</p> <p>24 no steps to erase them or destroy them. Is that fair or</p> <p>25 not?</p> <p style="text-align: center;">Page 60</p>

<p>1 A. I can't say any more than I've said. I don't think it 2 was necessarily recorded or filed.</p> <p>3 Q. It must have been written down. It's not something -- 4 A. Why? It's just a few phone numbers or an address or 5 a name.</p> <p>6 Q. But an address or a registration mark or -- 7 A. Yes, the reporter would have written it down and --</p> <p>8 Q. Common sense would dictate you would have to write it 9 down unless you had a photographic memory. Wouldn't you 10 accept that?</p> <p>11 A. Yes, but in the reporter's notebook.</p> <p>12 Q. Which might still in Associated's offices? 13 A. Funnily enough, it's so long ago that most of the people 14 involved have actually left the paper, are working 15 elsewhere or emigrated.</p> <p>16 Q. In 2009, the Information Commissioner made a public 17 statement both to the Select Committee and to the 18 Society of Editors conference that he would provide 19 relevant information on request to editors. Why did 20 Associated wait until July 2011 to ask for it?</p> <p>21 A. I've looked at that. I think I, in common with the rest 22 of the industry, weren't aware that he'd made that 23 offer. As I say, at a previous Select Committee 24 hearing, one of my senior managing editors had actually 25 asked for the access to Whittamore's books. At that</p> <p style="text-align: center;">Page 61</p>	<p>1 is -- it relates to some evidence we heard quite 2 recently on, I think, Thursday afternoon. It's the 3 Baroness Hollins evidence. It's under tab 37, please, 4 of the bundle, and a piece in the Daily Mail dated 5 12 November 2005. The reason why it's appropriate to 6 ask you this is that her evidence was that the 7 Daily Mail was, as it were, the worst offender. Have 8 you seen that evidence, Mr Dacre?</p> <p>9 A. I -- yes, I have.</p> <p>10 Q. Do you have the piece to hand? It's a piece by Lucie 11 Morris --</p> <p>12 A. I have got the piece to hand, yes.</p> <p>13 Q. Thank you. The headline is "Abigail, the brother who 14 dotes on her and the riddle of another random brutal 15 attack".</p> <p>16 She made two complaints about this. The first 17 complaint relates to identifying the brother by name and 18 by stating -- which was the case and is the case -- that 19 he was born with learning difficulties. Why did the 20 Daily Mail print that information?</p> <p>21 A. Can I say as strongly as I can that this, I believe, 22 shows how the Inquiry doesn't understand how newspapers 23 work. To my mind, this is a story and a feature handled 24 with superb sensitivity. I've been through it. I think 25 it's written with massive compassion. I think the</p> <p style="text-align: center;">Page 63</p>
<p>1 meeting, as you know, the then Information Commissioner, 2 Richard Thomas, said he couldn't do that because that 3 would be an offence itself under the Data Protection 4 Act.</p> <p>5 I gather this offer was made by the next 6 Information Commissioner. It wasn't picked up by us. 7 We'd been asking, as I said, over the years. 8 Subsequently, at a Society of Editors informal lunch, 9 that offer was again made by the new Information 10 Commissioner and at that stage we took it up.</p> <p>11 Q. Is it really your position -- does it amount to this: 12 that given that the Daily Mail were acting in good 13 company with everybody else who was also acting in 14 breach of the Data Protection Act, there was no need for 15 the Daily Mail or any of Associated titles to do much 16 about this?</p> <p>17 A. No, it's not my position, but when you knew that every 18 other paper was doing it, I suppose one dropped one's 19 guard slightly. All I'm trying to tell you is when 20 I did know the extent of it, I moved decisively and 21 ruthlessly to stamp it out. Other newspapers didn't, 22 and we did.</p> <p>23 Q. And that was in 2007, wasn't it? 24 A. Precisely.</p> <p>25 Q. Okay. May I move on to another topic, please, and that</p> <p style="text-align: center;">Page 62</p>	<p>1 family come out of it wonderfully. The love between the 2 brother and sister is extraordinary. The religious 3 faith of the family comes across. The learning 4 disability -- the mother and the son wrote a book about 5 that, on how to handle court cases for people with 6 learning disabilities. I think that's a wonderful 7 message to get out to the public. I think that was an 8 extraordinary story. A girl stabbed, paralysed, having 9 a baby. We then learn that her brother was stabbed in 10 similar circumstances years ago. An open court 11 discussed that case. It was reported by the local 12 papers. That's how our journalists knew about it. 13 I repeat: I think this story was handled with massive 14 sensitivity.</p> <p>15 Q. I don't think Baroness Hollins' complaint related to the 16 lack of sensitivity or compassion. It related to the 17 identification of her brother and as well the attempt to 18 link this attack, namely on her daughter, with the 19 attack on the brother when there was no need --</p> <p>20 A. I think the police initially discussed that possibility 21 with the family. Both stabbed in mysterious 22 circumstances. It's not an absurd suggestion.</p> <p>23 As to the identifying the brother, I'm afraid we 24 have an open court system. His name would have been 25 revealed in court. If anybody had wanted to take</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



<p>1 revenge on him, they knew who he was.                  2 Q. That may be right, Mr Dacre, but we see a photograph of                  3 the brother on the next page. We see his name. Why was                  4 that information in the public interest to print?                  5 A. Because it had already appeared in a court case, and                  6 it's an extraordinary story. It's a moving story. It                  7 tells you volumes about the experience of people with                  8 learning disabilities and the problems they face in                  9 court. The story also revealed that his attacker was                  10 out of his mind on drugs, an interesting point the                  11 public should know about, and those who demand the                  12 decriminalisation of drugs should consider.                  13 Q. I'm not sure you were making that point in this article,                  14 were you?                  15 A. I think it's part of it, yes.                  16 Q. But the attempt --                  17 A. I think it's a very --                  18 Q. The attempt to link the two attacks, when you referred                  19 to the "riddle" of another random brutal attack --                  20 I mean, the attacks were entirely disassociated, weren't                  21 they? They were tragic coincidences. One occurred one                  22 year, the other occurred several years later. There's                  23 no nexus between the two.                  24 A. I think most reasonable people, members of the public,                  25 would say, "What an extraordinary coincidence." It</p> <p style="text-align: center;">Page 65</p>	<p>1 Health Media Awards.                  2 "The awards organiser told the journalist she'd been                  3 dominated by one of the great and the good and described                  4 the article as the most uplifting piece about recovery                  5 from mental illness he had ever read."                  6 LORD JUSTICE LEVESON: It's very interesting, though, isn't                  7 it, Mr Dacre, that a president of the Royal College of                  8 Psychiatrists, professional lady, who has gone through                  9 all this and who has been prepared to provide                  10 information as you've just described, should feel so                  11 strongly about an article which you applaud?                  12 A. I do, actually, yes. I'm sorry.                  13 LORD JUSTICE LEVESON: But there is an interesting                  14 inconsistency, isn't there? I'm not saying who is right                  15 or who is wrong but there is a lady who has been through                  16 all this, who feels victimised by this. I mean, you                  17 doubtless heard her evidence or have seen it.                  18 A. I did.                  19 LORD JUSTICE LEVESON: And yet you feel very strongly that                  20 there is absolutely nothing wrong with it at all, and on                  21 the contrary --                  22 A. If it clearly distressed her, Baroness Hollins, then                  23 I hear that, but I am saying I cannot understand how                  24 this piece could have been written more sympathetically.                  25 I don't think it intrudes into their grief because</p> <p style="text-align: center;">Page 67</p>
<p>1 raises questions about policing. It raises questions                  2 about what kind of people commit these attacks, and                  3 indeed it emerged later that the man who attacked her,                  4 or committed suicide and was presumed to have attacked                  5 Abigail, was another huge drug user.                  6 I refer to the piece -- it said:                  7 "It did cross their minds in those first few hours                  8 that perhaps Abigail had been the victim of some kind of                  9 revenge attack by associates of the man who were jailed                  10 for Nigel's attack. The police asked them about every                  11 possible enemy the family may have had and the link was                  12 explored by detectives."                  13 Q. So I think your position is that Baroness Hollins is                  14 being oversensitive by being critical of this article;                  15 is that right?                  16 A. I don't know the circumstances of Baroness Hollins, but                  17 I would like to point out that two years later she gave                  18 an exclusive interview to our health pages. It's                  19 headlined "Abigail's journey":                  20 "Two years after Abigail Witchalls was paralysed by                  21 a deranged attacker, her psychiatrist mother describes                  22 her amazing recovery and surprisingly insists we must                  23 not toughen our mental health laws."                  24 That article was exclusive to our good health pages                  25 and it subsequently received an award from the Mental</p> <p style="text-align: center;">Page 66</p>	<p>1 subsequently she wrote very, very fully about it.                  2 I think it's in the public interest to know about this                  3 story. We need to write about crime as journalists, so                  4 the public can have faith in our institutions, the                  5 police and the courts.                  6 LORD JUSTICE LEVESON: I agree with that entirely, and I've                  7 publicly said that, wearing a different hat, on more                  8 than one occasion. But I am just pointing to the                  9 difference of view, because whatever you might say about                  10 some people, this is a lady who is clearly in tune with                  11 the Mail because she was prepared to be interviewed, but                  12 still felt very strongly about what you'd done on this                  13 occasion.                  14 A. I can't explain that inconsistency.                  15 MR JAY: Another piece, under tab 25. It's the Jan Moir                  16 piece, 16 October 2009.                  17 A. Could I just gather my notes, please?                  18 Q. Yes, of course. I don't know whether you have it                  19 separately or in the bundle we provided.                  20 A. I don't know. Right, okay.                  21 Q. I don't know whether this article is available for                  22 putting up on the screen. I can't think of any reason,                  23 unlike the previous article, why it shouldn't go up on                  24 the screen, although it attracted vast number of                  25 complaints at the time.</p> <p style="text-align: center;">Page 68</p>

<p>1 The version we have has a different headline from 2 the original headline. Do you see it? The headline we 3 see is "A strange, lonely and troubling death". 4 A. That's the one I have here, yes. 5 Q. The original headline was this: "Why there was nothing 6 'natural' about Stephen Gately's death." That's right, 7 isn't it? 8 A. This is a terrible thing to admit. If you say that -- 9 I don't know. Can I get back to you on it? It's very 10 rare for us to change a headline. 11 Q. It's clear that was so -- 12 A. We're not talking about the Mail Online, are we? 13 Q. -- because that's made clear from the PCC adjudication. 14 This is the Daily Mail, not the Mail Online. 15 No, I think you're right, that the online article 16 was originally headlined "Why there was nothing --" 17 A. Well, let me -- 18 Q. Just hold on. 19 A. All right sorry, but it is very unhelpful. 20 Q. You're right; the article we see, this is the original 21 and correct headline. The online edition had 22 a different headline, "Why there was nothing 'natural' 23 about Stephen Gately's death", and that headline was 24 changed fairly quickly. Do you follow me? Do you know 25 why that was so?</p> <p style="text-align: center;">Page 69</p>	<p>1 natural causes, with his particular lifestyle. 2 A. Okay. Well, can I just -- 3 Q. Do you accept that? 4 A. No. Before I answer that, can I just place this in 5 a context? Jan Moir's column, it's opinion, was placed 6 on page 37 of the Daily Mail. 7 Q. Mm-hm. 8 A. There it is. That day and previous days, these were the 9 headlines that appeared in popular newspapers: "Stephen 10 killed by 8-hour binge", "My hot romp with Stephen and 11 his hubby", "I did have sex with Stephen on night he 12 died", "Cops: Stephen had smoked cannabis". 13 I would suggest that on page 37 of the Daily Mail 14 was not the same tone as that kind of material and other 15 people had said far more offensive things, and the 16 timing, again, was inappropriate. 17 You keep using the phrase "a lot of people" 18 complained about this. You realise that these are all 19 online complaints and this is an example of how 20 tweetering can create a firestorm within hours. A 21 well-known celebrity, who admitted he hadn't read the 22 article, said it was unpleasant. It was then tweeted to 23 other people who retweeted and we had a viral storm. 24 Most of those people conceded they hadn't read the 25 piece. That's where the 25,000 complaints came from to</p> <p style="text-align: center;">Page 71</p>
<p>1 A. I haven't got a clue. As I said, Mail Online has its 2 own separate editor. I'll make an intelligent guess: 3 that -- it's done in an enormous rush this, okay? It's 4 done very fast. The online moves 24 hours, changing its 5 stories all the time. My guess is they might have seen 6 that headline and half an hour later thought it was 7 a little insensitive and changed it. 8 Q. Okay. When the furore blew up at the time, presumably 9 you became immediately aware of it; is that right? 10 A. Well, the following day or whenever it was, yes. 11 Q. What was your view about this piece when you read it? 12 A. When I read it in the paper? 13 Q. Yes. 14 A. My view was that perhaps when the furore -- perhaps the 15 timing was a little regrettable. I think the piece -- 16 the column could have benefited from a little judicious 17 subediting. But I -- you know, I'd die in a ditch to 18 defend a columnist to have her views, and I can tell 19 this Inquiry there hasn't a homophobic bone in Jan 20 Moir's body. 21 Q. Right. Because many have said -- and so I suggest to 22 you that it may be the case so you can comment -- that 23 the whole tone of the article is homophobic and there 24 was a cack-handed attempt, if I can put it in those 25 terms, to link this man's death, which was due to</p> <p style="text-align: center;">Page 70</p>	<p>1 the PCC. 2 LORD JUSTICE LEVESON: It may, of course, be that all the 3 headlines are legitimately subject to some criticism. 4 A. I'm trying to put it in context, that even though there 5 were certain words that I would have liked to have 6 removed in this piece, I think the theme was fair 7 comment. Indeed, Matthew Paris, probably one of our 8 more brilliant commentators and a sincere gay rights 9 campaigner, reached the same conclusion. 10 MR JAY: Let me just read out some of it: 11 "But hang on a minute [this is on the penultimate 12 column on the left-hand side]. Something is terribly 13 wrong with the way this incident has been shaped and 14 spun into nothing more than an unfortunately mishap on 15 a holiday weekend ..." 16 A. What are you reading from? 17 Q. I'm reading from the print edition, the left-hand 18 column, penultimate paragraph. 19 A. Yeah, yeah. 20 Q. "... mishap on a holiday weekend, like a broken teacup 21 in the rented cottage." 22 I'll miss out some words: 23 "The sugar coating on this fatality is so 24 saccharine-thick that it obscures whatever bitter truth 25 lies beneath. Healthy and fit 33-year-old men do not</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 climb into their pyjamas and go to sleep on the sofa, 2 never to wake up again. Whatever the cause of death is, 3 it is not by any yardstick it is not by my means a 4 [italicised] natural one." 5 That's going too far, isn't it? 6 A. I've already said that the piece could have benefited 7 from judicious subbing. 8 Q. But you presumably approved this piece before it went 9 out, didn't you? 10 A. I think I am famous over 20, 22 years an editor for the 11 amount of hours I put in at the office. It's a very 12 rare night when I leave before 10 o'clock. On that 13 night in question, when that piece went in the paper, 14 I was at a delayed birthday present for my wife at the 15 opera. 16 Q. Okay. I think you accept that there are parts of this 17 article with which you're not comfortable; is that 18 right? 19 LORD JUSTICE LEVESON: He's said that. 20 A. I've said that several times, although I repeat I would 21 die in a ditch to defend any of my columnists' rights to 22 say what they wish, and my right to suggest that 23 occasional sentences or words could be adjusted. 24 I repeat: Ms Moir, who used to work for the Guardian, by 25 the way, hasn't a homophobic bone in her body.</p> <p style="text-align: center;">Page 73</p>	<p>1 in relation to this piece, and some would say it's less 2 defamatory than pieces we see elsewhere and which the 3 Inquiry -- 4 A. I would certainly say that, and indeed on television at 5 the time, which for some reason, seems to have got away 6 with this completely. 7 Can I just explain -- there's several factors 8 considered here. Over the years, I think the Attorney 9 General has been less and less clear on what constitutes 10 contempt, and it may be welcomed that Dominic Grieve is 11 now providing more guidance. I think standards did slip 12 in this area. I'm prepared to accept that. I think our 13 treatment of this story was at the very modest end of 14 offensiveness. 15 I repeat -- I want to go back to the point I made 16 before. The police made this man a suspect. We need to 17 be able to report crime. Police need an independent 18 press, but the press need an independent police force. 19 It is very, very helpful in these cases, the publicity 20 given by the police to help solve the crime. 21 Q. But those matters, taken either individual or 22 cumulatively, are not a justification for this sort of 23 piece? 24 A. No. I apologise to Mr Jefferies. We learnt from the 25 process. I repeat: ours, I think, was the least</p> <p style="text-align: center;">Page 75</p>
<p>1 Q. In fairness to you, it should be pointed out that Janet 2 Street Porter wrote a highly critical piece against Jan 3 Moir -- 4 A. That's how the paper dealt with it. We had another 5 eminent columnist. She profoundly disagreed with 6 Ms Moir. We conducted an online debate and published 7 lots of letters from readers. It should be said, by the 8 way, that very view of our readers complained about it. 9 Q. Do you mean by that complained directly rather than to 10 the PCC? 11 A. By email or letter to us or phone call. 12 Q. Can I deal with Mr Jefferies? There were libel 13 proceedings, I think it's right to say, which culminated 14 in a settlement and apology. Is that right? 15 A. Yes, but contempt proceedings weren't taken against us. 16 Q. That's right. The contempt proceedings were taken 17 against the Mirror Group and News International. The 18 piece itself is under tab 23. It's dated 31 December 19 2010 and it's our page 31969. Do you have that? 20 A. I don't know. 21 Q. Then the next page, 31970. 22 A. Yes. 23 Q. It should be made clear that the Attorney General took 24 the view, as has already been pointed out, that contempt 25 proceedings should not be taken against the Daily Mail</p> <p style="text-align: center;">Page 74</p>	<p>1 offensive of many of the papers that day, including one 2 of the broadsheets, and we've learnt from the 3 experience. 4 LORD JUSTICE LEVESON: Is there something about the fact 5 that if one paper starts a particular line, there's 6 something of a snowball effect and it might impact on 7 the way in which other newspapers report the same story? 8 A. I think there may be a temptation to that, yes. I think 9 this all occurred on the same day from memory, but yes, 10 I think the way the boundaries are pushed by the press 11 collectively almost encourages some papers, not all 12 papers, to push the limits too far. 13 LORD JUSTICE LEVESON: But that's itself a potential 14 problem. I mean, obviously you're looking at what your 15 competitors are doing all the time, because you see it 16 online -- 17 A. Yes, it's a potential problem, but I repeat -- you know, 18 contempt of court hasn't been tested for many, many 19 years. I think it was becoming too relaxed, and I think 20 people felt they could get away with more and more, 21 particularly television companies, and I welcome Dominic 22 Grieve's firm guidance now as to standards we should 23 observe. 24 MR JAY: This was over the holiday period. Were you, as it 25 were, in the saddle the night before, 30 November?</p> <p style="text-align: center;">Page 76</p>

<p>1 A. I was, and the headline was cleared by our lawyers.  2 I don't offer that as an excuse. The editor carries the  3 responsibility ultimately. In fact, the back bench had  4 written the headline after I'd gone, but I stand by it.  5 I'm editor.  6 Q. Can I move on to the McCanns, which is another example  7 this Inquiry's been looking at. Both Doctors McCann  8 complained of defamation against both the Evening  9 Standard, which was then under the Associated titles,  10 and the Daily Mail; is that correct, Mr Dacre?  11 A. Yes.  12 Q. The Evening Standard made a donation to the Madeleine  13 fund and published an apology. Dr Gerry McCann's  14 evidence was that whereas the Daily Mail agreed to carry  15 a number of free adverts or appeals for information on  16 behalf of the campaign in their continental edition,  17 they were not willing to publish an apology because the  18 good stories, as it were, outweighed the bad stories.  19 Is his evidence correct or not?  20 A. I don't know. It was a confidential agreement, as you  21 know.  22 Q. Well, he's given evidence -- it was paragraph 80 of his  23 witness statement -- which made that specific point. Is  24 it something you feel you can deal with or not?  25 A. Sorry, what was the specific point?</p> <p style="text-align: center;">Page 77</p>	<p>1 Do you recall that evidence?  2 A. I'm not sure whether the word "disappointed" is correct.  3 I certainly think it was a pity. As you know, the PCC,  4 I think, contacted the British embassy 48 hours after  5 the terrible tragedy --  6 Q. Yes, we recall all that evidence.  7 A. Okay. It would have nipped things in the bud much  8 earlier, I suspect, if the McCanns had lodged a specific  9 complaint about stories they felt were unacceptably  10 inaccurate. This -- you know, this was one of the most  11 awful tragic stories.  12 Q. But under the existing PCC regime, that would have  13 precluded legal action, wouldn't it, a complaint to the  14 PCC?  15 A. No, it doesn't preclude it, but you can't take legal  16 action at the same time as complaining to the PCC.  17 Obviously later you can take legal action. The PCC  18 won't take a complaint, I believe, if a legal action has  19 already been launched.  20 LORD JUSTICE LEVESON: Is there a justification for that or  21 do you think that's something that ought to be looked  22 at?  23 A. I think the feeling is the one could prejudice the  24 other.  25 LORD JUSTICE LEVESON: It happens to doctors, solicitors,</p> <p style="text-align: center;">Page 79</p>
<p>1 Q. That the Daily Mail refused to publish an apology  2 because the supportive articles balanced out the  3 pejorative articles. That was the thrust of his  4 evidence.  5 A. I honestly don't know. This was dealt with by the legal  6 department. I mean, we're in no position to refuse. If  7 he felt he had the right to an apology, presumably he  8 could have insisted on it. I just don't know.  9 Q. Weren't you involved at all in this case, given its  10 prominence and importance?  11 A. I had have known the broad brushstroke decision-making  12 but not the detail. I'm the editor-in-chief of a huge  13 newspaper company.  14 Q. But didn't you think it right, in the circumstances, to  15 offer the McCanns an apology or not?  16 A. I think the Mail's reporting of the McCann story was  17 much more responsible than most papers. I can't say  18 more than that. Sorry.  19 MR CAPLAN: Can I just interrupt: my understanding is that  20 the settlement with the McCanns was an agreed settlement  21 between themselves and Associated Newspapers.  22 LORD JUSTICE LEVESON: Thank you.  23 MR JAY: You gave evidence to a Select Committee along the  24 lines -- I think this is a direct quote -- that you were  25 disappointed the McCanns did not complain to the PCC.</p> <p style="text-align: center;">Page 78</p>	<p>1 everybody else, that a disciplinary body will go  2 alongside civil proceedings.  3 A. I'm not aware of that, but I think it would be very  4 unfair to both parties if they were going on at the same  5 time. As I say, I would have thought it was  6 prejudicial.  7 MR JAY: Of course, a complaint to the PCC might well have  8 involved a complaint against the Daily Mail. What would  9 the Daily Mail have done in the face of such  10 a complaint?  11 A. Well, obviously we'd have looked into it, we'd have made  12 our defence and if we'd have been adjudicated against,  13 would have carried the court's -- but I repeat:  14 I think -- I mean, this was the most extraordinary  15 story. There have only been two or three in my  16 lifetime. You could actually see, when you got the  17 circulation reports of other newspapers that week,  18 people putting the McCanns on the front pages, their  19 circulations went up. I remember the rows and  20 recrimination in our offices that we weren't carrying  21 these stories. Well, in retrospect, I'm glad we didn't  22 carry those stories.  23 But you have to bear in mind it was the Spanish  24 police who named this family --  25 Q. The Portuguese police.</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 A. I do apologise, the Portuguese police. The family 2 appointed their own public relations expert, and I think 3 this was seen by some papers as giving the green light 4 that anything that kept this in the public domain and 5 increased the possibility that the girl would be spotted 6 would be helpful. I think that was a terrible mistake. 7 Q. You disassociate the Daily Mail, I suppose, from these 8 other newspapers? 9 A. No, I think looking back there was obviously the odd 10 article that we regretted. I think -- but I think, on 11 a balanced view of the Daily Mail's performance on that 12 story over the years, I think we were at the more 13 responsible end. 14 Q. Or, perhaps uncharitably turning around, less 15 irresponsible than other newspapers; is that fair or 16 not? 17 A. No. 18 LORD JUSTICE LEVESON: It's interesting. That's the third 19 example we've just looked at -- Gately, Jefferies, 20 McCanns -- where there has been, as it were, a snowball 21 effect. It is an interesting aspect of these very 22 difficult, very high profile stories. 23 A. Yes. Gately was only over a few days, I think. 24 LORD JUSTICE LEVESON: Oh yes. 25 A. And Jefferies was only over a few days. This was a --</p> <p style="text-align: center;">Page 81</p>	<p>1 I would risk destroying my career, I would put my 2 proprietor and my paper in that position, and that 3 I couldn't take a principled stand against something 4 I felt very strongly about, and that was only because 5 this man, at some stage many years previously, had done 6 some plastering work for me? I really do find that 7 insulting and it's with more sorrow than anger that 8 I respond to it. 9 Are you really suggesting that when the Daily Mail 10 launched a great campaign to provide the relatives of 11 the Omagh victims support in their action to take civil 12 action against the terrorists who ruined their lives -- 13 and we raised money for them, and we financially 14 indemnified them, and the historic decision -- the 15 courts awarded damages to that family -- are you saying 16 that's because I knew someone from the Omagh campaign? 17 Well, I served in Ireland sat some time. Are you really 18 saying that because I know someone who carries plastic 19 bags that we launched our great campaign to ban plastic 20 bags from Britain? Are you really saying that I needed 21 to know someone involved in the Garry McKinnon case, in 22 which an Asperger's victim, a vulnerable Asperger's 23 victim, is being extradited because of our unbalanced 24 extradition laws to America? I did that because I knew 25 someone?</p> <p style="text-align: center;">Page 83</p>
<p>1 what? One-year, two-year story? 2 MR JAY: That's right. It's only right, Mr Dacre, that 3 having mentioned three stories where some might say the 4 Daily Mail is worthy of criticism, there's a story which 5 I'm sure you would say is rather different, namely the 6 Stephen Lawrence story. There was a famous headline, 7 wasn't there, in 1997, where you -- and I think you will 8 freely agree that you were responsible for the 9 headline -- named the murderers, as you described them. 10 Two, of course, have been found guilty now. I'm right 11 about the date, it was 1997, and there were further 12 articles you wrote very recently about it. 13 That, I'm sure, is something that you are very proud 14 of; is that right? 15 A. I am very proud. The Daily Mail is very proud of it. 16 Q. It has been suggested -- and I put this forward just so 17 that you can deal with it, but obviously I'm not 18 expressing any opinion. It's been suggested by some 19 that the reason for the Daily Mail siding with the 20 Lawrence family was the fact that Mr Neville Lawrence 21 did plastering work in your home several years 22 previously. Some would say that's very uncharitable 23 suggestion, but I offer it up for comment by you. 24 A. Well, it is an uncharitable suggestion. I mean, are you 25 really telling me that I would risk going to jail,</p> <p style="text-align: center;">Page 82</p>	<p>1 LORD JUSTICE LEVESON: I don't think you need to -- 2 A. I'm trying to make the point that we do a lot of 3 campaigns, we passionately believe in it, and I find the 4 suggestion -- the begrudging suggestion on the left that 5 we can't do that quite disgrading(?). 6 MR JAY: I'm really the vessel through which a suggestion 7 has been made, Mr Dacre. 8 A. I realise that. I'm very -- 9 MR JAY: When you say "you", I think you're directing it to 10 the world at large, rather than ad hominem to me, but 11 may I move on and address the case of Mr Grant. I'll do 12 it quite shortly, because I know that -- 13 A. Hang on a minute. I have to find my Grant file, please. 14 Q. Our tab 36, a piece in the Mail 22 November 2011. Do 15 you see on the right-hand side, about halfway down, the 16 paper's response? 17 A. I'm so sorry. 18 Q. Do you have this one, Mr Dacre? 19 A. What page is it? 20 Q. It's our tab 36 in the bundle we've prepared for you. 21 It's the piece in the Mail, 22 November. 22 A. 30 ... I have 34 ... 23 Q. 36. 24 A. 35 ... I know this sounds very stupid, but I have a 35 25 and a 37. I don't seem to have a 36. I have 35,</p> <p style="text-align: center;">Page 84</p>

<p>1 Hugh Grant's witness statement. I don't have a 36.  2 Q. It may be I can take is quite shortly, but if you want  3 to see the exact wording, please ask.  4 A. Okay.  5 Q. The paper's response -- the Mail on Sunday said -- and  6 I'll read it on out:  7 "The Mail on Sunday utterly refutes Hugh Grant's  8 claim that they got any story as a result of phone  9 hacking. In fact, in the case of the story Mr Grant  10 refers to [I think have you it now] the information came  11 from a freelance journalist who had been told by  12 a source who was regularly speaking to Jemima Khan.  13 Mr Grant's allegations are mendacious smears driven by  14 his hatred of the media."  15 Now, that terminology, "mendacious smears driven by  16 his hatred of the media", was that your form of words,  17 Mr Dacre?  18 A. Can I explain the circumstances of that? I was off that  19 day on an outside appointment. Not off; out of the  20 office on an outside appointment, and I was driving back  21 and the 4 o'clock news came on the BBC and the headline  22 was as followed:  23 "Another major newspaper group has been dragged into  24 the phone hacking scandal. Actor Hugh Grant has accused  25 the Mail on Sunday -- Associated Newspapers' Mail on  Page 85</p>	<p>1 before you made --  2 A. But I had to rebut the fact that your Inquiry was being  3 told that we, Associated Newspapers and Mail on Sunday,  4 was hacking into phones.  5 LORD JUSTICE LEVESON: But did you ask precisely what  6 Mr Grant had said?  7 A. Yes, of course. I had that because I was in liaison  8 with the office.  9 LORD JUSTICE LEVESON: So you knew that the headline did not  10 reflect what he'd said?  11 A. Yes, but that -- the damage was being done and I'm glad  12 to say that once we got our statement out, we had  13 a much, much more balanced reporting of it by the BBC  14 and other media. But if that had been allowed to stand,  15 it would have been devastating for our reputation.  16 MR JAY: I just wonder, Mr Dacre, whether you didn't shoot  17 from the hip a little but too fast on this occasion.  18 A. Not at all. It needed rebutting instantly. This is how  19 modern communications work. It is my view that Mr Grant  20 made that statement on the opening day of the court --  21 Hacked Off, the organisation backed by the Media  22 Standards Trust, attempted to hijack your Inquiry with  23 that highly calculated attempt to wound my company, and  24 I --  25 Q. I'm not altogether clear, Mr Dacre, whether you're  Page 87</p>
<p>1 Sunday of hacking phones."  2 It was a terrible smear on a company I love. We had  3 to do something about it. I discussed with the Mail on  4 Sunday's editor what our response was. A long  5 convoluted press statement was being prepared. I was  6 deeply aware -- and he was deeply aware -- that you had  7 to rebut such a damaging, damaging allegation, and we  8 agreed on the form of words: "It was a mendacious  9 smear."  10 Let me explain why I feel it was a mendacious smear.  11 You will have read -- you have already interviewed our  12 legal director on this for a considerable amount of  13 time. Our witness statements have made clear that  14 Associated is not involved in phone hacking and we've  15 denied phone hacking in this instance, anyway,  16 specifically. Mr Grant, on previous occasions, had made  17 this allegation -- if I could just refer to them --  18 Q. I think we've noted those.  19 A. I don't think you have, because you haven't admitted our  20 latest statement, have you?  21 Q. Can we try and take this more economically, Mr Dacre?  22 A. It is terribly important --  23 LORD JUSTICE LEVESON: Yes, but hang on. I'm a bit  24 concerned that you've made your decisions based upon  25 a radio headline. Did you actually see the transcript  Page 86</p>	<p>1 saying that Mr Grant perjured himself. That's what  2 "mendacious smears" might suggest.  3 A. I'm not going to go into that area. I've tried to tell  4 you the context of why we had to rebut this.  5 I mean, let me say as clearly and as slowly as  6 I can: I have never placed a story in the Daily Mail as  7 a result of phone hacking that I knew came from phone  8 hacking. I know of no cases of phone hacking. Having  9 conducted a major internal enquiry, I'm as confident as  10 I can be that there's no phone hacking on the  11 Daily Mail. I don't make that statement lightly, and no  12 editor, the editor of the Guardian or the Independent,  13 could say otherwise.  14 I'm prepared to make this -- I will withdraw that  15 statement if Mr Grant withdraws his statements that the  16 Daily Mail and the Mail on Sunday were involved in phone  17 hacking.  18 Q. I'm not sure I'm in a position to broker a deal between  19 you, but can I just ask this, Mr Dacre: why didn't you  20 come back, as it were, in the measured way you're coming  21 to this Inquiry and then just say --  22 A. I've tried to explain -- sorry.  23 Q. And then say at the end:  24 "In the circumstances, Mr Grant is incorrect."  25 A. Because then it would have been too late. By then, it  Page 88</p>

22 (Pages 85 to 88)

<p>1 would have been too late. My company would have been 2 smeared, my newspapers would have been smeared and 3 I wasn't prepared to allow that. This is how modern, 4 instant communications work. It's not in the measured 5 slow way of the court.</p> <p>6 Q. But of course, Mr Grant had already made the statements, 7 and you were then saying it was a mendacious smear, 8 which, if anything, inflamed the situation.</p> <p>9 A. No, he'd made his earlier statements, saying that we'd 10 used Paul McCullen (sic) -- and incidentally, McCullen 11 said we didn't hack phones and Mr Grant on that day said 12 we did. He'd already made these statements. We'd 13 emailed his lawyers to tell him he was inaccurate. He 14 knew that we were denying it, yet he repeated that.</p> <p>15 Q. Is this not an example of attack being the best form of 16 defence?</p> <p>17 A. No, it was a perfectly sensible way to defend the 18 reputation of my company, my newspapers.</p> <p>19 Q. By being aggressive. Do you accept that?</p> <p>20 A. Well, I think Mr Grant was being very aggressive by 21 saying we hacked phones.</p> <p>22 Q. Mr Dacre, I'm not -- because others may be more 23 concerned to do so -- going to go into the underlying 24 facts. I'm concerned only with "mendacious smear". Do 25 you follow me? You've given your evidence on that,</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. That wasn't the question --</p> <p>2 A. Hang on, please let me finish. Particularly he's spoken 3 frequently about his desire to have a child, 4 particularly at the time when he was making a film about 5 a child. It seems to me a little bit ripe that when he 6 does have a child, he and his press representatives 7 won't confirm or deny that. I mean, it's not a question 8 of intrusion. In fact, the story broke on an American 9 website and that was the way it came out into the open.</p> <p>10 Q. But there's a whole apparatus of intrusion which is 11 involved here: trying to get information from a private 12 hospital, sending a photographer around to the mother's 13 house --</p> <p>14 A. That's not an intrusion. When someone has a baby, the 15 press, through the ages -- popular newspapers have sent 16 photographers around to ask if they can take a picture. 17 It's as old as time itself.</p> <p>18 Q. Is it part of your analysis or argument that you are 19 entitled to intrude into these matters because of what 20 you set out in paragraph 16, that Mr Grant has stated 21 publicly that he would like to be a father?</p> <p>22 A. I don't say we have a right to intrude; I say we have 23 a right to make enquiries, legitimate enquiries. 24 Mr Grant is a major, major international celebrity. 25 People are very interested in his life, a life --</p> <p style="text-align: center;">Page 91</p>
<p>1 I think.</p> <p>2 A. Thank you.</p> <p>3 Q. There's one point which arises on your supplementary 4 statement, if I can just draw attention to that quite 5 briefly. I'm not concerned with most of it, for obvious 6 reasons. I think it's in paragraph 16. I'm just going 7 to read this out and ask for your comment.</p> <p>8 "Mr Grant has attacked press intrusion and 9 harassment after the birth of his love child following 10 a 'fleeting affair' with former girlfriend Tinglan Hong, 11 yet he has repeatedly publicly spoken of his desire to 12 be a father, either with Liz Hurley or particularly 13 around the time he was promoting About a Boy, a film in 14 which he single-handedly brings up a child."</p> <p>15 Are you saying there that in the light of Mr Grant's 16 public statements about his wish to be a father, it is 17 effectively open season, that the Daily Mail and 18 everybody else is entitled to explore the circumstances 19 of the child's birth --</p> <p>20 A. I'm not saying --</p> <p>21 Q. -- even if the mother wishes to remain private?</p> <p>22 A. With respect, I'm not saying it's open season. What 23 I was trying to show here was that Mr Grant has spent 24 his life invading his own privacy, exposing every 25 intimate detail of his life --</p> <p style="text-align: center;">Page 90</p>	<p>1 a narrative of a life which he's created with those 2 people.</p> <p>3 Q. What about the position of whom you describe as the 4 former girlfriend, who might and probably does have no 5 interest in these matters?</p> <p>6 A. I don't know.</p> <p>7 Q. You don't know? Is that something that you're ignoring 8 or just sweeping under the carpet?</p> <p>9 A. No, it's legitimate for the press to ask for 10 a photograph or to make enquiries about when someone has 11 a baby by a major international film star, and it 12 worries me that you can't understand this.</p> <p>13 Q. Can I ask you just this question about this statement: 14 did you write this statement?</p> <p>15 A. Which statement?</p> <p>16 Q. The second statement of Friday's date.</p> <p>17 A. The --</p> <p>18 Q. The one we're looking at now.</p> <p>19 A. Oh, I see. Obviously I knew about it and had a hand in 20 it, yes.</p> <p>21 Q. It's your --</p> <p>22 A. Well, obviously --</p> <p>23 Q. It could be said a number of possibilities, that you 24 asked someone else to write it and then you checked 25 through it --</p> <p style="text-align: center;">Page 92</p>

<p>1 A. Obviously, I didn't write all this but I wrote it --  2 I had input and it was done at my behest, yes.  3 Q. Language like "love child", did you put that in or did  4 someone else?  5 A. Where is "love child"?  6 Q. First line of paragraph 16.  7 A. I'm sorry, it's a shorthand phrase used by newspapers.  8 Q. By you?  9 A. Well, I'm a newspaper man.  10 Q. Why are we seeing this statement last Friday at  11 9 o'clock? Why not earlier on?  12 A. Well, because I'd been deluged with so many questions  13 and so much paperwork on this earlier in the week that  14 I only got around to it then. I apologise for issuing  15 it late, but I did want to make the point that there's  16 a whole celebrity industry out there. You don't seem  17 interested in this.  18 Q. No, I think the Inquiry is interest in this, and it  19 would have been, if I may say so, more valuable, if  20 there were good points made in this statement about  21 which the Inquiry is neutral, to have provided the  22 Inquiry with this material much earlier --  23 A. Oh, I --  24 Q. -- perhaps even before Mr Grant was called so these  25 points could be put to him. Do you see that?</p> <p style="text-align: center;">Page 93</p>	<p>1 "Cancer danger of that night-time trip to the toilet".  2 A. Right, can I get a minute to get my file on it. Right.  3 Q. The reason why this has been chosen, (a) it's been drawn  4 to the Inquiry's attention online, but secondly, some  5 would say it's illustrative of the type of popular  6 science story that the Mail is good at, or not, as the  7 case may be.  8 First of all, we can see it's apparently by  9 a Daily Mail reporter. We don't know the name of that  10 reporter, do we?  11 A. No, but that's a common newspaper -- a practice common  12 to all newspapers. Actually it's a layout device to  13 break that line, if you put a Daily Mail reporter on  14 a story that possibly came in from an agency and the  15 Daily Mail reporter might have put a -- would change  16 some of it.  17 Q. So is this right: that agencies specialise in this sort  18 of story. They look at scientific articles, they try  19 and summarise them, and they put the most attractive or  20 sensationalist spin on them. Is that fair?  21 A. No, I don't accept that at all.  22 Q. The underlying article, which I've obtained from Israel,  23 which was published in the Cancer Genetics and  24 Cytogenetics journal for 2010, is a very precise and,  25 some would say, uninteresting article, save for</p> <p style="text-align: center;">Page 95</p>
<p>1 A. As we didn't know what he was going to say at that  2 stage, I'm not sure that's correct.  3 Q. Certainly soon after he gave evidence on -- I think it  4 was 21 November, rather than two and a bit months later.  5 Do you see that?  6 A. In retrospect, yes. I don't think it negates what I'm  7 saying. I think the Inquiry has ample time to consider  8 it now.  9 Q. You've known for a considerable period of time when you  10 were coming along to give evidence, haven't you,  11 Mr Dacre?  12 A. I'm trying to explain to you how -- as well as being  13 editor-in-chief, I'm the day-to-day editor of the  14 Daily Mail. We've had an enormous amount of enquiries  15 from your Inquiry which I've tried to deal with. In an  16 ideal world, yes, it would have been nicer to get that  17 to you earlier. I repeat: I don't think it undermines  18 what I say, which is a valuable debate, and I wish we  19 could spend the time discussing the fact that the  20 celebrity industry exists and how the press responds to  21 it.  22 Q. May I move on to another topic. As I've said, that's as  23 far as I feel I should go with Mr Grant and "mendacious  24 smears". Tab 28, which is a piece which was in the  25 Daily Mail, although we only have the online edition.</p> <p style="text-align: center;">Page 94</p>	<p>1 scientists, about flashing light at mice for one-hour  2 pulses and seeing what happens to cell division in the  3 brain. The conclusions of the two researchers -- it's  4 Dr Ben-Shlomo in Haifa and Mr Kyriacou in Leicester --  5 is that there was some sort of association between cell  6 division and changes in the cells, but they find no  7 causal relationship between turning on lights for  8 a short period of time and cancer.  9 A. May I read what their press release said:  10 "Just one pulse of artificial light at night  11 disrupts circadian cell division ... damage to cell  12 division is characteristic of cancer."  13 Q. You're reading from what?  14 A. I'm reading from the press release that accompanied this  15 story, presumably from the University of Leicester and  16 Haifa University.  17 Q. Are you reading from a press release which the press  18 which the Press Association or someone else --  19 A. No, no, no, a press release would have been handed out  20 by the university.  21 Q. Could you read it out again?  22 A. "Just one pulse of artificial light at night disrupts  23 circadian cell division. Damage to cell division is  24 characteristic of cancer."  25 Q. The article, which is referred to specifically in the</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)



<p>1 Daily Mail piece, says something more precise. It                  2 refers to an association between the disruption of                  3 circadian clock in mammals and interference in the                  4 regulation of cell cycle and malignancy, and it says:                  5 "The molecular intracellular signalling pathways by                  6 which light regulates and modifies the expression of the                  7 cell cycle in tumorigenesis genes is not yet clear. The                  8 increased relative risk for cancer among shift workers                  9 raises the question of whether this is a causative                  10 phenomenon or spurious association."                  11 But it says nothing about increasing cancer by                  12 flicking on light switches when one is going to the                  13 toilet.                  14 A. Yes, I can read that quote, but I can also say that                  15 our -- it was (inaudible) the agency that supplied us                  16 with this story. They included the line about going to                  17 the loo. They got this man talking to one of the                  18 researchers and they put that over as a quote.                  19 Unfortunately, in the copy -- it was taken out of                  20 a quote and put in the copy.                  21 Q. The University of Leicester felt so strongly about this                  22 that they put out a press release which made it clear                  23 turning on the light to go to the toilet does not give                  24 you cancer, and saying:                  25 "There's no connection between illuminated nocturnal                  Page 97</p>	<p>1 respect. I checked with my news desk on this. They                  2 receive two or three stories a day which we don't put in                  3 the paper or they don't put in the paper because they                  4 don't trust the providence. Those stories regularly                  5 appear in other papers, including the broadsheets.                  6 Q. Because one of the authors, Professor Kyriacou, told                  7 AOL Health:                  8 "The switching on of lights causes cancer when you                  9 go to the bathroom at night is an eye-catching                  10 fabrication of the press."                  11 In other words, of you. Presumably you don't, at                  12 present, accept that?                  13 A. I've read out their press release to you.                  14 Q. You don't accept this is an example of imprecise                  15 journalism, if I can put it in those terms?                  16 A. I don't, really, I'm afraid.                  17 LORD JUSTICE LEVESON: Do you think there is a point,                  18 though, that actually great care has to be taken?                  19 I heard the evidence last week -- I think it was last                  20 week -- from a lady who is concerned with the way in                  21 which science is reported, and she provided a whole host                  22 of -- a large number of examples of headlines which                  23 actually caused enormous concern and damage, and was                  24 keen to encourage me to look at ways of facilitating the                  25 better reporting of science. Do you think there is                  Page 99</p>
<p>1 calls of nature and cancer, despite what concern                  2 newspapers are claiming."                  3 Then they mention the Daily Mail.                  4 A. I've equally read out to you either their press release                  5 or the University of Haifa's press release.                  6 Can I just put it in some context? This was a small                  7 little story at the bottom of page 18 and                  8 I categorically dispute this -- that we adopt                  9 an irresponsible attitude to medical or science stories.                  10 Every week we have a 14-16 page good health supplement                  11 that is full of wonderful information about the                  12 developments in medicine.                  13 Q. If it was possible for me very straightforwardly by                  14 email to request a copy of the original article from                  15 Haifa, as it happens, because the key author has given                  16 her email address, why didn't the Daily Mail do exactly                  17 the same before publishing a piece in its paper?                  18 A. You misunderstand how journalism works. The Daily Mail                  19 has hundreds of stories in it. Thousands of stories in                  20 a week. It's 120 pages. If they come from an agency,                  21 a reputable agency, we put them in the paper.                  22 Q. Because the Daily Mail publishes loads of material which                  23 suggests alleged causes of cancer or material which says                  24 certain things prevent cancer --                  25 A. That's a caricature of the Daily Mail, with great                  Page 98</p>	<p>1 something in that?                  2 A. Well, I think we should address this constructively,                  3 but -- you know, the great challenge for a newspaper is                  4 to take an incredibly complicated subject like this --                  5 in this instance, this was done by an agent's report --                  6 no one in this room understood a word of what you were                  7 saying when you read out the description -- and put in                  8 language which is accessible to people -- ordinary                  9 people who don't have a scientific or medical                  10 background.                  11 LORD JUSTICE LEVESON: I agree with that, and indeed I have                  12 applauded a number of articles in a number of newspapers                  13 which do create understandable pieces around extremely                  14 complex subjects. But that carries with it an enormous                  15 responsibility as well, doesn't it?                  16 A. Yes, of course.                  17 MR JAY: I'm not sure that the article, which I have                  18 provided to Associated, is that complicated. The                  19 authors are saying quite clearly that there is no                  20 established causal relationship between flashing light                  21 pulses at mice, even for one-hour periods, and cancer --                  22 A. I can only keep reading out this press release. And                  23 incidentally, you know, our paper's done an immense                  24 amount of good on the medical front. We've carried                  25 campaigns on osteoporosis, on Alzheimer's, prostrate                  Page 100</p>

25 (Pages 97 to 100)

<p>1 cancer. A huge amount. We've done a series on it, 2 raised money for these complaints. 3 MR JAY: May I move off science -- 4 LORD JUSTICE LEVESON: I think that was the point I was 5 making when I addressed my question to you. 6 A. Fine, thank you. Indeed, I'd ask you to get the 7 representative of those three areas and ask them to come 8 here, because I think they would sing our praises very 9 highly. 10 LORD JUSTICE LEVESON: You don't need to convince me about 11 the good work that can be done. 12 A. I understand. 13 LORD JUSTICE LEVESON: However -- 14 A. I understand. 15 MR JAY: Mr Dacre, I would like to ask you about 16 Mr Morrissey's case, only because in a succinct and, if 17 I may say so, well-written submission, a number of 18 points are made. It's under tab 34. I don't have the 19 URN number, although it has been provided. 20 Mr Morrissey is a well known television actor. He's 21 best known for a comedy, "Men Behaving Badly", and this 22 was a piece in the Mail published in March 2011 where 23 the headline was: "Man behaving badly -- TV star banned 24 from bar near his idyllic French retreat after locals 25 object to 'le binge drinking'."</p> <p style="text-align: center;">Page 101</p>	<p>1 Q. The questions which I have been asked to put to you in 2 relation to this: do you accept that whether or not 3 Mr Morrissey had been banned from a bar for alleged 4 rowdy or drunken behaviour was not a matter of any 5 significant public interest? 6 A. No, I deny that. I think it's a matter of public 7 interest. 8 Q. What was the public interest? 9 A. This man is a famous actor, a celebrity who appears in 10 television programmes. He's a role model to young 11 people. It doesn't seem to me a very attractive way of 12 persuading young people to behave properly. 13 Q. Isn't it simply the case that it's rather amusing that 14 the television comedy is called "Men Behaving Badly" and 15 here we have Mr Morrissey allegedly behaving badly. 16 That's what interests the Mail and nothing much more 17 than that, isn't it? 18 A. No. No, it's a major celebrity. It was an interesting 19 story. At odds with his image as a TV actor. 20 Q. Right. The point is then made that -- I think this must 21 be accepted by you -- the allegation was nonetheless 22 obviously potentially highly damaging, as well as 23 extremely insulting and hurtful. Do you accept that? 24 A. I accept that our journalist spoke to people and when it 25 later came to be looked into and it was possibly going</p> <p style="text-align: center;">Page 103</p>
<p>1 What happened here, if I can seek to summarise the 2 position, is that a Mail reporter did try and contact 3 Mr Morrissey, or through his agent, before publication. 4 The allegations were strongly denied. The point was 5 made that Mr Morrissey did not want his privacy 6 compromised and yet the Mail went ahead and published. 7 So far so good. Is that what happened, so far as you're 8 aware? 9 A. Well, our journalist had spent several days interviewing 10 the bar owners and his clients and believed the story. 11 They had ample evidence for the story and support for 12 the story. The allegations were put to Morrissey's PR 13 agent, who initially denied that he had ever drunk at 14 the bar. She then admitted that he had attended it and 15 had left the bar without paying for his drinks, as the 16 article alleged. 17 Q. But Mr Morrissey was denying the main thrust of the 18 article, which was about binge drinking, wasn't he, so 19 far as you were aware? 20 A. "His solicitors did not deny that he'd been banned for 21 drunken rowdy behaviour. They simply stated that he, 22 Morrissey, was unaware of any ban and had no means of 23 knowing if it was true. Morrissey has been accused of 24 rowdy, drunken and intolerable before. See attached 25 article on his flight from Australia on a BA plane."</p> <p style="text-align: center;">Page 102</p>	<p>1 to court, the people who had given them this evidence 2 weren't prepared to go to court to stand up the story. 3 Obviously we did pay damages, we made amends. He issued 4 a unilateral statement in open court in which he said he 5 felt fully vindicated. 6 Q. I think we're moving on a bit, Mr Dacre. The question 7 was: the allegation was obviously potentially highly 8 damaging, as well as extremely insulting and hurtful. 9 Do you accept that or not? 10 A. If untrue, it was damaging, yes. Not hurtful. 11 Q. The next point was made: 12 "It wasn't necessarily or desirable that the piece 13 be given immediate publicity." 14 Do you accept that? 15 A. I'm sorry, what are you trying to say? 16 Q. That you should have carried out further enquiries, 17 particularly in the light of Mr Morrissey's denial. 18 That's the point which is being made. Do you accept -- 19 A. Well, his PR admitted that he had attended the bar, 20 having first denied that he'd ever drunk there, that 21 he'd left the bar without paying for his drinks and that 22 we had a picture of a poster put up by the bar in 23 question: "Do not serve this man." 24 Q. You're making it sound as if, Mr Dacre, you shouldn't 25 have settled the libel action, which you did do, didn't</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 you, and you paid him and apologised?</p> <p>2 A. I have explained very carefully that the people who</p> <p>3 alleged this and gave us this story were not prepared to</p> <p>4 go to court. It does happen. You know that it does.</p> <p>5 But I'm saying we acted properly, we offered amends, we</p> <p>6 paid damage, we carried two apologies and he read out a</p> <p>7 unilateral statement in court in which he said he felt</p> <p>8 fully vindicated.</p> <p>9 Q. Do you accept that Mr Morrissey's denial of the</p> <p>10 allegation was not included in the articles?</p> <p>11 A. I'd have to look at it but I don't know. I can get back</p> <p>12 to you on that. We carried the statements from the PR,</p> <p>13 didn't we?</p> <p>14 Q. This was a whole-page spread, wasn't it?</p> <p>15 A. It was one page, I believe. Yes, one page. Two-thirds</p> <p>16 of a page. Hardly.</p> <p>17 Q. Isn't this a classic example of a story whose value, if</p> <p>18 it exists at all, is only to entertain, but it is an</p> <p>19 intrusion of privacy --</p> <p>20 A. If true, which we clearly believed at the time, I think</p> <p>21 it is a valid story for a middle market paper, a lot of</p> <p>22 whose readers watch his programmes, to carry.</p> <p>23 Q. Because it might amuse them; is that right?</p> <p>24 A. No, because I think it interests them and I think it has</p> <p>25 some relevance. Allegedly, we believed he had behaved</p> <p style="text-align: center;">Page 105</p>	<p>1 a sympathetic light?</p> <p>2 A. I don't know whether that was said. I don't know who</p> <p>3 said it. I'm very happy to look into it and get back to</p> <p>4 you.</p> <p>5 Q. It was also said in the letter that the Mail did not</p> <p>6 stand by its story. It did not, as it never would,</p> <p>7 suggest the allegations of rowdy drunken behaviour by</p> <p>8 Mr Morrissey were true or that he had in fact been</p> <p>9 banned from the bar, but you refused to withdraw or</p> <p>10 apologise for publishing the allegations; is that right?</p> <p>11 A. I'm sorry, you keep asking me questions. I don't know.</p> <p>12 This came in very late last week. We will look into it</p> <p>13 and we will get back to you in a very considered way.</p> <p>14 Q. The upshot was that there wasn't an apology, there were</p> <p>15 libel proceedings --</p> <p>16 A. We published two apologies.</p> <p>17 Q. Eventually you did, didn't you, Mr Dacre? There was an</p> <p>18 offer of amends and eventually a libel settlement. But</p> <p>19 one aspect of this -- the final aspect of this which</p> <p>20 I should deal with -- is paragraph 24 and 25 of the</p> <p>21 submission, which I know you have.</p> <p>22 It's that during the course of the litigation, your</p> <p>23 solicitors decided to proceed with the publication of an</p> <p>24 apology, and that was done in the Corrections and</p> <p>25 Clarifications column, which was a fairly new column --</p> <p style="text-align: center;">Page 107</p>
<p>1 in this irresponsible fashion.</p> <p>2 Q. What happened then was a letter of complaint was written</p> <p>3 by solicitors to you on 23 March 2011.</p> <p>4 A. To me?</p> <p>5 Q. Yes. To the editor-in-chief.</p> <p>6 A. It would have just gone straight to our legal</p> <p>7 department.</p> <p>8 Q. The letter made it clear that if a retraction and</p> <p>9 apology were given promptly, he would forego any claim</p> <p>10 to damages. Is that right or not?</p> <p>11 A. I don't know. I can get back to you.</p> <p>12 Q. The letter apparently went unanswered for a month. Is</p> <p>13 that typical?</p> <p>14 A. It's very untypical. I'd be surprised if that was true.</p> <p>15 Let me look into it, I'll get back to you.</p> <p>16 Q. The line that was taken when there was a reply from your</p> <p>17 legal department on 21 April was that the articles were</p> <p>18 not defamatory to Mr Morrissey and what's more, they</p> <p>19 portrayed him in a sympathetic light, which is a phrase</p> <p>20 you have given us in relation to another piece.</p> <p>21 A. I think that was the Abigail --</p> <p>22 Q. Yes.</p> <p>23 A. Yes. Totally different.</p> <p>24 Q. Yes. But do you feel that that was a fair way of</p> <p>25 putting it, that the article portrayed him in</p> <p style="text-align: center;">Page 106</p>	<p>1 it had only been set up a few days before -- and that</p> <p>2 was done on 18 October without reference to</p> <p>3 Mr Morrissey, wasn't it?</p> <p>4 A. I'm very sorry, Mr Jay. I can't answer these questions.</p> <p>5 I repeat: I'm an editor-in-chief of a major publishing</p> <p>6 group. I edit the Daily Mail on a day-to-day basis.</p> <p>7 I don't drill down into this micro detail on these</p> <p>8 things, but I promise I'll get back to you very, very</p> <p>9 fully with the full answers to all these questions.</p> <p>10 Q. So you don't drill down into the detail, even when</p> <p>11 they're extant libel proceedings; is that right?</p> <p>12 A. No, I don't.</p> <p>13 Q. Is it going to be the practice, though, of the Mail in</p> <p>14 future to publish apologies in the clarifications and</p> <p>15 corrections column? Because after all it's not an</p> <p>16 apologies column; it's a clarifications and corrections</p> <p>17 column, isn't it?</p> <p>18 A. I think if an apology is needed, that's an appropriate</p> <p>19 place to put it. I don't think it's occurred yet, so we</p> <p>20 need to look into that.</p> <p>21 Q. I can see that if it's just an error, one would want to</p> <p>22 correct it quickly and prominently, but isn't it</p> <p>23 slightly misleading that if an apology is going to be</p> <p>24 included, the column is just described "clarification</p> <p>25 and corrections" rather than "apologies" as well?</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 A. Then I'd expect in that column it would be worded as an 2 apology. I believe the Guardian does this, exactly 3 this, puts its corrections and -- 4 Q. It may or may not do, but at the moment I'm asking 5 questions of the Mail's editor and not the Guardian's 6 editor. It might be said that it's all been buried 7 here. Is that fair? 8 A. What, on page 2? 9 Q. Under a column at the bottom which says, "Clarifications 10 and corrections". Is that really prominent enough? 11 A. I can't win here. We now start putting our corrections 12 on page 2, which everybody's welcomed as a major step 13 forward. Before, we would have carried on the apology 14 on the page of the article where it was carried. I'm 15 damned if I do and damned if I don't, it seems to me. 16 Q. But, ultimately, there was a statement in an open court? 17 A. Yes. Which Mr Morrissey said he felt fully vindicated. 18 Q. Yes, and I think there was a further apology; is that 19 correct? 20 A. I don't know. 21 Q. But this case was carried out under a conditional fee 22 agreement, which you, of course, are very hostile 23 towards, aren't you? 24 A. No, I think it's an admirably well-intended bill, piece 25 of legislation designed to help people, but I think it's Page 109</p>	<p>1 A. I don't accept that, because at the moment we are having 2 to fight cases which cost us in excess of £500,000, in 3 which ultimately as little as £5,000 damages are 4 awarded. I don't know enough about the Morrissey case. 5 I think he was inclined to accept our original offer of 6 amends and I think this, because this is a no win fee, 7 his lawyers wanted him to ask for much, much more to 8 cover their disproportionate fees and their success fees 9 and their after-the-event insurance arrangements. 10 Q. I think they would have got those anyway, Mr Dacre, but 11 let's move on. 12 If I can just deal with the issue of CFAs as 13 a separate matter, was there -- indeed it's clear there 14 was -- there was a meeting involving you, Rebekah Wade, 15 Murdoch MacLennan and Jack Straw over CFAs, or maybe it 16 was a dinner. It's referred to in our tab 9. It's 17 A speech you gave. The fourth page of that speech. If 18 I can just lock it in in terms of time, it's a speech 19 you gave to the Society of Editors. I'm not clear 20 entirely when this was. I think it was probably before 21 mid-2008, when the 2008 Act came into force in relation 22 to Section 55 of the Data Protection Act, but we can see 23 from page 4 you say this: 24 "Thirdly, there's to be action on the 'scandalous' 25 greed of CFA lawyers. That adjective is not mine, by Page 111</p>
<p>1 been hijacked by predatory lawyers charging exorbitant 2 fees. 3 Q. But without a conditional fee arrangement in this 4 particular case, I think it's fairly clear that 5 Mr Morrissey would not have been able to bring that 6 action against your paper? 7 A. I don't know. I would have thought Mr Morrissey was 8 wealthy enough to bring that action. 9 Q. He says in paragraph 5 of his statement he was in an IVA 10 at the time -- he's put that in his statement, so 11 there's no reason why I shouldn't make reference to 12 it -- from which you might make reference that without 13 a CFA he wouldn't have been able to take you on. Do you 14 see that? 15 A. I don't know. I need to look into it and get back to 16 you. 17 LORD JUSTICE LEVESON: He says so in terms in paragraph 39, 18 but we've got the point. 19 MR JAY: I think there may be a wider point here, that the 20 curbing of CFAs -- which may happen anyway, regardless 21 of what this Inquiry does or does not do -- 22 A. I understand that. 23 Q. -- will or might leave organisations such as yours in 24 a more powerful position than they're even in now. 25 Would you accept that? Page 110</p>	<p>1 the way, but Justice Minister's Jack Straw's in a recent 2 speech on the subject. For following Number 10's 3 intervention all those months ago, there have been many 4 constructive meetings between the industry and the 5 Ministry of Justice on what to do about CFA. 6 "A few weeks ago, I, Rebekah Wade and Murdoch 7 MacLennan saw Jack Straw who assured us that, in the 8 next few months, he is set to unveil proposals to reform 9 CFA, including capping lawyers' fees." 10 Can you tell us the circumstances in which you met 11 the then Lord Chancellor? 12 A. Yes, I'm very happy to tell you the circumstances. 13 I think you'll find about a year or so earlier, I, 14 Mr MacLennan and Mr Hinton, the senior members of the 15 newspaper industry, had become increasingly concerned 16 about potential threats to press freedom, and had asked 17 for a meeting with the then Prime Minister, 18 Gordon Brown. We outlined what our worries were. There 19 were threats to the coroner's reports -- reporting of 20 coroner's courts, there were threats to freedom of 21 information, this he were going to charge for it. We 22 were deeply worried, for reasons you well know, about 23 CFAs and we were very worried about the proposal to 24 amend the Data Protection Act so that journalists should 25 be jailed, which we felt would provide a huge chilling Page 112</p>

28 (Pages 109 to 112)

<p>1 effect on journalism and would mean that Britain is the 2 only country in the world which would jail journalists. 3 He was sympathetic to that, said he would arrange 4 a meeting for us with Jack Straw and that was the 5 context of that. 6 Q. Yes. Thank you. Was it over a meal or was it in his 7 offices? 8 A. Jack Straw? I think it was in his office over a cup of 9 coffee. I don't recall. I've had meals with Jack Straw 10 over the years. I've known him -- we were at university 11 together. 12 Q. Yes. Or was it because of your long association with 13 Jack Straw -- as you said, you knew him from university, 14 obviously some years before -- that you had access to 15 him coupled with the fact that you're one of the most 16 powerful editors in Fleet Street? 17 A. Every industry sees politicians to put their case and 18 their worries. I don't think it's anything to do with 19 my relationship with Jack Straw. It's very senior 20 members of the newspaper industry were very worried 21 about these developments and he was kind enough to see 22 us, to hear our concerns. 23 Q. Were you, generally speaking, on good terms with 24 Mr Straw or not? 25 A. There have been times I've been on good terms, there</p> <p style="text-align: center;">Page 113</p>	<p>1 MR JAY: Yes. 2 LORD JUSTICE LEVESON: I'm sure, Mr Dacre, you want to deal 3 with this so that you don't have to come back. 4 A. That's the understatement of the year, your Honour. 5 LORD JUSTICE LEVESON: Oh, I can do better than that. 6 A. I'm sure you can. 7 LORD JUSTICE LEVESON: Does it cause anybody inconvenience 8 if we carry on? 9 MR JAY: Not every point that I might put is going to be 10 put. 11 LORD JUSTICE LEVESON: Mr Jay, we are going to have another 12 short break to give the shorthand writer, who is working 13 extremely hard, the opportunity to have a rest, but 14 we'll just have a couple of minutes. Thank you. 15 (5.11 pm) 16 (A short break) 17 (5.15 pm) 18 MR JAY: Mr Dacre, I've edited down my questions and I can 19 I move to a miscellany of different topics, if you don't 20 mind. First of all, you tell us in your statement that 21 you turned down editorships of the Times and the Daily 22 Telegraph because you felt you would not be guaranteed 23 editorial independence. What, if anything, is your 24 evidence base for that statement? 25 A. Well, my evidence is I've worked as an editor for the</p> <p style="text-align: center;">Page 115</p>
<p>1 have been times when I've criticised him in the paper 2 and not I'm sure those terms were so good. I don't 3 quite know where this is leading. 4 Q. I think all that's being -- might be suggested is that 5 you were close to Mr Straw, you'd been to university 6 with him -- 7 A. I then had -- 8 Q. You had his ear, you were able to try and persuade 9 him -- 10 A. I think that's a -- 11 Q. -- to bring in legislation to abolish -- 12 A. -- terrible insult to Mr Straw. He's a very independent 13 minded man, a very robust man. I'm sure he has many 14 legal friends, by the way. 15 Q. Out of interest, did he say that he would take steps to 16 abolish CFAs? I think that's what you're suggest -- 17 A. No, I think that's probably shorthand in the speech. 18 I can't recall what he said. I think he was sympathetic 19 and conversations went on as to what could be done about 20 this. We weren't involved in them, necessarily. 21 MR JAY: Okay. I probably have another quarter of an hour. 22 I don't know how you feel we might proceed. I was 23 hoping to finish in three hours, but I'm -- 24 LORD JUSTICE LEVESON: We started late and had rather 25 a longer break.</p> <p style="text-align: center;">Page 114</p>	<p>1 Rothermere family for 22 years, I've worked for the 2 present Lord Rothermere and his father. There's not 3 a day I don't feel very privileged and grateful for 4 having done so, because they allow-- 5 Q. I'm sure -- 6 A. Excuse me, please let me finish! Because they allow me 7 total freedom to edit my paper. It is not my experience 8 that editors of other papers are allowed that freedom. 9 Q. It's really that point I wanted to explore. I'm sure 10 that you are given editorial independence at the Mail 11 and I wasn't questioning that. I was questioning -- 12 A. Well, you can't -- no one can be sure of that. It's 13 quite rare in Fleet Street. 14 Q. I was taking it as a given, but I was -- 15 A. Well, I don't -- 16 Q. -- trying to explore with you the evidence base for your 17 statement that you don't think you would have been 18 guaranteed such independence elsewhere, do you follow 19 me, and I just wanted to know what your evidence base 20 was. 21 A. Rupert Murdoch has been a very great proprietor in his 22 time, but I don't think he would have given me the 23 freedom I wished to have as an editor. 24 Q. Are you prepared to elaborate on that or not? 25 A. Well, as I say, I think he's been a very great</p> <p style="text-align: center;">Page 116</p>

<p>1 proprietor who obviously has deep problems now, but in 2 the past, not so much now, I don't think there's any 3 doubt that he had strong views which he communicated to 4 his editors and expected them to be followed. The 5 classic case is the Iraq War. I'm not sure that the 6 Blair government -- or Tony Blair would have been able 7 to take the British people to war if it hadn't been for 8 the implacable support provided by the Murdoch papers. 9 There's no doubt that came from Mr Murdoch himself.</p> <p>10 Q. In relation to Section 55 of the Data Protection Act, 11 I think you cover this in an article in the Guardian, 12 10 November 2008, which was under our tab 33. You say 13 this, it's on the first page just under the lower 14 holepunch: 15 "About 18 months ago, I, Les Hinton of 16 News International and Murdoch MacLennan of the 17 Telegraph [seems to be the same people all the time, but 18 not Rebekah Wade on this occasion] had dinner with 19 Gordon Brown and raised these concerns."</p> <p>20 A. I've already told you about that, yes.</p> <p>21 Q. Well: " 22 "We had a meeting with Jack Straw." 23 This is a separate one with Gordon Brown?"</p> <p>24 A. That's what set it in train. It was he who asked Jack 25 Straw to look into our worries.</p> <p style="text-align: center;">Page 117</p>	<p>1 you're making it clear there that you had access to 2 Mr Brown, you were lobbying him and he was on-side; is 3 that right?</p> <p>4 A. I am saying that like many people in different 5 industries we have problems and ours was a fairly major 6 industry, the press industry employs thousands of 7 people. We asked to see the Prime Minister about it, he 8 agreed to see us and he was sympathetic to some the 9 cases we made.</p> <p>10 Q. We heard from Mr Thomas that it was Mr Brown to spoke to 11 Mr Thomas and ended up with the position that the 12 amendment to Section 55 would not be brought in as 13 intended, but instead there would be a statutory 14 instrument, which in due course might permit it to be 15 brought in. You will recall --</p> <p>16 A. I don't know about Mr Brown's role in it, but that's 17 a description of what happened eventually.</p> <p>18 Q. You were intending, of course, to achieve that will very 19 consequence, that Mr Brown would have a role in it and 20 speak up --</p> <p>21 A. It didn't intend that at all. We had a dinner with him 22 to outline our concerns, he was kind enough to hand the 23 matter over to the Justice Department. Mr Straw and his 24 officials were -- listened to our case and that was the 25 outcome.</p> <p style="text-align: center;">Page 119</p>
<p>1 Q. Those concerns you're referring to there are concerns 2 with conditional fee agreements but we're off that 3 issue, we're onto Section 55. Then you say: 4 "[We also raised] a truly frightening amendment to 5 the Data Protection Act, winding its way through 6 Parliament, under which journalists face being jailed 7 for two years [et cetera]. This legislation would have 8 made Britain the only country in the free world to jail 9 journalists and could have had a considerable chilling 10 effect on good journalism. 11 "The Prime Minister -- I don't think it's breaking 12 confidence to reveal -- was hugely sympathetic to the 13 industry's case and promised to do what he could to 14 help. 15 "Over the coming months and battles ahead, Mr Brown 16 was totally true to his word. Whatever our individual 17 newspapers' views are of the Prime Minister -- and the 18 Mail is pretty tough on him -- we should, as an 19 industry, acknowledge that, to date, he has been a great 20 friend of press freedom."</p> <p>21 A. This was my speech to the Society of Editors, it was 22 intended for consumption by editors. You say it was an 23 article in the Guardian; it was my speech to the Society 24 of Editors.</p> <p>25 Q. Yes, I think they had just reprinted it verbatim. So</p> <p style="text-align: center;">Page 118</p>	<p>1 Q. But surely it was your hope, if not your expectation, 2 that you would be able to bring Mr Brown on-side and 3 once he was on-side, he would use his influence as 4 Prime Minister to them help the press out. That must 5 have been your state of mind, mustn't it?</p> <p>6 A. We wanted to make a Prime Minister aware of our 7 concerns, just as I suspect Rolls Royce meets with him 8 in order to make him concerned about the worries to the 9 engineering industry.</p> <p>10 Q. Why were you opposing the amendment of Section 55, the 11 possibility of a prison sentence, if it was your 12 position that breaches of the Data Protection Act were 13 no longer occurring at, for example, your titles?</p> <p>14 A. Well, in the public interest they could, couldn't they?</p> <p>15 Q. I didn't catch that.</p> <p>16 A. In the public interest they still can, can't they, or 17 could.</p> <p>18 Q. But if you were confident that a public interest defence 19 would be made out, there would be no question of any 20 sentence, let alone a custodial sentence, would there?</p> <p>21 A. Yes, but there's a great difference between what 22 a reporter believes when he's starting out in an 23 inquiry, he can believe at that stage that he was acting 24 in the public interest and at the conclusion of his 25 inquiry, finds he wasn't. We thought this would put</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 journalists in a very difficult position and we are, 2 I think, eventually there was a clause put in that it 3 would be in the reasonable expectation that a journalist 4 was -- 5 LORD JUSTICE LEVESON: There was a heightened defence that 6 there's a justification that is both subjective and 7 objective, so it wouldn't just be what the court thought 8 was in the public interest but that what the journalist 9 reasonably thought was in the public interest would be 10 sufficient. Doesn't that cope with your concern? 11 A. Yes, but -- yes, it did, and that was as a result of our 12 conversations with the (inaudible). It was put in at 13 that stage, I believe. 14 MR JAY: I may be wrong, but I think the introduction of 15 this part-subjective element was going to be part of the 16 defence to Section 55 even with the custodial sentence 17 in any event. 18 A. I'm not sure it was. I need to look into it and get 19 back to you. 20 Q. Wasn't this the case, though, of you, with respect, 21 overstating or unreasonably overstating your position 22 and, what's more, influencing government to come to 23 a conclusion which was palatable to you? 24 A. I think that's a preposterous suggestion, with great 25 respect. It was a principled position that the industry</p> <p style="text-align: center;">Page 121</p>	<p>1 Mail -- 2 A. I'm very proud of the Daily Mail. 3 Q. -- and you've been there for probably -- well, we know, 4 very nearly 20 years. Are you equally as proud of the 5 Mail's online operation? 6 A. I'm very proud of the Mail Online, which last week 7 became the world's biggest internal newspaper site. 8 Q. The but are you equally as proud of it, particularly the 9 standards which they exemplify -- 10 A. It's only been going for couple of years so it's 11 evolving and clearly everything can improve, but I think 12 to come from a cold start to being the world's number 13 newspaper internet site is an achievement that British 14 journalism should be proud of. 15 MR JAY: There may be or may not some further questions, but 16 thank you very much. 17 A. Could I just say one thing? You have painted a very 18 bleak picture of the Daily Mail by highlighting what are 19 rather rare things. Cases like Mr Morrissey's are rare. 20 They're not everyday. We produce hundreds and hundreds 21 of stories every month, thousands if not millions of 22 story on the Mail Online and Daily Mail every year. 23 Most of those go down very well with our readers and 24 provoke no complaints from the people concerned. 25 MR JAY: That you very much --</p> <p style="text-align: center;">Page 123</p>
<p>1 adopted. I don't really want to live in a country where 2 journalists are jailed when they're trying to make 3 legitimate enquiries, and -- 4 LORD JUSTICE LEVESON: I don't want them to be prosecuted 5 for making legitimate enquiries either, but I'm not so 6 sure that the amendment does that. But I think we've 7 travelled over the territory. 8 MR JAY: Yes. 9 Overall, do you mind me putting this question: was 10 your relationship with Mr Brown better than your 11 relationship with Mr Blair? 12 A. You could say that, yes. 13 Q. I didn't catch the answer? 14 A. You could say that. 15 Q. "You could say that"? Perhaps that was an example of 16 understatement, was it? 17 A. Mr Brown I first really got to know when he asked me to 18 review the 30-year ruled into the release of state 19 papers and I headed a panel comprised of distinguished 20 historian and a distinguished civil servant and 21 eventually we recommended it was reduced to 20 years 22 that the papers should be released and I'm very proud 23 that's been passed into law. That's how I got to deal 24 with Mr Brown. 25 Q. The final question: you're obviously proud of the Daily</p> <p style="text-align: center;">Page 122</p>	<p>1 A. So you've presented a somewhat one-sided picture of the 2 Mail. 3 MR JAY: Thank you, Mr Dacre. 4 Discussion 5 MR SHERBORNE: Sir, it's a somewhat unsatisfactory position 6 we've reached now at almost 5.30. There are a number of 7 matters that I wanted to pursue with Mr Dacre, lines of 8 inquiry which I have pre-notified Mr Jay, and which, as 9 I understand it, have been notified to the other core 10 participants. They relate to three matters, which have 11 previously been the subject of evidence by Ms Hartley, 12 whose supplemental statement, you'll recall, was 13 received too late for them to be dealt with when she 14 gave her evidence. 15 They're the evidence surrounding the birth of 16 Mr Grant's daughter, the plummy-voiced film executive 17 story and the "mendacious smears" attack on Mr Grant, as 18 part of the wider attack, we say, on witnesses who have 19 given evidence to this Inquiry. 20 It's fair to say that unfortunately this has become 21 rather personal as against Mr Grant, when we say this is 22 really about the wider culture, ethics and practices of 23 the press. I know, sir, you understand that point, and 24 I hope the other core participants do as well. 25 I say we've reached an unsatisfactory position</p> <p style="text-align: center;">Page 124</p>

<p>1 because it's actually worse than that. There are 2 a number of matters that I need to deal with as a result 3 of Mr Dacre having gone to some lengths, understandably, 4 to introduce into his evidence his latest witness 5 statement, which, sir, you indicated you would want to 6 hear submissions about before these matters were dealt 7 with today. 8 That latest supplemental statement, of course, was 9 received by Mr Jay personally, I think, at 9.30 pm on 10 Friday. Mr Grant's witness statement, which has not 11 been read into the record, was actually sent to the 12 Inquiry's solicitors at 4.30 pm on Friday, within, 13 I would submit, reasonable time for it to be dealt with. 14 LORD JUSTICE LEVESON: 4.30 pm on Friday? 15 MR SHERBORNE: Mr Grant wasn't, of course, giving evidence. 16 LORD JUSTICE LEVESON: No, I know, but anyway. Carry on. 17 MR SHERBORNE: I can go through the history of it -- 18 LORD JUSTICE LEVESON: No, no, don't go through the history, 19 Mr Sherborne. 20 MR SHERBORNE: There's no objection, of course, to that 21 statement, but those are matters that I need to deal 22 with Mr Dacre, and I do fear that that's going to take 23 some time. It obviously depends on the answers, but it 24 will take some time, and you'll recall that this is a 25 matter which really goes all the way back to the morning</p> <p style="text-align: center;">Page 125</p>	<p>1 would need to be dealt with. 2 LORD JUSTICE LEVESON: But I've not as yet given any core 3 participant the right to cross-examine anybody for quite 4 as long as that. I've allowed certain questions. Let's 5 see what Mr Caplan has to say. 6 MR CAPLAN: Sir, I would suggest that these questions do not 7 and should not be put by Mr Sherborne. You'll remember, 8 sir, when Mr Grant gave evidence I did not cross-examine 9 him. I said evidence would be filed. I think if I had 10 applied to cross-examine him, it would have been given 11 very short shrift. 12 Sir, the procedure to which we have all been working 13 is that core participants put questions which are 14 relevant to the Inquiry's terms of reference through 15 Inquiry counsel, and on very, very rare exceptions have 16 you given leave for core participants to cross-examine 17 a witness. The Information Commissioner was one. 18 Sir, the three issues that Mr Sherborne has 19 highlighted are all to do with Mr Grant. The 20 "mendacious smear" is a matter which has been covered by 21 Mr Jay already. The issues concerning the birth of 22 Mr Grant's daughter and the issues concerning the 23 plummy-voiced executive are issues which satisfactorily, 24 insofar as they are relevant, can be dealt with by 25 evidence on paper.</p> <p style="text-align: center;">Page 127</p>
<p>1 of 22 November, when I raised serious concerns, as did 2 Mr Garnham on behalf of the Metropolitan Police, as to 3 the article that appeared, the press statement that 4 appeared online, which was put out by 5 Associated Newspapers, in which it referred to all of 6 those matters, and then concluded with the "mendacious 7 smears" accusation. 8 It was at that time, sir, you recall, that you asked 9 Mr Caplan to consider -- 10 LORD JUSTICE LEVESON: Yes, I remember how this has emerged. 11 MR SHERBORNE: And it was only as short a time ago as 12 11 January when Ms Hartley gave evidence that at the 13 end, as you'll recall, I laid down the marker that 14 I would need to deal with these matters with Mr Dacre, 15 when he came to give evidence on 6 February, and it's 16 only right that he should do so. 17 That's why I say we've reached a very unsatisfactory 18 position that at 5.30 pm I'm about to begin questions, 19 with your permission, which will take us some time 20 beyond 6 o'clock. 21 LORD JUSTICE LEVESON: No, they won't, because I've not 22 given anybody half an hour as yet. 23 MR SHERBORNE: I understand that, but this is a matter, as 24 I say, which has some considerable history to it, and 25 quite a lot of warning has been given that these matters</p> <p style="text-align: center;">Page 126</p>	<p>1 Sir, you have said many times that you're concerned 2 with the general issues and the important issues here of 3 culture and practices of the media, and with respect, 4 these are issues in respect of which no finding of fact 5 is in fact required. 6 LORD JUSTICE LEVESON: I agree, but -- 7 MR CAPLAN: I'd also mention one other thing, if I may, and 8 that is that the story in relation to the plummy-voiced 9 executive in any event is a story which was published in 10 the Mail on Sunday, in respect of which Mr Wright was 11 the editor. 12 LORD JUSTICE LEVESON: I understand that, but the response 13 to it, Ms Hartley said and indeed Mr Dacre has said, 14 involved him. 15 I understand the point. I am concerned with the 16 culture, practice and ethics of the press generally, but 17 there is no doubt that this particular dispute has 18 achieved a significance -- maybe rather larger than it 19 merits but undeniably has achieved that significance, 20 and indeed the additional statement that Mr Dacre has 21 signed deals extensively with the relationship between 22 his newspaper and Mr Grant. 23 I think that it would be wrong to prohibit 24 Mr Sherborne from asking some questions, and I'm not 25 going to, but I am going to require him to do so very</p> <p style="text-align: center;">Page 128</p>



<p>1 much more briefly than he has suggested. He can put the 2 allegations. He can investigate them to some extent. 3 He can file evidence to some extent, but I am not going 4 to be making findings of fact on many of the broad 5 issues. 6 On the other hand, I'm not prepared to allow 7 Mr Grant, who gave evidence of complaint, to have to 8 face further complaints about him which he can't respond 9 to, other than in the public domain in some other way. 10 MR CAPLAN: Could I just mention, if there are to be 11 questions, as you have indicated there are -- briefly, 12 as I understand it -- it is important, if I may say so, 13 that the previous statements by Mr Grant to which 14 Mr Dacre has referred in evidence, which are all matters 15 of record, should clearly be published and he should be 16 allowed, if necessary, to refer to them in any answer he 17 gives. 18 Those are the statements in July of last year, which 19 made allegations against the Daily Mail. 20 LORD JUSTICE LEVESON: I don't see reason why not. 21 Mr Sherborne? 22 MR SHERBORNE: Far from it. I was going to ask also that 23 the latest statement by Mr Grant should also be read 24 into the record. 25 LORD JUSTICE LEVESON: I'll wait and see about that, because</p> <p style="text-align: center;">Page 129</p>	<p style="text-align: center;">Questions by MR SHERBORNE</p> <p>1 MR SHERBORNE: Can we deal with your latest supplemental 2 statement, Mr Dacre, and although Mr Grant will respond 3 to it by way of a further statement, can I deal with two 4 points. The latter half of your statement appears to be 5 a further criticism of Mr Grant. Can I summarise it in 6 this way, because of the time: that contrary to the 7 impression he gave in his evidence about not wanting to 8 be in the press or to have his picture taken, firstly in 9 fact he is all too happy to be photographed, even in the 10 street, for example, which is what you say, and second, 11 he was keen to get himself into the media and promote 12 his commercial ventures as much as possible. Is that 13 a fair summary of the latter half of your supplemental 14 statement? 15 A. Yes, that is reasonably fair, in the sense that 16 I believe Mr Grant has spent his life opening up his own 17 life to the public, invading his own privacy and 18 discussing the most intimate details of his life. 19 Q. Can I start, then, with your accusation that Mr Grant is 20 only too happy to be photographed in the street. 21 A. I don't think I say that. 22 Q. You do. Paragraph 14. I took the wording from your 23 statement. 24 A. Paragraph 14? 25</p> <p style="text-align: center;">Page 131</p>
<p>1 I want to think about the second statement of Mr Dacre. 2 MR SHERBORNE: Mr Dacre's already given the evidence which 3 is contained in his statement in answer to Mr Jay. He 4 introduced a number of items he tried to read out from 5 the schedule which was attached to it and he has 6 concluded, as I say, in his answers the nub of the point 7 that is contained in the latter half of his supplemental 8 statement. 9 LORD JUSTICE LEVESON: Well, if -- 10 MR SHERBORNE: I'm not going to be able to ask him the 11 questions that I wish to ask him without, in fairness to 12 him, putting to him what is in Mr Grant's supplemental 13 statement. 14 MR CAPLAN: I was just going to say -- I don't want to 15 interrupt proceedings. I know if possible we want to 16 conclude Mr Dacre's evidence as quickly as possible, so 17 I hear what you say and the sooner, if I may say so -- 18 LORD JUSTICE LEVESON: Right. If it means that all these 19 statement goes in, then so be it. 20 Mr Dacre, I am prepared to carry on because I'm 21 conscious of your other responsibilities, but if you 22 feel you'd rather return at some other time, then 23 equally I'm prepared to adjourn now. 24 A. I'd rather deal with them now. 25 LORD JUSTICE LEVESON: Right.</p> <p style="text-align: center;">Page 130</p>	<p>1 Q. 14 of your witness statement. 2 A. No, I don't say it's happy. I say there are thousands 3 of published photographs of Mr Grant that can be 4 classified as follows, and I denote the various 5 classifications. 6 Q. You do use the words, don't you? Can I just look at 7 paragraph 14: 8 "He's happy being photographed in public places." 9 A. In paragraph 14? 10 Q. Yes. 11 A. Yes. I'm sorry, you're right. You're right, yes. 12 I presume, as he's smiling in the pictures. 13 Q. You see, that's the precise opposite, Mr Dacre, of what 14 you've attacked him for in the past. Are you aware of 15 that? Can I quote you an article? 16 A. Excuse me, I don't think I've ever criticised Mr Grant. 17 Q. You say in your statement that he's only too happy to be 18 photographed in the street. 19 A. I include that as one in four categories of photographs 20 that have appeared of Mr Grant, thousands of them in 21 British papers over 12 years. 22 Q. Can I read to you what the Daily Mail wrote on 3 May 23 2007 in an article by Alison Boshoff which was about the 24 notorious incident, if you remember, when Mr Grant 25 kicked a baked bean tin at a paparazzo who was waiting</p> <p style="text-align: center;">Page 132</p>

33 (Pages 129 to 132)

<p>1 for him. Your article says this:  2 "Grant, as usual, was annoyed to be photographed in  3 the street."  4 A. What year was this?  5 Q. 2007, your newspaper. Do you accept that that is  6 inconsistent with what you say in your statement now?  7 A. I really can't believe this Inquiry expects me to  8 remember something that happened five years ago in the  9 Daily Mail in a feature. The point I'm trying to make  10 is here is a man who has assiduously, throughout his  11 life, backed up by a huge celebrity PR industry, courted  12 the press.  13 Q. In the same article it says this:  14 "Despite the fact that they played such a big part  15 in making him both famous and wealthy, Mr Grant detests  16 the media."  17 A. That's the original article, is it?  18 Q. Yes.  19 A. If you send it to me, I'll look at it and get back to  20 you in detail, but I can't possibly be expected to  21 answer something that occurred in an article five years  22 ago.  23 Q. You see, the same inconsistency applies to the promotion  24 of his films. In your latest statement, you say that he  25 "mercilessly promotes his films, commercially exploiting  Page 133</p>	<p>1 from the hip. It's a very considered argument. Over  2 the years -- and we give ample, ample examples --  3 Mr Grant has invaded his own privacy with great  4 proficiency.  5 Q. I'm not going to take you, given the time, to the number  6 of witnesses who have been attacked in  7 Associated Newspapers' publications who have given  8 evidence to this Inquiry --  9 A. You're giving a very partial impression of the  10 Daily Mail and the Mail on Sunday.  11 Q. To be fair to you, Mr Dacre, it doesn't just relate to  12 Associated Newspapers. There are other newspapers which  13 have dealt with those who have given evidence here in  14 a way which we say has vilified them, but since we're  15 dealing with Mr Grant, we've seen the article that was  16 written about him after the birth of his daughter by  17 Amanda Platell. Do you remember it?  18 A. I remember that, yes.  19 Q. In which he was described, would you accept, in  20 extremely nasty terms?  21 A. That was a strong column -- a columnist's strong views.  22 Ms Platell is a star columnist of the Daily Mail, a very  23 talented lady. She was expressing her views, as --  24 I think it's labelled a comment page.  25 Q. Can I just read you very quickly some of the bits --  Page 135</p>
<p>1 his life in the process", but in an article which  2 Mr Grant brought proceedings over, on 24 February 2007,  3 you said precisely the opposite. You said this,  4 Daily Mail, February 24, 2007:  5 "Much to her disappointment, it turned out that Hugh  6 didn't like socialising at all. In fact, he hated it.  7 He even resented having to promote his films."  8 A. Well, in that case, he's a very good actor.  9 Q. But you see, you apologised to him for that article in  10 a statement in open court, which is exactly the same one  11 as we have in relation to the plummy-voiced executive.  12 Do you remember that?  13 A. Which one are we talking about now, sorry?  14 Q. A statement in open court that Associated Newspapers  15 consented to in 2007.  16 A. I don't remember it. I shall go back to the office,  17 I'll look into it and send this Inquiry a written  18 submission if you require it. This is years ago.  19 Q. What I'm putting to you, Mr Dacre, is this: that this  20 latest statement that was put together for you, as you  21 say, with examples, no doubt, provided by people within  22 your organisation is just another shooting-from-the-hip  23 attack on Mr Grant, instead of simply responding to  24 correct the record if there is an inaccuracy.  25 A. I categorically deny it. That is certainly not shot  Page 134</p>	<p>1 A. Was this not submitted earlier to the Inquiry? Is it  2 necessary to read it out again?  3 Q. What it does, Mr Dacre, is it shows that the attacks  4 which have been launched on various individuals for  5 giving evidence are simply one way of just generating  6 more stories. Do you understand what I mean by that?  7 A. I'm afraid I don't, no.  8 Q. Look, Amanda Platell describes the birth of Mr Grant's  9 daughter on 3 November in these terms:  10 "Once a most loved actor, the truth is Grant has  11 become a lonely, bitter man, consumed with hatred of the  12 media who helped make him a star. One can only imagine  13 how scarred his abandoned daughter is going to feel. It  14 remains to be seen if the self-obsessed Mr Grant will be  15 able to give any long-term commitment apart from a  16 financial one, by dipping into his fortune."  17 That's written on 3 November, but Ms Hartley has  18 exhibited to her supplemental witness statement an email  19 from Mr Todd, one of the journalists who was trying to  20 cover the birth of Mr Grant's daughter. The email that  21 was sent to Mr Grant's assistant on 25 October, nine  22 days earlier, says this about the birth:  23 "Hi Sarah [that's, of course, Mr Grant's assistant].  24 Further to our conversation earlier, this is to inform  25 you we are intending to publish an article that Hugh  Page 136</p>

<p>1 Grant became a father for the first time on 26 September 2 to a baby daughter born at the Portland Clinic in 3 central London. The mother is Tinglan Hong. We think 4 this is wonderful news." 5 It's hardly consistent, is it? 6 A. Yes, but it's -- with great respect, it demonstrates 7 a failure to understand how a newspaper works. This was 8 a showbusiness reporter. He wants to get a story. He 9 approaches the public relations representative of 10 Mr Grant and says he'd like to write a story about it. 11 It would have been very helpful at that stage if that 12 public relations expert had told the truth and we could 13 have published a sensible story and it wouldn't have had 14 to wait for it to break on an American website. 15 Q. Let's come to the way in which it broke, shall we? You 16 believe, don't you, in the importance of total 17 journalistic integrity? Do you accept that? 18 A. I believe that journalists should behave with integrity, 19 yes. 20 Q. You believe that throughout these events, your visits 21 demonstrated total journalistic integrity, don't you? 22 A. My managing editors have looked into this and I think 23 they're satisfied that we employed legitimate and 24 correct journalistic procedures. 25 Q. Can we explore that a little bit. Can we start with Page 137</p>	<p>1 A. Well, my managing editor -- officers interviewed him and 2 he insists he did. I'm sure he did. 3 Q. Here is a letter from Helen Ireland, who is the woman 4 that he spoke to, and she says this: 5 "At no point did he identify himself as a member of 6 the press. I've only recently been made aware of the 7 previous tenant's circumstances, so would have asked 8 a reporter why he wanted details. Although I would 9 still have not been able to supply them with an address, 10 I would have refrained from telling him who the letting 11 agent was and where they were." 12 A. I don't know what you're wanting me to say. I've told 13 you: a reporter represented himself as coming from the 14 Daily Mail and I suspect this person in retrospect -- 15 and I don't want to put words into her mouth and make 16 imputations -- probably regretted it and is saying that 17 she hadn't heard that he was from the Daily Mail. 18 MR CAPLAN: Sorry to interrupt, but we just haven't had 19 notice of these questions. 20 A. I know and it is -- I mean -- 21 MR CAPLAN: Mr Dacre and I did not know these questions were 22 going to be asked, but Mr Dacre is obviously giving the 23 best answers we can to questions that are coming -- 24 LORD JUSTICE LEVESON: Had you seen this statement? 25 MR CAPLAN: The statement was served on us late on Friday Page 139</p>
<p>1 Ms Hong's mobile number and how Associated Newspapers 2 got it. 3 Ms Hartley says that a journalist somehow got an 4 address for Ms Hong, went to the flat and was provided 5 by the girlfriend of the current resident with at least 6 the lettings agency's identity and details. Is that 7 right? 8 A. If Ms Hartley has told this Inquiry that, yes, I'm sure 9 that's absolutely correct. Very honest woman. 10 Q. You've seen Mr Grant's supplemental statement, haven't 11 you? 12 A. I haven't, no. You mean today's? 13 Q. The one served on Friday at 4.30. 14 A. No, I haven't seen it, no. 15 Q. Can I ask that you be given a copy of it? I'm surprised 16 you haven't seen it. It was circulated, as I understand 17 it, to all the core participants at 4.30 last Friday. 18 Can I hand it up. (Handed) 19 You see, what Ms Hartley did not say, but we see 20 from Mr Grant's supplemental statement -- if I can ask 21 you to turn to the first exhibit, which is a letter from 22 the girlfriend of the current resident. What Ms Hartley 23 did not say is that the journalist who spoke to the 24 girlfriend of the current resident didn't say he was 25 a reporter from the Daily Mail at all. Page 138</p>	<p>1 night. Mr Dacre has been busy, in fact, dealing with 2 matters for the Inquiry, and in fact he has not actually 3 seen this statement. He's been dealing with a lot of 4 other material, and had I known he was going to deal 5 with specific questions like this, obviously -- 6 LORD JUSTICE LEVESON: I understand. 7 MR CAPLAN: He'll do the best he can, but this is not 8 a productive way, if I may say so, to deal with it. 9 I didn't know, and we had no notice, these questions 10 were going to be asked. 11 LORD JUSTICE LEVESON: I understand the point, and if 12 Mr Dacre hasn't seen the statement, it's rather 13 difficult for him to be able to deal with it. 14 I equally understand why you want to pursue them. 15 I am keen to ensure that you've had the opportunity to 16 ask Mr Dacre such questions as you feel are necessary 17 within the constraints that I have given you. To what 18 extent do you wish to go further into Mr Grant's further 19 statement on the basis that doubtless this evidence will 20 be served and be put into the Inquiry and people will be 21 able to make submissions upon it as they will. It's 22 unlikely that Mr Dacre is going to be able to unpick 23 precisely what the reporter said to this lady, however 24 much time he's given. 25 MR SHERBORNE: Sir, Mr Dacre in his supplemental statement Page 140</p>

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<p>1 relies on what Ms Hartley said in her supplemental.  2 LORD JUSTICE LEVESON: Yes.  3 MR SHERBORNE: You will recall that when she finished giving  4 evidence, I said that we'd not had sufficient notice,  5 which you accepted, for me to deal with it with  6 Ms Hartley and I would have to deal with it with  7 Mr Dacre when he came to give evidence on 6 February.  8 It's clearly on the transcript.  9 LORD JUSTICE LEVESON: Yes, I'm not challenging that for one  10 moment. It may be that the better course is to find  11 a vehicle through which these questions can be asked,  12 but not necessarily now. I understand that you have  13 responded. I understand equally that there must  14 inevitably be limits on what Mr Dacre could have done  15 over the weekend in any event and it may be that we will  16 have to come back to it.  17 MR SHERBORNE: I understand that, and as I said, in order to  18 be fair to Mr Dacre, I think it is only right that he  19 has an opportunity to read this statement, because there  20 are matters in there which do relate to the evidence he  21 has given not only in relation to the birth of  22 Mr Grant's daughter, but also the plummy-voiced  23 exclusive story.  24 LORD JUSTICE LEVESON: But --  25 MR SHERBORNE: Then of course he's gone further, as you</p> <p style="text-align: center;">Page 141</p>	<p>1 to carry on. There is a limit to the time that I think  2 is appropriate, given all the things that I have said  3 about the focus of this Inquiry, to descend into some of  4 the detail, but equally I understand that the issue, as  5 I said to Mr Caplan, has become rather totemic and  6 therefore requires further thought.  7 What I think we ought to do is stop now, revisit how  8 we are going to address it, the extent to which it  9 requires Mr Dacre or Ms Hartley, and think about it  10 again. I'm not saying that I'm going to -- how I'm  11 going to resolve it but I do think it's only fair to  12 everybody that it's resolved rather more carefully than  13 is likely to be possible at 10 to 6 on Monday evening.  14 Right. Mr Dacre, I understand the position you  15 adopt. I am not prepared to allow you to be required to  16 answer questions which you haven't had the opportunity  17 to think about. I'm equally not prepared to shut out  18 some of these lines in the light of the evidence and the  19 allegations that have been made. Equally, I'm not  20 prepared to take a great deal of time over what may not  21 constitute central features of the over-arching aspect  22 of the Inquiry.  23 So I will review how best to deal with it at some  24 later time. It may or may not require you to return  25 shortly, but if you do have to return, it will be</p> <p style="text-align: center;">Page 143</p>
<p>1 heard in his evidence, than simply to make the  2 "mendacious smear" accusation again, but rather to say  3 this was a deliberate attempt by Mr Grant to hijack the  4 Inquiry and to cause damage to his newspaper.  5 LORD JUSTICE LEVESON: I understand.  6 MR SHERBORNE: So there are points I need to put, and I do  7 stress that it is only fair to Mr Dacre that he has an  8 opportunity to read this latest statement that was put  9 in on Friday afternoon, and I am happy, as I said  10 before, to deal with it in due course, but not at ten to  11 6.  12 A. Would it be helpful if you put your questions to me in  13 writing and I dealt with them in writing back to the  14 Inquiry? I can assure this Inquiry I will give them  15 every -- the most considered attention and respond in  16 the best way I can.  17 MR CAPLAN: That was the suggestion I was going to make to  18 you, in that this part of -- these questions and this  19 line of inquiry should be dealt with in writing.  20 LORD JUSTICE LEVESON: I'm not so sure whether that's going  21 to be satisfactory but the answer is this: whatever way  22 is satisfactory, this isn't.  23 MR SHERBORNE: Indeed it isn't, sir.  24 LORD JUSTICE LEVESON: And I will revisit tomorrow how we  25 address this particular set of issues. I'm not prepared</p> <p style="text-align: center;">Page 142</p>	<p>1 shortly. I'm sorry about that, but I think that this is  2 simply not a sensible way of proceeding. I take  3 entirely the point that you've made; I equally  4 understand what Mr Sherborne has said. This just,  5 however, isn't sensible.  6 In the meantime, I am very keen that those who are  7 contemplating what the future should look like should  8 take on board what you've said, which may or may not  9 provide an additional avenue of legitimate Inquiry, but  10 they should certainly look at it, and I'm grateful to  11 you for continuing to think about these issues.  12 You should not believe, as I think two or three  13 times you've said, that the Inquiry is taking a rather  14 blinkered and only negative view of the press --  15 A. I didn't say "blinkered".  16 LORD JUSTICE LEVESON: No, you didn't. That's my word.  17 A. I wouldn't have used that word. But I would ask your  18 Honour to accept that perhaps inevitably the way the  19 Inquiry has been conducted and televised, the British  20 public are receiving a very bleak and one-sided view of  21 the press which isn't fair or isn't true. A great  22 industry that employs thousands of journalists --  23 LORD JUSTICE LEVESON: I'm not sure that's entirely fair,  24 because I think each of the editors who have given  25 evidence have not only spoken of the very good work that</p> <p style="text-align: center;">Page 144</p>

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1 they've done, but have been given the opportunity to  
2 elaborate, and --  
3 A. I'm not sure that's got across to the public, your  
4 Honour.  
5 LORD JUSTICE LEVESON: Well, all right.  
6 MR CAPLAN: Can I just ask that Mr Sherborne puts into  
7 writing the questions he wants to ask. I think it will  
8 then be much clearer as to the areas that need to be --  
9 LORD JUSTICE LEVESON: I think what we can do is ask him to  
10 identify the topics in a series of bullet points so that  
11 we can decide precisely how we're going to proceed  
12 without necessarily going to the precise questions.  
13 MR SHERBORNE: Sir, I already have done that. I sent Mr Jay  
14 that. As I understood it, they were passed on by Mr Jay  
15 to the other core participants but I'm happy to repeat  
16 the exercise if that's felt helpful.  
17 LORD JUSTICE LEVESON: It may just be a question of  
18 forwarding an email. Thank you very much indeed.  
19 10 o'clock tomorrow.  
20 (5.57 pm)  
21 (The hearing adjourned until 10 o'clock the following day)  
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