

<p>1 Tuesday, 24 April 2012</p> <p>2 (10.00 am)</p> <p>3 LORD JUSTICE LEVESON: Good morning, Mr Jay.</p> <p>4 MR JAY: Sir, good morning. Our witness today is</p> <p>5 Mr James Murdoch, please.</p> <p>6 MR JAMES RUPERT JACOB MURDOCH (sworn)</p> <p>7 Questions by MR JAY</p> <p>8 MR JAY: Sit down, please, Mr Murdoch, and if you can bring</p> <p>9 your files to hand. Your full name, please, Mr Murdoch?</p> <p>10 A. James Rupert Jacob Murdoch.</p> <p>11 Q. I'm going to invite you to turn up your witness</p> <p>12 statement, which is dated 16 April of this year. It has</p> <p>13 13 exhibits and has a statement of truth. Subject to</p> <p>14 one small change I know you wish to make, is this your</p> <p>15 formal evidence which you are submitting to the Inquiry?</p> <p>16 A. Yes, it is my evidence that I'm submitting to the</p> <p>17 Inquiry. The one change -- the one correction that I'd</p> <p>18 like to make is to paragraph 3.21.</p> <p>19 Q. Yes?</p> <p>20 A. In that paragraph, I mention meeting with David Laws,</p> <p>21 a Member of Parliament, who is described in the</p> <p>22 paragraph as the chief secretary to the Treasury. In</p> <p>23 fact, I now realise that at the time of the meeting</p> <p>24 Mr Laws no longer held that post.</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 1</p>	<p>1 you back to New York at the beginning of this year, and</p> <p>2 on 2 April 2012, you resigned as non-executive chairman</p> <p>3 of BSkyB; is that right?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. Was your resignation as non-executive chairman of BSkyB</p> <p>6 related to your return to New York or was it for some</p> <p>7 other reason?</p> <p>8 A. As I stated at the time and announced at the time, it</p> <p>9 was for the simple reason that the -- I wanted to avoid,</p> <p>10 really, becoming a lightning rod. Some people were</p> <p>11 trying to conflate issues that had happened in the past</p> <p>12 at News International with relevance to my role as</p> <p>13 chairman of BSkyB, and I thought it was better to not</p> <p>14 provide a distraction for the board of BSkyB and to</p> <p>15 resign my role as non-executive chairman.</p> <p>16 I remain a director of British Sky Broadcasting.</p> <p>17 Q. Thank you. The other general point: as deputy chief</p> <p>18 operating officer of News Corp, you report to Mr Chase</p> <p>19 Carey, the chief operating officer, and not</p> <p>20 Mr Rupert Murdoch, your father, who is the chairman and</p> <p>21 chief executive officer; is that right?</p> <p>22 A. That's correct.</p> <p>23 Q. That said, are there discussions from time to time with</p> <p>24 your father about News Corporation's business?</p> <p>25 A. Yes, we discuss from time to time quite often various</p> <p style="text-align: center;">Page 3</p>
<p>1 A. I apologise for that.</p> <p>2 Q. He resigned on 29 May 2010. Just so that we're clear,</p> <p>3 do you recall when the meeting with Mr Laws was?</p> <p>4 A. I don't. It was in the summer or autumn of 2010.</p> <p>5 LORD JUSTICE LEVESON: No need for an apology. Thank you</p> <p>6 very much. I've made that correction and I am grateful</p> <p>7 for the obvious work that's been put into the statement</p> <p>8 that you've made.</p> <p>9 A. Thank you.</p> <p>10 MR JAY: In terms of your personal career history,</p> <p>11 Mr Murdoch, if I can deal with it quite briefly. You</p> <p>12 were born in the United Kingdom in 1972. You studied at</p> <p>13 Harvard University between 1992 and 1995. Your early</p> <p>14 career was in News Corp Asia. In 2003, you were</p> <p>15 appointed CEO of BSkyB. In December 2007 -- this is</p> <p>16 particularly material for our purposes -- you resigned</p> <p>17 as CEO of BSkyB and were appointed non-executive</p> <p>18 chairman, but you rejoined News Corp as chairman and CEO</p> <p>19 of Europe and Asia, and as part of this you became</p> <p>20 executive chairman of News International. Is that</p> <p>21 correct?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. To take the story up to date, in March of last year, you</p> <p>24 were appointed deputy chief operating officer and</p> <p>25 chairman and CEO international of News Corp, which took</p> <p style="text-align: center;">Page 2</p>	<p>1 business issues.</p> <p>2 Q. I'll come back to that in due course, if I may. I'm</p> <p>3 going to invite you now to summarise what you say in</p> <p>4 answer to question 6 in your statement -- this is</p> <p>5 page 02965 -- about your aims, objectives, philosophy</p> <p>6 and practice, and the way in which you've undertaken</p> <p>7 your business roles, particularly in the United Kingdom.</p> <p>8 Could you summarise that for us, please, Mr Murdoch?</p> <p>9 A. Question 6, I think, which relates to the general</p> <p>10 philosophy and practice, is, I guess -- to summarise,</p> <p>11 I would say that with respect to operating a business</p> <p>12 when I was chief executive of businesses, I tried to</p> <p>13 foster two things, really. One was a real focus on the</p> <p>14 customer of the business, a real focus on viewers. Most</p> <p>15 of my career has been in television and the majority of</p> <p>16 it remains so, and customers, in a broad sense, and</p> <p>17 really have a management culture that is both</p> <p>18 transparent internally but also really working together</p> <p>19 to focus on those right issues.</p> <p>20 There's quite a lot in the witness statement as well</p> <p>21 in that question with respect to governance, with</p> <p>22 respect to the role of business. Do you want me to go</p> <p>23 into all of those things here?</p> <p>24 Q. No, thank you.</p> <p>25 A. Okay.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. I do have a specific question, though, about 2 paragraph 6.6 of 02966. About two-thirds of the way 3 through that paragraph, you say that you sought to 4 foster an open management culture in which top 5 executives would share information. 6 A. Yes. 7 Q. When you arrived here in December 2007, did you find an 8 open management culture in News International? 9 A. When I arrived in 2007, the business was -- the 10 business, as I saw it, had a handful of priorities to be 11 tackled. One was a question around the business' 12 general growth, with declining readership and a flat 13 revenue, et cetera, but also I wanted to have a tight 14 management team that met regularly and that shared 15 regular information about the business, and we 16 instituted regular executive meetings, and I think the 17 new part of it that I started when I was there was 18 really to include in those meetings some of the editors, 19 so that issues around the newspapers and the titles 20 themselves -- programmes, promotions, marketing, 21 et cetera -- could be discussed in the open amongst 22 everyone, and we had monthly what we call "title 23 meetings" in addition to the executive more commercial 24 meetings where we met regularly. 25 Q. Did you feel, in December 2007, that you were being Page 5</p>	<p>1 potential reputational harm for the company? 2 A. I think, with respect to news gathering practices, for 3 example, the subject of -- one of the subjects of 4 interest here, I think it's self-evident that in 5 hindsight and knowing what we know now, whatever 6 controls were in place failed to create the sufficient 7 transparency around those issues and the risks around 8 it. 9 However, there were senior legal managers who, you 10 know, had a lot of experience, who were working closely 11 with the editors and with the -- and with the newsrooms, 12 and at the time I didn't have a view that those were 13 insufficient or not. 14 Q. Apart from advice given from time to time by the senior 15 legal manager -- that was Mr Crone -- it is right to 16 say, isn't it, that there weren't any other systems in 17 place, such as the ones you began to introduce in the 18 summer of last year? 19 A. With respect to, in the summer of last year, some of the 20 things that we introduced -- for example, a dedicated 21 chief compliance officer that will now fit into a global 22 compliance framework for the business, which I think is 23 an important and good step -- with respect to having 24 a board that does more than, for example, the statutory 25 compliance requirements but actually connects the Page 7</p>
<p>1 confronted with an open management culture, or was that 2 something which took time to instill? 3 A. I think it always takes time, and each phase that 4 a business goes through with different leadership in 5 a business in a different time will adjust to it. I did 6 think that it was very different from British Sky 7 Broadcasting, which I had been running before, and 8 I wanted it to be more collaborative. 9 Q. In your discussions, for example, with Mr Myler about 10 the business, do you feel that he was, generally 11 speaking, open with you or something different? 12 A. At the time, I had no reason to believe otherwise. 13 Q. Okay. 6.10. This is page 02967. You refer to the 14 changes which have taken place since the summer of last 15 year. You include amongst those the creation of a risk 16 register. 17 A. Mm-hm. 18 Q. Can I invite you, please, to look as well at your 19 paragraph 8.5, which is our page 02970, where you state 20 that there must be sufficient controls in place, given 21 the legal, financial and reputational risks involved in 22 getting it wrong. 23 In your view, Mr Murdoch, were there deficiencies in 24 News International's systems for identifying and 25 assessing legal risk, particularly in the context of Page 6</p>	<p>1 corporate centre, if you will, the global corporate 2 centre, to management accountability on an ongoing 3 basis, on that board, with particular legal 4 representation on that, those things are new added 5 things to strengthen what was -- to strengthen what we 6 can do, but I think -- 7 Q. The question wasn't strengthening. The question was: 8 the "system" was really only the good work of Mr Crone; 9 there wasn't really much else in place, was there? 10 A. Well, I think, you know, we had really, in effect, 11 a management board, where senior executives would meet 12 sort of regularly, including the chief operating officer 13 of News International and including the chief financial 14 officer, including the editors, from time to time, and 15 there was ample opportunity to be able to discuss these 16 issues and surface them. So there were regular systems 17 in place, and I think I had a -- I think I would have 18 had a reasonable expectation that having the senior 19 legal managers closely associated with the newsrooms 20 was, you know, was a protection that it ultimately 21 proved not to provide. 22 In addition, I also met regularly with our internal 23 audit department, who audited the business on a regular 24 basis and with respect to certain compliance issues, and 25 I encouraged them to be transparent and take the Page 8</p>

<p>1 resources that they required.</p> <p>2 Q. In your position, really, of strategic oversight, did</p> <p>3 you make the obvious connection between legal risk and</p> <p>4 potential reputational damage to the company?</p> <p>5 A. I think corporate reputation is something that, you</p> <p>6 know -- is something that is important to a business and</p> <p>7 is important with respect to a company's license with</p> <p>8 its customers, with the communities that it operates in,</p> <p>9 and obviously legal risk plays into that.</p> <p>10 Q. Did you make the other connection between legal risk and</p> <p>11 ethical risk? In other words, if there weren't systems</p> <p>12 in place to ensure that journalism took place ethically,</p> <p>13 risks might flow from that, not just legal risks?</p> <p>14 A. Well, I was -- I think that's the right connection to</p> <p>15 make. However, I was assured that the -- from</p> <p>16 the standpoint of journalistic ethics and things like</p> <p>17 the Editors' Code and the PCC code, that extensive</p> <p>18 training had gone on and was continually going on and</p> <p>19 I was given, you know, strong assurances that those had</p> <p>20 happened, particularly in light of the voicemail</p> <p>21 interception incident in 2006. Those assurances were</p> <p>22 given to me, you know, early on in my tenure --</p> <p>23 Q. We're going to come to that, Mr Murdoch.</p> <p>24 A. -- at News International.</p> <p>25 Q. Can I ask you this: did you read the News of the World</p> <p style="text-align: center;">Page 9</p>	<p>1 Q. But reading the News of the World, as you did -- I'm not</p> <p>2 asking you to give a moral reaction to it, because that</p> <p>3 would not be the right question, but didn't it pass your</p> <p>4 mind that this sort of journalism carried with it</p> <p>5 ethical risks which could turn into legal and</p> <p>6 reputational risks?</p> <p>7 A. I think -- I think the ethical risk was something -- and</p> <p>8 the legal risk around that was something that was very</p> <p>9 much in the hands of the editor and the decisions on</p> <p>10 things like public interest and the like were things</p> <p>11 that, you know, the editor, in consultation with legal</p> <p>12 advice, was there -- I wasn't in the business of</p> <p>13 deciding what to put in the newspapers. So it was</p> <p>14 really -- you know, I was given assurances by them that</p> <p>15 sometimes proved to be wrong, that I'm sure we'll go</p> <p>16 into, with respect to the risks that they were taking.</p> <p>17 Q. Did you, for example, know what the legal bill was,</p> <p>18 year-on-year, fighting litigation consequent upon the</p> <p>19 News of the World's particular style of journalism?</p> <p>20 A. I'm sorry, Mr Jay, what was the question?</p> <p>21 Q. Did you know what the legal bill was?</p> <p>22 A. Yes. In the budgeting process there were provisions for</p> <p>23 certain legal liabilities.</p> <p>24 Q. What was your reaction to the Max Mosley case, in</p> <p>25 particular -- well, there are two aspects to it. One,</p> <p style="text-align: center;">Page 11</p>
<p>1 on a weekly basis?</p> <p>2 A. I wouldn't say I read all of it, but I -- but I read it</p> <p>3 from time to time.</p> <p>4 Q. Did you read the Sun? I'm not saying every day, but</p> <p>5 perhaps most days?</p> <p>6 A. I tried to familiarise myself with what was in it.</p> <p>7 Q. Did you see, particularly in relation to the News of the</p> <p>8 World, any risks associated with its particular brand?</p> <p>9 Its brand included, some might say, a predilection for</p> <p>10 salacious gossip, kiss-and-tell stories, and delving</p> <p>11 into the private lives of celebrities and others?</p> <p>12 A. I think the News of the World brand as an investigative</p> <p>13 newspaper, with exposes and the like, wasn't only</p> <p>14 concerned with celebrities and salacious gossip, but</p> <p>15 also uncovering real wrongdoing, scandals, campaigning</p> <p>16 and so on and so forth.</p> <p>17 Q. I accept that, Mr Murdoch. I said it's part of, part of</p> <p>18 the picture. But I'm focusing on this part at the</p> <p>19 moment, and the question was: did you see any risks</p> <p>20 associated with those aspects of the News of the World</p> <p>21 brand?</p> <p>22 A. At the time, I don't know -- I can't recall discussing</p> <p>23 those risks, but I do recall, again, receiving</p> <p>24 assurances around journalistic ethics, around the code</p> <p>25 of practice, you know, on a number of occasions.</p> <p style="text-align: center;">Page 10</p>	<p>1 the result, and secondly, the large legal bill?</p> <p>2 A. Well, I think the result of the case was obviously very</p> <p>3 disappointing. I mean, the editor had asserted that the</p> <p>4 story was both true and in the public interest, and it</p> <p>5 was later found by the court to be neither, and that was</p> <p>6 something that's a matter of great regret and</p> <p>7 something -- you know, the story shouldn't have been</p> <p>8 run.</p> <p>9 Q. And the size of the legal bill?</p> <p>10 A. I don't remember the legal fees involved with the Mosley</p> <p>11 case.</p> <p>12 Q. I think Mr Mosley told us that his assessed bill was</p> <p>13 £420,000. Your costs would have been slightly more than</p> <p>14 half a million, I would venture to suggest. A million</p> <p>15 pounds cost, £60,000 damages -- that's a large bill,</p> <p>16 isn't it?</p> <p>17 A. Oh, it was substantial. It was a cause for concern.</p> <p>18 Q. Did you ask anybody to consider the possibility of an</p> <p>19 appeal in Mr Mosley's case?</p> <p>20 A. I don't recall.</p> <p>21 Q. Did anybody draw to your attention the observations of</p> <p>22 the trial judge, Mr Justice Eady, about the chief</p> <p>23 reporter of the News of the World and his, frankly,</p> <p>24 blackmail tactics of two of the women involved?</p> <p>25 A. No, it wasn't drawn to my attention.</p> <p style="text-align: center;">Page 12</p>

1 Q. Okay.
 2 **A. Mr Jay -- well --**
 3 Q. Can I ask you this --
 4 LORD JUSTICE LEVESON: Do you want to add something?
 5 **A. Well, I was just going to seek to help you a little bit,**
 6 **I hope, which is to really situate myself at that time.**
 7 **News International was one of six sort of companies**
 8 **within the region, operating companies reporting to me**
 9 **at the time, and with respect to News International, you**
 10 **know, what I was really focused on through this period**
 11 **were, as I said before, the overall commercial strategy**
 12 **of the business. We were in the process of taking --**
 13 **just the start of taking quite a lot of cost out of the**
 14 **business and restructuring a number of the departments**
 15 **and corporate structures within it, as well as**
 16 **developing, you know, the longer term strategy for the**
 17 **company with respect to its digital products and the**
 18 **like, and not having -- so I just hopefully can be**
 19 **helpful in just situating myself there. You know, the**
 20 **day-to-day management of the legal affairs, the court**
 21 **cases and things like that was something that the**
 22 **management -- the direct management of the company was**
 23 **dealing with.**
 24 LORD JUSTICE LEVESON: Could I just ask on that this
 25 question: you clearly appreciated that the News of the
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1 World had suffered a very great loss, and that whether
 2 it had reputational implications was for you to
 3 consider. But did you consider making a request to say,
 4 "Well, what's gone wrong with this? What decisions did
 5 we make that we shouldn't have made? What went wrong
 6 with this piece of litigation which has cost us so much
 7 money?"
 8 **A. Yes.**
 9 LORD JUSTICE LEVESON: Would you consider that a job for
 10 you?
 11 **A. Sir, I did ask the question, and I recall being told**
 12 **that the problem -- because the editor was really**
 13 **defiant on this point. The problem had been that one of**
 14 **the witnesses on News International's side hadn't**
 15 **testified in the end and the like, and it was all a bit**
 16 **garbled up, but I wasn't told, for example, about what**
 17 **Mr Jay was asking about, the judge's specific ruling and**
 18 **the like.**
 19 LORD JUSTICE LEVESON: But you didn't feel it was necessary
 20 to get into any more detail when your senior management
 21 team had clearly, at least according to a judge, got it
 22 spectacularly wrong?
 23 **A. Well, the question, again, of where the sort of locus of**
 24 **the public interest decision is is one that is very**
 25 **difficult, and really, the editors of any newspaper**
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1 **generally -- generally have that within their piece. On**
 2 **a day-to-day basis, it's for them to decide what goes in**
 3 **the paper. Certainly getting it wrong, spectacularly as**
 4 **that was, is something that was, you know, made clear to**
 5 **Mr Myler and with a strong indication that it shouldn't**
 6 **happen again.**
 7 MR JAY: Of course, at this stage, the News of the World was
 8 an extremely profitable business, wasn't it?
 9 **A. Reasonably, yeah.**
 10 Q. Was there an element, Mr Murdoch, of the ends justifying
 11 the means to this extent: that the paper produced what
 12 you believed its readers wanted, the sole arbiter was
 13 the market, and the sole touchstone was profit?
 14 **A. I'm sorry, what was the question?**
 15 Q. Was there an element --
 16 **A. Oh, was there an element.**
 17 Q. -- of the ends justifying the means?
 18 **A. No. I've written extensively and communicated**
 19 **extensively throughout my career on not just the**
 20 **importance of enterprise but in the way that enterprise**
 21 **is pursued, and it's something that I believe very**
 22 **passionately in, that actually the way we do business is**
 23 **part and parcel of the connection that we have with our**
 24 **customers and the communities that we're in, and I think**
 25 **it's important to note that in the end the profitability**
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1 **of the News of the World did not save it.**
 2 Q. Did you analyse, though, why the News of the World was
 3 a profitable paper?
 4 **A. From a commercial perspective and a product perspective,**
 5 **yes. It had a connection with its readers, was popular**
 6 **with them and was popular with advertisers as well to**
 7 **reach them.**
 8 Q. Self-evidently, there was something about it that the
 9 readers wanted, because we know 3 or 4 million people
 10 bought the News of the World, but there must have been
 11 something more about it which you identified as being
 12 its appeal to its readers.
 13 **A. I think there are many things about any newspaper or any**
 14 **television programme or what-have-you that appeal. It's**
 15 **the way you tell stories. I mean, in the case of the**
 16 **News of the World, you could be talking about a new**
 17 **magazine like Fabulous, which was introduced during that**
 18 **period, which was an expensive new investment and**
 19 **a glossy Sunday magazine that came along with the paper.**
 20 **It could be the sports coverage. There was extensive**
 21 **sports coverage and a heavy investment was made in that**
 22 **as well, and also it could be the exposes that you**
 23 **mentioned earlier.**
 24 Q. Okay.
 25 **A. But every reader has his or her own reasons.**
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<p>1 Q. Can I move on to a different topic, the selection of 2 editors, paragraph 8.26 your statement. Our page 02969. 3 You point out the only editorial staff member appointed 4 during your time was Dominic Mohan. He became editor of 5 the Sun in June 2009. Why did you support Mr Mohan's 6 appointment? 7 A. I -- I knew Mr Mohan a bit around the business. He had 8 been Mrs Brooks' deputy and was well-respected. He was 9 her strong recommendation to take the post, and in 10 consultation with my father and Mrs Brooks, I -- 11 I supported that appointment. 12 Q. Did you know what his political views were? 13 A. I didn't, actually, and I -- to be honest with you, 14 I don't. 15 Q. Do you suspect what they are? 16 A. I think the selection of an editor, Mr Jay, is not 17 simply around political views of an editor one way or 18 another. It's the ability of the editor, perhaps, to 19 lead the newsroom. It's the ability of the editor to 20 make judgments about what to put in the paper every day, 21 primarily. It's the ability of the editor to be 22 thoughtful about his or her readers and how they react 23 to what goes in the paper. It is not simply a political 24 exercise. 25 Q. Was any part of the decision-making in relation to Page 17</p>	<p>1 Q. Sorry, when I said "before", I mean in the sense when 2 you gave your evidence to the Select Committees. The 3 evidence was given on 19 July of last year, and I think 4 on 10 November of last year. 5 A. I'm sorry, Mr Jay. Are you asking me when I had 6 knowledge of that email? 7 Q. Sorry, my question may be cack-handed. 8 Referring back to the meeting which took place on 9 10 June 2008, your position before the Select Committees 10 on 19 July and 10 November of last year was that you 11 were not shown the "for Neville" email at that meeting 12 of 10 June? 13 A. That is correct, yes. And that's -- and that remains my 14 position. I stand by that testimony. 15 Q. Okay. You tell us by way of background that you 16 received assurances -- this is 11.4 of your statement. 17 This was when you arrived in December 2007, but the 18 assurances were that following the introduction of a new 19 editor, extensive training and procedures had been put 20 in place, et cetera. From whom did those assurances 21 come? 22 A. I recall being given assurances by Mr Myler and 23 Mr Cloke, who was the director of human resources at the 24 time, in particular about the training and procedures. 25 Q. Was the context that Mr Myler volunteered this fact or Page 19</p>
<p>1 Mr Mohan's appointment based on this, that you felt that 2 he understood what you and your father wanted, in 3 particular in relation to political lines to take at 4 election time? 5 A. It was not -- it was not really on my concerns. He 6 would be reporting to Mrs Brooks, who had taken over as 7 chief executive, and he was her strong recommendation, 8 and well-respected, and I thought it was a good idea. 9 Q. You knew what Mrs Brooks' position was on matters such 10 as Europe, though, and the euro, didn't you? 11 A. Yes. 12 Q. Presumably you could trust her to recommend someone who 13 might be in the same place, couldn't you? 14 A. I didn't -- the specificity around different policies 15 and things like that, that didn't -- that wasn't 16 something that I engaged in great substance on. 17 Q. Okay. I move on now, Mr Murdoch, to the issue of phone 18 hacking, which is obviously, in one sense, well-trodden 19 ground, because you've given evidence now twice to 20 Select Committees. Can I just establish one fact to 21 start off with? It is right that before the Select 22 Committees, your position was that you neither saw nor 23 knew about the "for Neville" email; is that right? 24 A. That's correct. Pardon me, Mr Jay, did you ask "before 25 the Select Committees"? Page 18</p>	<p>1 was it something that you asked him? 2 A. I think in the -- I think it was probably in the context 3 where, over the first few months, as I was coming to 4 grips with a set of responsibilities around Europe and 5 Asia and in the UK, I would meet regularly with some of 6 the senior executives and they would update me on some 7 of the things that they were doing, and Mr Cloke updated 8 me on that, I recall, and Mr Myler gave me assurances 9 that things were -- you know, as a new editor coming in, 10 that was, you know, what he was doing. He had come in 11 the year before. 12 Q. Did he express to you any doubt as to the possible 13 extent of phone hacking activity in 2005 and 2006? 14 A. No. To the contrary. The assurances that I were given 15 were the same assurances that were given to Select 16 Committee later, for example, that, you know, the paper 17 had been investigated thoroughly, that no new evidence 18 was found, that the police had closed their case and had 19 made public announcements to that effect, so it was -- 20 it was consistent with that. 21 Q. And was it your general understanding that Mr Mulcaire 22 was an independent contractor, as it were, who, 23 certainly in relation to most of the case which was 24 before the criminal court, was working for Mr Goodman? 25 A. My understanding at the time -- I didn't have much of an Page 20</p>

<p>1 understanding at the time of the previous 2006 issues.</p> <p>2 I hadn't been in the company. So it was more a general</p> <p>3 awareness that a reporter had illegally intercepted</p> <p>4 voicemails, had gone to jail along with the private</p> <p>5 investigator involved, and it was a general</p> <p>6 understanding of an event in the past.</p> <p>7 Q. The first step in the chronology is a phone call --</p> <p>8 LORD JUSTICE LEVESON: Before you get to that, Mr Jay, could</p> <p>9 I just ask one question about that?</p> <p>10 I can understand that you might take the view that</p> <p>11 you'd been given some assurances, but here you were</p> <p>12 coming into a company new. It was a company which was</p> <p>13 associated with your family, very, very closely,</p> <p>14 obviously, and it was something that the reputational</p> <p>15 position of it was very important to you. Did you ever</p> <p>16 ask this question: "All right, I accept that you put</p> <p>17 training into place and everybody's up to speed now, but</p> <p>18 how did this happen? How did a very senior reporter,</p> <p>19 who was obviously relied upon and thought highly of, get</p> <p>20 himself into this position? Why didn't we pick it up?</p> <p>21 Why didn't our internal governance pick up that</p> <p>22 something was going wrong?"</p> <p>23 I'm not now talking about an investigation of the</p> <p>24 specific facts. I'm really asking whether you probed</p> <p>25 the adequacy of the internal governance that you had in</p> <p style="text-align: center;">Page 21</p>	<p>1 wrong under him.</p> <p>2 A. Yes, and that was before I was there.</p> <p>3 LORD JUSTICE LEVESON: Of course, I appreciate that.</p> <p>4 A. And I asked the new editor, sir, who was there as well</p> <p>5 to say, "What have you done to make sure this can't</p> <p>6 happen again?" and strengthening the education,</p> <p>7 strengthening the training, strengthening, really, to</p> <p>8 make sure that the journalists understood the code and</p> <p>9 what was acceptable and what wasn't, as well as our own</p> <p>10 codes of business conduct, really pushing that through</p> <p>11 more aggressively, was his answer.</p> <p>12 LORD JUSTICE LEVESON: But you didn't pick up what went</p> <p>13 wrong in our systems earlier?</p> <p>14 A. What I tried to say was that the -- it was the absence</p> <p>15 of those things being done effectively --</p> <p>16 LORD JUSTICE LEVESON: All right.</p> <p>17 A. -- was my understanding.</p> <p>18 LORD JUSTICE LEVESON: Yes, thank you.</p> <p>19 MR JAY: May we look now, please, at the transcript of</p> <p>20 Mr Pike's notes of a call with Mr Myler, 27 May 2008.</p> <p>21 If you have, Mr Murdoch, the document Mr Pike submitted</p> <p>22 to the Select Committee. It's page JCP7. It can be put</p> <p>23 on the screen. MOD100062420.</p> <p>24 So Mr Myler, if Mr Pike's notes are correct, had</p> <p>25 a conversation with you on 27 May; is that correct?</p> <p style="text-align: center;">Page 23</p>
<p>1 place in a company for which you were now assuming</p> <p>2 responsibility.</p> <p>3 A. Sir, I don't know the -- I couldn't say the specific</p> <p>4 language of the question and the conversations that were</p> <p>5 had, but it was clear to me -- and the question</p> <p>6 became -- that in the newsroom in the past it had not</p> <p>7 been tight enough, and they -- that's why a new editor</p> <p>8 was appointed, and the new editor, who I thought really</p> <p>9 had no skin in the game in the past, was there and had</p> <p>10 spent time to improve those systems of governance in the</p> <p>11 newsroom. But the newsroom governance, again, was</p> <p>12 really an issue for the editor and the legal manager to</p> <p>13 be responsible for, and those assurances were clear,</p> <p>14 that they had strengthened the governance to be able to</p> <p>15 catch these things in the future.</p> <p>16 It was my understanding that the implication of that</p> <p>17 is that previously, in 2006, clearly they hadn't been,</p> <p>18 because their position was that they didn't know about</p> <p>19 it.</p> <p>20 LORD JUSTICE LEVESON: Yes. Well, you understand the reason</p> <p>21 for my question. It's not merely what you put into</p> <p>22 place afterwards; it's why all this had got to that</p> <p>23 position, because it's all very well saying it's the</p> <p>24 last editor, but the last editor was appointed and</p> <p>25 somebody didn't pick up that actually things would go</p> <p style="text-align: center;">Page 22</p>	<p>1 A. That's correct.</p> <p>2 Q. Have you --</p> <p>3 A. According to these notes, but I think -- as you know, in</p> <p>4 testimony to the Select Committee, neither Mr Myler nor</p> <p>5 I had a direct recollection of this, but I don't have</p> <p>6 any reason to disbelieve that it occurred.</p> <p>7 Q. "Spoke to James Murdoch."</p> <p>8 Then you can see the first little dash:</p> <p>9 "Not any options. Wait for silk's view."</p> <p>10 So are we to deduce from that that you made the</p> <p>11 obvious and sensible point: "Look, we're paying for</p> <p>12 leading counsel's opinion, he's going to give us advice,</p> <p>13 let's wait and see what he says"?</p> <p>14 A. Yes, and I think they had already instructed leading</p> <p>15 counsel at that time to provide an opinion.</p> <p>16 Q. So there was no other option but to see what leading</p> <p>17 counsel said, was there?</p> <p>18 A. Well, I thought it was -- I presume from this -- again,</p> <p>19 I don't have a direct recollection of the conversation,</p> <p>20 but there was a brief conversation and Myler left the</p> <p>21 conversation with me thinking that there was no option</p> <p>22 other than to wait for the silk's view.</p> <p>23 Q. There would be no point proceeding further without the</p> <p>24 silk's view, would there?</p> <p>25 A. That seems to be what it says here.</p> <p style="text-align: center;">Page 24</p>

<p>1 Q. Then you see the next dash: 2 "One result of Goodman: CG [which is Clive Goodman] 3 sprayed around allegations, horrid process." 4 Then three individuals are named. We won't go into 5 that in any detail. 6 Wasn't it the case, Mr Murdoch, that the second 7 bullet point we see here introduced by the dash was also 8 information which Mr Myler gave you on 27 May? 9 A. No, I don't think so, actually, because I don't think 10 there is -- first of all, there's no record of any 11 meeting in my diaries or anything like that, so this 12 would have been a snatched conversation, I think, when 13 it occurred, and I don't recall any conversation around 14 any of these things. So I think after the first line 15 and the second line, then I think the bit below is 16 really the conversation that Myler is having with Pike, 17 and this is recording that conversation, is my reading 18 of this. 19 Q. But Mr Murdoch, your position is that you don't remember 20 any part of this conversation, do you? 21 A. But I think if it had gone into all of these things, 22 I would have remembered it. 23 Q. Well -- 24 A. And it would have been a longer -- it would have been 25 a meeting.</p> <p style="text-align: center;">Page 25</p>	<p>1 indentations, but actually in the handwritten note, the 2 indentations and bullet points are much more -- are much 3 less precise, in fairness. 4 Q. I'm not sure about that. If you go to JCP5 -- 5 A. I was just looking at it. 6 Q. It's page 62418. One can examine this textually as long 7 as one likes, but it does appear that it's been 8 faithfully transcribed, at least, I would suggest to 9 you, Mr Murdoch. 10 A. My view on this, Mr Jay, is that the conversation that 11 I don't remember on 27 May would have been to wait for 12 the silk's view with respect to the amount of damages 13 and the likelihood of losing or winning the case. The 14 rest of this is a conversation around all of the other 15 issues around it, as the last line, again, you know, 16 I think indicates. It says: 17 "James would say ..." 18 Ie. "would say" if he knew all of these things that 19 he didn't. We can examine it, as you said, as long as 20 we like. I'm trying to be helpful. 21 Q. The very last line: 22 "James would say, 'Get rid of them, cut out 23 cancer." 24 You have interpreted that for us, but from the 25 perspective of Mr Myler, presumably he was of the view</p> <p style="text-align: center;">Page 27</p>
<p>1 Q. It's certainly the evidence we received that a lot of 2 this was the discussion between Mr Pike and Mr Myler. 3 It's just a question of when you draw the line between 4 your conversation with Mr Myler and then Mr Myler's 5 conversation with Mr Pike. The point I'm gently 6 suggesting to you is that you draw the line under the 7 second bullet point: 8 "One result of Goodman: CG sprayed around 9 allegations, horrid process." 10 Do you see the point? 11 A. I do see the point, but as I said, Mr Jay, I draw the 12 line above that. 13 Q. Well, you appreciate the significance of the second 14 bullet point, do you? 15 A. Referring, I assume, to the Clive Goodman dismissal 16 proceeding? Yes, I understand. 17 Q. The point, put very bluntly, is that Mr Goodman was 18 alleging that others at News International were 19 involved. Can you see that? 20 A. Yes, and I was not -- I was not aware of that at the 21 time. 22 Q. Are you sure, Mr Murdoch? 23 A. Yes. So when you ask me where to draw the line, that's 24 where I draw it, and I think the typed transcript of 25 this makes it look like -- with bullet points and</p> <p style="text-align: center;">Page 26</p>	<p>1 that Clive Goodman's allegations were unsubstantiated. 2 Isn't that the position? 3 A. I don't know what his view was at that time. 4 Q. If there's a cancer to be cut out, it would suggest that 5 Clive Goodman's allegations had substance? 6 A. And if I had known about them, that's exactly what 7 I would have said. 8 Q. Mr Myler's evidence to us, if I can paraphrase, was that 9 he thought there were bombs under the newsroom floor. 10 Do you recall that evidence? 11 A. I recall him giving that evidence to you, yes. 12 Q. Mr Crone's evidence was that he never thought the one 13 rogue reporter defence was valid. 14 A. Their -- their assurances to me consistently were as 15 I have said, which was that the newspaper had been 16 investigated thoroughly, that outside people had come in 17 to investigate it, that no evidence was found and that 18 the police asserted that in their evidence -- in the 19 evidence that they had had there was no additional 20 evidence, and that was entirely consistent from Mr Crone 21 and Mr Myler all the way through. 22 Q. One interpretation of this is that Mr Myler was 23 communicating to you the fact that Mr Goodman was, at 24 the very least, making allegations in relation to the 25 possible involvement of others at News International and</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 he was concerned to transmit that idea to you. Do you 2 understand that?</p> <p>3 A. I understand what you're saying, but I -- that isn't 4 what -- that isn't what occurred or what I recall.</p> <p>5 Q. But you recall none of this, do you?</p> <p>6 A. I don't recall this conversation with Mr Myler.</p> <p>7 Q. The next stage is the email chain. I don't believe 8 you've been asked about it yet by the Select Committee. 9 It's the chain of 6 and 7 June 2008, which is 10 MOD100053178.</p> <p>11 LORD JUSTICE LEVESON: Just before you turn to the chain, 12 let me just interpose a question here. Can you think of 13 a reason why Mr Myler or Mr Crone should keep this 14 information or this concern from you? Was your 15 relationship with them such that they may think, "Well, 16 we needn't bother him with that", or: "We'd better keep 17 it from him because he'll ask us to go to cut out the 18 cancer"? I'm trying to understand what's going on here.</p> <p>19 A. I think, sir, that -- that is my understanding of it, 20 because this is something that I've struggled with as 21 well, which is: why wouldn't they just come and tell 22 me -- I was a new person coming in. This was an 23 opportunity to actually get through this, and they 24 didn't. And it must be -- and when I look at that 25 exhibit, you know, those last lines, I think that --</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. Yes?</p> <p>2 A. -- was set up, and I didn't -- and I didn't go through 3 this whole email chain.</p> <p>4 That said, even looking at it, it, to me, looks 5 like, you know, exactly --</p> <p>6 Q. You're now beginning to comment on it, which I'd ask you 7 not to do, but just keep to be the question. The point 8 is quite a straightforward one. If you look at the 9 email from Mr Pike to Mr Crone, 6 June, timed at 17.18 10 in the afternoon, our page 53179, there are three bullet 11 points. I'm only concerned about the third: 12 "He wants to demonstrate that what happened to him 13 is/was rife throughout the organisation. He wants to 14 correct the paper telling parliamentary inquiries that 15 this was not happening when it was." 16 Are you with me --</p> <p>17 A. Yes, I'm following you on the next page.</p> <p>18 Q. The other point being made is that Mr Taylor is, in 19 effect, coming close to blackmailing you -- 20 I paraphrase -- but that's a separate issue. 21 Now, it is true that Mr Crone's email of 7 June 22 doesn't address the rife issue, but Mr Myler's email to 23 you, timed at 14.31 and 41 seconds on Saturday, 7 June, 24 does draw your attention specifically to Julian Pike's 25 email, doesn't it?</p> <p style="text-align: center;">Page 31</p>
<p>1 I don't want to conjecture and I've been, you know, I'm 2 sort of -- but I think that must be it, that I would 3 say, "Cut out the cancer", and there was some desire to 4 not do that.</p> <p>5 MR JAY: I follow that, Mr Murdoch, but I think the point 6 I would like to make about the emails is that in fact if 7 you look at the emails, the point that Mr Pike was 8 making about Mr Taylor alleging that it was rife 9 throughout the organisation was a point that Mr Myler 10 was very concerned that you pick up, which would be 11 consistent with Mr Myler being concerned or having been 12 concerned to make that self-same point to you on 27 May. 13 Do you see that?</p> <p>14 A. Well, I think Mr Myler sent me this note unilaterally, 15 forwarded me this correspondence, and I don't believe 16 that I read it. I didn't read it at the time. I have 17 responded to it in minutes, and it was a Saturday, I had 18 just come back from a flight to Hong Kong and I was with 19 my young children at the time.</p> <p>20 Q. Mm.</p> <p>21 A. And I invited him to give me a call that evening after 22 they went to bed, I assume, and I don't have a record or 23 recollection of any phone call that occurred, but that 24 the five minutes that he wanted with Mr Crone and myself 25 on Tuesday, which was then the meeting of the 10th --</p> <p style="text-align: center;">Page 30</p>	<p>1 A. Regarding Taylor's vindictiveness, as he describes it?</p> <p>2 Q. Yes.</p> <p>3 A. Yes.</p> <p>4 Q. But he's asking you to read it, isn't he?</p> <p>5 A. I think -- I think he's asking me to read the email 6 chain, presumably, in a view to understanding the 7 vindictiveness -- his words -- of Mr Taylor with respect 8 to increasing --</p> <p>9 Q. You're just carving out of this one issue. He wants you 10 to understand the whole picture, and part of the 11 picture, rightly or wrongly, was Mr Taylor saying, 12 "I want to get these guys. I want to prove that this 13 behaviour was or is rife throughout the organisation." 14 Mr Myler was drawing your attention to that very fact, 15 so at the very least you could ingest it, take it on 16 board. Do you accept that?</p> <p>17 A. That there were allegations there and there?</p> <p>18 Q. Yes.</p> <p>19 A. I think my experience of dealing with Mr Myler on this 20 issue, and Mr Crone, was actually that I -- there wasn't 21 a proactive desire to bring me up to speed on those 22 things. If there had been, the meeting would have 23 occurred in April when they first -- or May or whenever 24 it was when they first saw the evidence coming through 25 in the Taylor case.</p> <p style="text-align: center;">Page 32</p>

1 Q. They might have been a bit slow putting this to you, but
 2 when they did, it's clear from this email that Mr Myler
 3 was not seeking, as it were, to edit out the story. He
 4 was concerned that you look at Mr Pike's email and
 5 understand what was being said in the email; that's
 6 right, isn't it?
 7 **A. Again, I didn't -- I don't know what Mr Myler's mind was**
 8 **at this time. I do know that when I did speak to him**
 9 **about it, it was solely with respect to increasing their**
 10 **authority to negotiate the settlement with Mr Taylor.**
 11 Q. At the meeting on 10 June, was there an agenda?
 12 **A. No, other than to update me on this litigation**
 13 **proceeding.**
 14 Q. Is it normal, Mr Murdoch, not to have an agenda for any
 15 meeting, even one of this sort?
 16 **A. Many meetings don't have a written or agreed agenda**
 17 **other than a general heading.**
 18 Q. At the meeting, do you think that Mr Myler drew your
 19 attention to the email that had been sent on Saturday?
 20 **A. I don't, and I don't recall a discussion around that.**
 21 Q. Is it possible that the email, particularly Mr Pike's
 22 email, was being regarded as the agenda for the meeting?
 23 **A. If it was, it wasn't what was followed. The**
 24 **conversation is one that -- on the 10th was a brief**
 25 **conversation that I've described at length.**

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1 Q. Did Mr Crone arrive with a file?
 2 **A. I don't remember if he had a file or not.**
 3 Q. Did Mr Myler and/or Mr Crone refer to potential
 4 reputational damage to the company?
 5 **A. There was -- there was a discussion -- I shouldn't say**
 6 **a discussion. It was referred to that it would be in**
 7 **the best interests of the business not to have this**
 8 **matter from the past, from a few years ago, be dug up**
 9 **again and dragged through the court, but it was more as**
 10 **far as -- it was more in the spirit of -- that here was**
 11 **an issue that happened a few years ago, it's all in the**
 12 **past now, it's all finished, and we don't want to have**
 13 **to go through that again.**
 14 Q. Well, you see that's the bit I don't follow, Mr Murdoch.
 15 If it was only a question of repeating what had been
 16 yesterday's news, namely the Mulcaire/Goodman story,
 17 then there was no additional reputational damage to the
 18 company or risk of it. The point was that this was new,
 19 that the Gordon Taylor litigation would create the
 20 possibility, indeed the probability, of fresh
 21 reputational damage to the company because it involved
 22 others at News International. Do you follow that?
 23 **A. I follow -- I follow your -- your question, but that's**
 24 **not what I was told at the time. What I was told in**
 25 **that meeting was very clear, was that there was a piece**

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1 **of evidence that linked the voicemail interception of**
 2 **Mr Taylor to the News of the World, and this was a new**
 3 **fact, that this was a case that was going to be lost**
 4 **absolutely without question. I was given strong legal**
 5 **advice that it should be settled, and in addition I was**
 6 **told that there was a leading counsel's opinion that had**
 7 **established the amount that was at risk and it was**
 8 **established in that meeting that because the case would**
 9 **be lost, and in order to, you know, not have to litigate**
 10 **a case that would be lost and drag up all these things,**
 11 **a painful episode in the past and what not, that, you**
 12 **know, the strategy should be to settle, and I got strong**
 13 **advice on that subject and I followed that advice.**
 14 Q. Did they make it clear to you that the terms of
 15 settlement could be confidential?
 16 **A. I can't recall -- I can't recall any of the specifics of**
 17 **a discussion around confidentiality, but it was my**
 18 **assumption that it would be a confidential settlement,**
 19 **as many are.**
 20 Q. Did you not make the obvious connection that
 21 a confidential settlement, at whatever sum, would remove
 22 the risk of reputational damage to the company?
 23 **A. Yes, well, for -- my understanding at the time was that**
 24 **both sides sought confidentiality.**
 25 Q. As for the evidential strength of the new evidence,

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1 weren't you told that the new evidence related to others
 2 at News of the World?
 3 **A. Pardon me, sorry?**
 4 Q. Weren't you told that the evidential strength of the new
 5 evidence, the "for Neville" email, was that it related
 6 to others at News of the World, namely that Mulcaire was
 7 working for others at the News of the World?
 8 **A. No. No. What's now known as the "for Neville" email**
 9 **was important for two reasons, as I've said in the past.**
 10 **One reason was it was a direct link between the News of**
 11 **the World and Mr Mulcaire's activities with respect to**
 12 **Gordon Taylor. That is what was told to me. There was**
 13 **another reason, which I now appreciate: that it linked**
 14 **to wider journalists and perhaps could have been the**
 15 **thread to say there was more going on there, and that**
 16 **part of it, that part of its importance, was not**
 17 **imparted to me that day.**
 18 Q. Was the email produced on the day?
 19 **A. No.**
 20 Q. So you don't have any recollection of Mr Crone at the
 21 very least showing you the first page of the email,
 22 which was the gist of the evidence he gave us? Is that
 23 right?
 24 **A. No, I don't have any recollection of that, and**
 25 **I think -- well, I don't need to go into his testimony,**

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<p>1 so sorry.</p> <p>2 Q. Did either Mr Myler -- or it would be more likely</p> <p>3 Mr Crone -- mention leading counsel's opinion?</p> <p>4 A. They did, yes.</p> <p>5 Q. Did they mention leading counsel's opinion in the</p> <p>6 context of the reputational damage to your company if</p> <p>7 the case fought, in particular because the new evidence</p> <p>8 demonstrated that the case went beyond Mr Goodman?</p> <p>9 A. No, they didn't.</p> <p>10 Q. Although you've now seen paragraph 6 of Mr Silverleaf</p> <p>11 Queen's Counsel's opinion, which makes that very point?</p> <p>12 A. Yes, I have now seen it but I did not see it at the</p> <p>13 time, nor was it produced to me.</p> <p>14 Q. Were Mr Myler and Mr Crone calm or anxious during this</p> <p>15 short meeting?</p> <p>16 A. Um ... I would say -- it's a subjective judgment.</p> <p>17 I would say more on the anxious side. They were eager</p> <p>18 to be able to leave the room with a notion that they</p> <p>19 could settle this case at a higher number.</p> <p>20 Q. The truth is, Mr Murdoch, they were very keen that you</p> <p>21 settle. They were very keen to transmit the message to</p> <p>22 you that if you didn't, there was serious reputational</p> <p>23 risk to the company. Are we agreed thus far?</p> <p>24 A. I think the primary purpose, as you -- I wouldn't put it</p> <p>25 in that order, no.</p> <p style="text-align: center;">Page 37</p>	<p>1 I hadn't -- I wasn't a lawyer, I hadn't been involved in</p> <p>2 these sorts of cases, and indeed the Queen's Counsel</p> <p>3 opinion had put the potential liability, including costs</p> <p>4 at, you know, a very large sum as well.</p> <p>5 Q. Yes. His figure, paragraph 17, was:</p> <p>6 "The court might award a sum at any level from</p> <p>7 25,000 to 250,000 or possibly even more, although</p> <p>8 I think this extremely unlikely. My best guess is that</p> <p>9 the award will be either 100,000 or about 250,000,</p> <p>10 depending on the personal reaction of the judge."</p> <p>11 Now, that must have been communicated to you,</p> <p>12 Mr Murdoch, wasn't it?</p> <p>13 A. The opinion was not shown to me. It was --</p> <p>14 I remember --</p> <p>15 Q. I didn't say it was shown to you. I said that that must</p> <p>16 have been communicated.</p> <p>17 A. Yes. As I said, I recall their description of the</p> <p>18 silk's opinion being that the number could be upwards</p> <p>19 of -- I think I recall a number 425,000, so they said</p> <p>20 half a million to a million pounds, with costs in it.</p> <p>21 Q. No, no. His figures are net of costs.</p> <p>22 A. No, they described to me with costs, Mr Jay.</p> <p>23 Q. Don't worry about the costs, because the 350,000 which</p> <p>24 has already been offered was net of cost. It was</p> <p>25 350,000 plus Mr Taylor's legal costs, but Mr Silverleaf</p> <p style="text-align: center;">Page 39</p>
<p>1 Q. I would suggest that the reputational damage was</p> <p>2 inextricably linked with the fact that this wasn't</p> <p>3 a rehash of old news but was something new.</p> <p>4 A. That is not what they communicated to me.</p> <p>5 Q. Were you surprised that an offer, £350,000 plus costs,</p> <p>6 had already been made without your authority?</p> <p>7 A. I don't know when I discovered of that offer, but they</p> <p>8 had told me -- I think that they did say that they had</p> <p>9 made attempts to settle this case already, and indeed we</p> <p>10 know that they made repeated attempts to settle the case</p> <p>11 before that meeting.</p> <p>12 Q. Yes, but you must have known at the meeting where the</p> <p>13 parties were inasmuch as an offer had been made, yet</p> <p>14 Mr Taylor had rejected it. You knew that, didn't you?</p> <p>15 A. Yes, yes.</p> <p>16 Q. And you must have known in what amount the offer had</p> <p>17 been made?</p> <p>18 A. I presume so, but I don't know exactly what the number</p> <p>19 was they told me.</p> <p>20 Q. Well, we know from Mr Crone and Mr Myler's evidence that</p> <p>21 the figure was £350,000. Didn't you think that that was</p> <p>22 an extraordinary amount of money for this sort of</p> <p>23 allegation, even if proved?</p> <p>24 A. Well, I really didn't have any way to situate that</p> <p>25 amount of money with respect to the allegation.</p> <p style="text-align: center;">Page 38</p>	<p>1 was saying:</p> <p>2 "... any level from 250 to 250,000, or possibly even</p> <p>3 more, although I think it's extremely unlikely."</p> <p>4 My question to you was that that must have been</p> <p>5 communicated to you.</p> <p>6 A. Not the gist of the likelihood of that.</p> <p>7 Q. But wasn't that the whole point of waiting for leading</p> <p>8 counsel's view, to know what value he placed on the</p> <p>9 claim?</p> <p>10 A. Yes, and I was told that leading counsel's view was that</p> <p>11 it was -- I can't -- I think they gave it to me with</p> <p>12 costs, and I remember that it would be in that range.</p> <p>13 Q. This just confuses it. It would have been cack-handed</p> <p>14 and frankly ridiculous to have given you a global</p> <p>15 figure. They would have said, "He's saying worst case</p> <p>16 250K plus costs." They must have told you that,</p> <p>17 Mr Murdoch.</p> <p>18 A. That's not -- that's not what I recall.</p> <p>19 Q. Did you not ask them: "Why has the sum of 350,000 been</p> <p>20 offered without my [that's your] authority?"</p> <p>21 A. They -- the management of this litigation, of this legal</p> <p>22 affair was something that I think -- you know, it was</p> <p>23 reasonable for me to leave it to -- the editor and the</p> <p>24 senior legal manager had a lot of experience to do this.</p> <p>25</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. What's the point of having a limit of authority if 2 people are going to go over it by a factor of ten? 3 A. And they came to me to get -- because it was getting to 4 a number where they thought they had to talk to me about 5 it. It wasn't at my -- it wasn't at the top of my mind 6 exactly where their legal authorities were. There was 7 a budget of a million and change or more -- I can't 8 remember -- for legal settlements at the News of the 9 World, and it was within that, and I was briefed on it, 10 as I have described, and left it to them to negotiate. 11 Q. Weren't you concerned that the sum of £350,000 had been 12 offered -- well, it was probably a slightly lower 13 figure -- without there being counsel's opinion? 14 I think it's fair to say that the offer of 350,000 was 15 made on 6 June. Counsel's opinion is dated 3 June. So 16 I think the evidence was that the 350 postdated 17 counsel's opinion, but earlier sums had been offered 18 without counsel's opinion. Did that not concern you? 19 A. I don't remember when I found -- what I knew exactly 20 about the previous numbers of settlement attempts, but 21 I do know that, you know -- and it seems to be in 22 this -- that when it came to my attention, I thought 23 that they should wait for counsel's opinion. 24 Q. Did anybody tell you at the meeting words to this 25 effect: "This guy is trying to blackmail us"?" Page 41</p>	<p>1 A. Yeah, I looked at this and was trying to think what 2 that -- what that could mean, and I do -- and I have -- 3 I do think there was something that had to wait before 4 it could -- there was something about going back to 5 Mr Mulcaire's attorneys to discuss -- because he was 6 a co-defendant and -- the legal ins and outs of it 7 I don't remember, didn't know at the time, but it may 8 have just been: "Well, let's just have a think about it 9 for a day or see if you come back and it can be done at 10 that level." I don't -- I'm conjecturing. 11 Q. Well, the natural and ordinary meaning of this was that 12 you wanted to ponder what you'd been told. Would you 13 not agree? 14 A. Yes. You sit on it for a bit and think about it, but 15 there was a reason for the gap there, which was their -- 16 they had to go and have a discussion with Mr Mulcaire's 17 attorneys, I believe. 18 Q. Look at the next line. I'm going to have to read it out 19 in all its glory. I'm not going to censor it: 20 "CM moving towards to tell Taylor to fuck off. On 21 the end of drip drip -- do a deal with them -- paying 22 them off plus then silence [either that says 'fails' or 23 'falls']." 24 The first line, that's pretty clear that Mr Myler is 25 angry because he knows that Mr Taylor -- or at least Page 43</p>
<p>1 A. I don't recall those words. 2 Q. Or anything like them? Is that your evidence, 3 Mr Murdoch? 4 A. I don't -- I don't remember those words or words like 5 that. It was -- it was a short meeting, and what I can 6 say -- 7 Q. "He's holding us to ransom because although his case is 8 worth much less, he knows that we know that the 9 reputational harm to the company would be so great that 10 a vast overvalue of the claim has to be made by way of 11 settlement to get rid of it." 12 Wasn't that communicated to you? 13 A. No, that's not the gist of what was communicated to me. 14 Q. Doesn't that very fact emerge from the next file note, 15 JCP13, 10 June. JCP13 is 62426, which is really 16 Mr Crone reporting back to Mr Pike. Mr Pike is running 17 the litigation. Mr Crone is reporting back on the 18 meeting you had. Do you follow me, Mr Murdoch? 19 A. Yeah. 20 Q. It says: 21 "Tom, meeting with JM and CM. JM said he wanted to 22 think through the options." 23 That suggests that you hadn't come to any settled 24 decision to conclude the litigation when the meeting 25 ended. Isn't that correct? Page 42</p>	<p>1 it's his perception that Mr Taylor is blackmailing your 2 company. That's fair, isn't it? 3 A. Look, it's hard for me to testify, Mr Jay, to what 4 Mr Myler thought in a conversation relayed by Tom Crone 5 to Julian Pike and written down here. I just don't have 6 direct -- 7 Q. But this is Crone reporting back to Pike, and Crone is 8 reporting back Mr Myler's view at the meeting, isn't he? 9 A. I don't -- I don't -- I don't know. 10 Q. But what else could it be, Mr Murdoch? 11 A. Well, I think Mr Myler -- I mean, if it says here that 12 Myler was moving to not want to settle, that wasn't what 13 was communicated to me at the meeting, which was that -- 14 I had strong advice to settle the case at the numbers 15 which were suggested. 16 Q. But this is a strong indication that Mr Myler was 17 getting extremely hacked off by all of this because he 18 felt that he and the company were at the wrong end of 19 litigation which was amounting to blackmail, frankly, 20 because you were having to pay far too much money to get 21 rid of it, and that message was communicated to you, 22 wasn't it? 23 A. No, it -- the -- as I've said to you, Mr Jay, the part 24 of that message around paying over the odds and so forth 25 was not communicated to me. Page 44</p>

11 (Pages 41 to 44)

<p>1 Q. But the reason why you ended up paying by a factor of 2 possibly ten, if not 20, over the odds to get rid of 3 that case was because if you didn't get rid of it and 4 you fought it, the reputational risk to the company was 5 vast because there would be allegations that these 6 activities went beyond Mr Goodman and Mr Mulcaire. Do 7 you understand that?</p> <p>8 A. I understand what you're saying, and I'm telling you 9 that that was not what was communicated to me in that 10 meeting.</p> <p>11 Q. It looks as if there was a further calculation that 12 Mr Myler was doing in his mind and was discussed at the 13 meeting, where also there was a risk here because even 14 if you did pay off Taylor, the silence -- which is 15 everything going quiet -- might not happen. In other 16 words, there might be further litigation, and therefore 17 your strategy would end up in tears in any event. That 18 must have been discussed at the meeting, Mr Murdoch, 19 wasn't it?</p> <p>20 A. If all of those things, Mr Jay, were discussed at that 21 meeting, if the purpose of that meeting was to brief me 22 and bring me up to speed on all of these allegations on 23 the whole story from 2006, from years before I was 24 there, then (a) it would have been a much longer meeting 25 and it would have had an outcome that was different.</p> <p style="text-align: center;">Page 45</p>	<p>1 that these -- these people had to settle this case, as 2 you've mentioned, and I was told sufficient information 3 to authorise them to go and negotiate at a higher level, 4 and I was not told sufficient information to go and turn 5 over a whole bunch of stones that I was told had already 6 been turned over. I was given repeated assurances, as 7 I've said, that these practices -- that these -- that 8 the newsroom had been investigated, that there was no 9 evidence. I was given the same assurances as they gave 10 outside. I've been very consistent about it and I don't 11 think that, short of knowing that they weren't giving me 12 the full picture, I would have been able to know that at 13 the time.</p> <p>14 Q. I now move on to July 2009 --</p> <p>15 LORD JUSTICE LEVESON: Just before you do that, let me ask 16 this question, because this goes to the issue of 17 culture, which I have to think about. Had you been 18 told: "We don't think there's anything in any of this, 19 but there's a lot of mud going to be thrown and it's 20 going to be very unpleasant and therefore there are 21 reputational risks which we think you ought to be aware 22 of, but on the other hand the amount of money being 23 sought is ludicrous" -- obviously to some extent it's 24 hypothetical, but what I'd been interested to learn is 25 what your attitude would have -- "is", actually, not</p> <p style="text-align: center;">Page 47</p>
<p>1 Q. Maybe not, Mr Murdoch, because if this note is correct, 2 you wanted to think through the options. So there was 3 no need for a longer meeting, but what there was need 4 for was for you to ponder what to do next.</p> <p>5 A. But I just don't -- I think -- I think -- frankly, if 6 the purpose of the meeting and the agenda of the meeting 7 was to go through all of those things -- the Goodman 8 allegations, the history of voicemail interception 9 litigation, the prosecutions from 2006 and 7 -- it would 10 have led to -- it would have been a longer meeting, and 11 in fact they wouldn't have been trying to settle it 12 ahead of it. They would have told me as soon as they 13 had the evidence.</p> <p>14 Q. Well, do you accept at least this: there are two 15 possibilities here, and it will be, of course, for 16 Lord Justice Leveson to decide in due course. Either 17 you were told about the evidence which linked others at 18 News of the World to Mulcaire and that this was, in 19 effect, a cover-up, or you weren't told, or you didn't 20 read your emails properly, and there is a failure of 21 governance within the company? Do you accept that those 22 are the only two possibilities?</p> <p>23 A. I don't think -- I don't think that. It was very, 24 very -- I think I've been very, very clear on this 25 point, of what I was told at the time, the eagerness</p> <p style="text-align: center;">Page 46</p>	<p>1 necessarily "would have been" -- to buying off 2 reputational risk with more money than would otherwise 3 been justified?</p> <p>4 A. My attitude would have been to find out the facts around 5 what the mud-slinging was. My attitude would have been 6 to say, "Let's understand those allegations, let's 7 see -- you know, show me that those are wrong" and so 8 on. I think if you do fast-forward to 2009, you know, 9 the company -- and I think too strongly, as I said, you 10 know, did see some of those allegations come, asserted 11 that investigations had been done and so on, and 12 I think, you know, it would have been -- so to the point 13 of a -- the point of a governance failure or not, that 14 Mr Jay was asking, I think I would have gotten the same 15 answers, which is that it had been investigated, it's 16 all been done, the police have said there's nothing 17 there and so on.</p> <p>18 By the time I arrived, the whole issue of 2006 and 19 2007 was -- was packed away, if you will, and the 20 company's defence, that it was a rogue reporter, that it 21 had been investigated and the police had closed the 22 case, was already and had been firmly in place for 23 a while, so ...</p> <p>24 LORD JUSTICE LEVESON: Yes, I was actually asking a slightly 25 different question. I was asking for your reaction, as</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

1 the person responsible for the overall running of the
 2 company, to overpaying litigation to protect the company
 3 from reputational risk.
 4 **A. I think if the -- I don't think you would want to do**
 5 **that. I think you would want to pay to settle out --**
 6 **make out of court settlements to avoid costly litigation**
 7 **and the risk of losing litigation. With respect to**
 8 **confidentiality, there is a variety of reasons to be**
 9 **interested in confidentiality in these out-of-court**
 10 **settlements and they're not that unusual, so I wouldn't**
 11 **do that.**
 12 What I would be concerned with was, with respect to
 13 the reputational risk, you know, what its nature really
 14 was and, you know, were -- and to try to understand the
 15 real facts of what was going on around the place. And
 16 that's what I'd be concerned with today.
 17 MR JAY: The Guardian article online on 8 July and in print
 18 on 9 July, I think that was drawn to your attention at
 19 the time, wasn't it?
 20 **A. Yes, it was. I was away, I was in the United States at**
 21 **the time, but I received a telephone call about it.**
 22 Q. The Guardian article alleged that Mr Taylor had been
 23 paid, in effect, hush money.
 24 **A. Indeed.**
 25 Q. Didn't you make the connection in your mind between at
 Page 49

1 least that allegation and your involvement in the events
 2 of 10 June 2008?
 3 **A. Yes, I did.**
 4 Q. And what did you think?
 5 **A. I asked the question: "Is this true? What's going on?"**
 6 **And the answer came back.**
 7 Q. And the answer was?
 8 **A. That it wasn't true, that there was no other evidence,**
 9 **that there -- you know, this is a -- you know, this has**
 10 **been investigated to death and this is, you know,**
 11 **a smear. And I think you saw the statement made by both**
 12 **the company at the time, as well as by the police at**
 13 **that time. At that time, I had just -- a new chief**
 14 **executive had just been appointed for News International**
 15 **and the handling on the ground was in London and**
 16 **I was -- I was not there.**
 17 Q. Are you sure Mr Myler didn't reiterate to you in July
 18 2009 what the reasons were for the settlement on 10 June
 19 2008, namely: "We had to pay this man so much money
 20 because of the risk to the company"?
 21 **A. No. They came back and said, "These allegations aren't**
 22 **true."**
 23 Q. What was your reaction to the Select Committee
 24 report, February 2010, which was to the effect that it
 25 was inconceivable that Mr Goodman acted alone?
 Page 50

1 **A. The -- again, at the time, managing the Select Committee**
 2 **and the communications and all the things around**
 3 **News International was not my direct responsibility at**
 4 **that time. There was a full-time chief executive in**
 5 **place. But my reaction was that -- and I was told --**
 6 **what I was told that it was -- what the company then**
 7 **communicated, which is that it seemed to be over the**
 8 **top, that the allegations, you know, were -- that this**
 9 **was something that was politically motivated, and**
 10 **something that in the Select Committee evidence I was**
 11 **clear about my regret about, you know, is we should have**
 12 **taken that Select Committee report more seriously.**
 13 Q. Were you aware of the Clifford settlement in March 2010?
 14 **A. I was -- I was -- I was aware of it in small detail.**
 15 Q. It was a large amount. It was £1 million, wasn't it?
 16 **A. Well, there was a -- there was a -- my understanding was**
 17 **and I was told that there was a litigation pending with**
 18 **Mr Clifford but that it was decided that -- really,**
 19 **there was a commercial relationship with Mr Clifford**
 20 **that he and the chief executive wanted to establish,**
 21 **which was a re-establishment of some relationship in the**
 22 **past and that it seemed better to focus on that and not**
 23 **have this litigation and this arguing in court going on,**
 24 **and that's the limit of my understanding of it.**
 25 Q. In January 2011, as a result of the disclosure process
 Page 51

1 in the Sienna Miller litigation, you became aware that
 2 the one rogue reporter defence was no longer tenable;
 3 that's right, isn't it?
 4 **A. Yes. There was a disclosure in the Sienna Miller**
 5 **litigation.**
 6 Q. What discussion, if any, was there about this within
 7 News International, in particular with Mr Myler?
 8 **A. There was -- well, there had been discussion leading up**
 9 **to that -- that litigation happening and the question of**
 10 **risk there. The company had, many months before, said**
 11 **that if any evidence emerges in these civil litigations,**
 12 **the company will act decisively and move quickly on it**
 13 **and that's exactly what the company did.**
 14 **I don't think I was present in discussions with**
 15 **Mr Myler at that time, but I can go and check that and**
 16 **come back to you.**
 17 Q. I think it may go a bit wider than what you've just
 18 said, Mr Murdoch. We have a Select Committee who, you
 19 say, after the event was proved right but made a very
 20 serious point. You have the Guardian article of July
 21 2009. Your immediate reaction was to -- frankly, to
 22 rubbish that, at least in your mind, and here evidence
 23 was coming out which showed that all these articles and
 24 Select Committees might be right after all. Didn't that
 25 cause you any concern?
 Page 52

<p>1 A. It did cause -- it did cause concern, and actually the 2 coming out of the evidence in the Sienna Miller 3 litigation was of great concern and it's why, you know, 4 the company moved and I insisted that the company move 5 quickly to reopen an internal investigation into the 6 issues around it, to act against the employees that were 7 implicated and immediately suspend them, which was done 8 before the new year, and move to bring in new counsel to 9 get to the bottom of what was really going on. And as 10 soon as we had that evidence, we acted very quickly, and 11 I wish we had had that evidence earlier.</p> <p>12 Q. You refer in paragraph 15.2 of your statement to an 13 aggressive defence. Do you feel that that is or was 14 a cultural problem, either within your papers or the 15 press as a whole?</p> <p>16 A. I think -- I wouldn't say it's -- I wouldn't say that 17 it's simply in our -- in News International's 18 newspapers, but that's not to excuse it. I did sense, 19 in the time that I was sort of involved in these 20 newspapers, that the culture between these papers is 21 very tribal and the competition is seen as very much 22 a zero sum game, and that might lead to a culture where 23 being too aggressive, knocking back allegations and not 24 being as thoughtful and forensic about allegations is 25 there, and that's why -- I mean, if I think about really</p> <p style="text-align: center;">Page 53</p>	<p>1 need a break. Is that a convenient moment?</p> <p>2 MR JAY: Yes.</p> <p>3 LORD JUSTICE LEVESON: We'll just have ten minutes. 4 (11.18 am)</p> <p>5 (A short break)</p> <p>6 (11.28 am)</p> <p>7 MR JAY: One last question, the meeting on 10 June. Did you 8 take notes at that meeting?</p> <p>9 A. I don't think so. I don't have any. I've looked for 10 them.</p> <p>11 Q. Thank you. Meetings with politicians. JRM9, first of 12 all. Our page 02952. This time we are within the PROP 13 folder. Do you have it there, Mr Murdoch?</p> <p>14 A. Yes.</p> <p>15 Q. There was a meeting with or rather a conference call 16 with the then Prime Minister, Mr Blair, on 7 October 17 2005. It was at your instigation, was it?</p> <p>18 A. That's my recollection, or our public affairs people.</p> <p>19 Q. You say: 20 "... possibly EC proposals concerning sports rights, 21 although I don't recall precisely." 22 There are rumours going around that the broadcasting 23 rights in relation to the premier league would be split; 24 is that correct?</p> <p>25 A. At that time there were a number of -- I wouldn't say</p> <p style="text-align: center;">Page 55</p>
<p>1 one of the big lessons learned here is that no matter 2 where something comes from, even if it's a commercial 3 rival or someone who has a political gripe or whatever 4 it is, that being more dispassionate and forensic and 5 understanding that those circumstances don't make an 6 allegation untrue is very important.</p> <p>7 Q. Do you feel, in hindsight, that the News of the World in 8 particular was characterised maybe by a cavalier or 9 swashbuckling attitude to risk, that that was almost 10 inherent in its brand?</p> <p>11 A. I don't think I would -- I don't think I would say that, 12 that it's inherent in its brand, but I do think that 13 knowing what we know now about the culture at the News 14 of the World in 2006, for example, and that -- well, at 15 least that we know about the alleged, you know, 16 widespread nature of these poor practices, that it must 17 have been cavalier about risk, and I think that's 18 a matter of huge regret and something -- we have to have 19 systems in place to try to make sure it doesn't happen 20 in the future.</p> <p>21 Q. Okay. I'm going to move on now to a separate topic, 22 which is dealings with the politicians. I think the 23 best way to deal with that is to start with the issue of 24 meetings.</p> <p>25 LORD JUSTICE LEVESON: Mr Jay, at some stage we're going to</p> <p style="text-align: center;">Page 54</p>	<p>1 rumours going around. There were a number of interested 2 parties, who wanted to see the European Commission's 3 intervention into Premiership football selling, which 4 was really intervention against the Premier League 5 itself, to be changed again.</p> <p>6 Q. Yes, but that would have direct and obvious consequences 7 for BSkyB, wouldn't it?</p> <p>8 A. Yes, and I recall the telephone conversation a little 9 bit, not exactly, but I think that's what it was about, 10 and I think it was a normal and appropriate or 11 legitimate bit of business advocacy. There were 12 a number of parties -- the FAPL, British Sky 13 Broadcasting and others -- who thought that a further 14 intervention into the otherwise vibrant market for 15 sports rights was unnecessary.</p> <p>16 Q. One can describe this in a number of ways. You can use 17 the term quite fairly "business advocacy". It could 18 also be described as lobbying, couldn't it?</p> <p>19 A. Yes, either one.</p> <p>20 Q. It could also be described as a private conversation 21 with the Prime Minister, making it clear the commercial 22 concerns of your company and that he should register and 23 understand them. Is that right?</p> <p>24 A. I think -- I think it's not so much the commercial 25 concerns of the company, but yes, I think it could have</p> <p style="text-align: center;">Page 56</p>

<p>1 been entirely consistent with public statements that 2 I would have made, or others on behalf of the company 3 would have made, and, you know, nothing in communicating 4 additionally would have been inconsistent with the 5 company's view on a further intervention into the 6 market.</p> <p>7 Q. Was the purpose of the call in any way to bring Mr Blair 8 onside in the sense that if the European Commission did 9 intervene, then the British government should avail 10 BSKyB?</p> <p>11 A. No. I think it was just -- it was -- in conversations 12 like this, I would have said this is just to make the 13 Prime Minister aware of these issues -- it's a major 14 British franchise, football playing -- and that -- you 15 know, it would have been unclear whether or not he was 16 aware of what some of the proposals that were flying 17 around were like, and that's all.</p> <p>18 Q. You wouldn't have either the bad taste or lack of 19 sophistication to make a direct request of the 20 Prime Minister, and if you were to do that, he would 21 probably ignore it, but you are subtly communicating to 22 him, are you not, your concerns on behalf of BSKyB and 23 making it as sure as you could be that he would at least 24 understand them. Would you agree?</p> <p>25 A. Yes. The purpose would be to -- hopefully for senior Page 57</p>	<p>1 Q. I'll come back to that. Then with Mr Cameron, it's 2 probably best to deal with this chronologically and 3 therefore please look at JRJM10. These are meetings 4 with leaders of the opposition. We can see a number of 5 meetings, page 02863, in 2006, 2007, 2008. Who's 6 Mr Adlington?</p> <p>7 A. I don't remember. I think a banker who was in -- you 8 know, assembling business leaders to listen to the 9 leader of the opposition talk about his attitude towards 10 enterprise, if I recall.</p> <p>11 Q. At an early stage, did you have any doubts about 12 Mr Cameron's suitability to be Prime Minister?</p> <p>13 A. I don't think I would have thought about it in that way, 14 really. I met him occasionally. Most of these were 15 sort of social events or dinners at other persons' house 16 and things like that, and he would have, as the leader 17 of the opposition, and speaking to anyone around the 18 media, would have been -- or business leaders, would 19 have been advocating the rightness of his ideas, 20 I should imagine.</p> <p>21 Q. Is the purpose of these meetings at least twofold: first 22 of all to understand where Mr Cameron was coming from, 23 in terms of macro-economic policy? In other words -- 24 well, it's self-explanatory. Was that part of the 25 purpose of these meetings? Page 59</p>
<p>1 policy-makers, the Prime Minister in this case, to 2 understand that some of these policies might have 3 adverse consequences for British football. English 4 football, in this case.</p> <p>5 Q. They would certainly have adverse consequences for your 6 company, wouldn't they?</p> <p>7 A. Potentially. I mean, it is important to note that the 8 European Commission's work on this really was around the 9 way that the FAPL sells. It wasn't a question of the 10 way that we or BSKyB or any others bid. It was the 11 structure of the auction itself that was the concern.</p> <p>12 Q. If we look at JRM9 again and your meetings with Gordon 13 Brown, they appear to be largely of a social nature; is 14 that correct?</p> <p>15 A. Yes, that's correct. Remember, on the middle one, 16 15 December 2008, I don't remember, but he would have -- 17 you know, he would have told me lots of things about the 18 economy and the like.</p> <p>19 Q. When was it in 2009 that News Corp began to hatch the 20 idea to acquire the remaining shares in BSKyB?</p> <p>21 A. It was probably pretty late, actually. It was 22 probably -- I remember there was a meeting in the summer 23 time about it in Los Angeles, in sort of August, but 24 that was sort of where it was coming -- starting to come 25 together, thinking: would it be possible to do that? Page 58</p>	<p>1 A. I think just in general, the direction -- I think 2 politicians generally, they like to communicate their 3 vision of policies and what they think is the right 4 thing to do, both economically, for business, for 5 society, and they generally try to convince anyone who 6 will listen that they are right and not wrong.</p> <p>7 Q. Yes, but before the Sun in particular would think of 8 supporting Mr Cameron, it would need to be satisfied 9 that he was on the right page in relation to 10 macro-economic policy?</p> <p>11 A. I should think any newspaper would be considering what 12 policies were being put forward and making their own 13 judgments.</p> <p>14 Q. Wasn't there also this consideration, Mr Murdoch: that 15 you'd be keen to know where Mr Cameron stood on issues 16 which would directly affect your company and your 17 companies?</p> <p>18 A. Not really. I wouldn't really have raised specific 19 things with him about that, other than consistent -- you 20 know, my position on industry policy and things like 21 that have been pretty consistent and pretty public, 22 so --</p> <p>23 Q. Wouldn't you want to know his views about regulation, 24 whether it's TV regulation, Ofcom, press regulation, 25 competition plurality? Wouldn't you want to know his Page 60</p>

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<p>1 views about that?</p> <p>2 A. I think more generally one would like to -- it's more</p> <p>3 generally an approach to enterprise, an approach to --</p> <p>4 not so much macro-economic, but approach to business and</p> <p>5 how businesses work and how they create jobs and the</p> <p>6 like.</p> <p>7 Q. But why wouldn't you want to know his views about those</p> <p>8 matters?</p> <p>9 A. Well, I might want to know, but the purpose of these</p> <p>10 meetings wasn't necessarily to find out. They were --</p> <p>11 discussions were on a broad range of subjects, from</p> <p>12 foreign policy to other things.</p> <p>13 Q. I'm sure you'd wish to range over a number of topics,</p> <p>14 but it would be to the commercial advantage of your</p> <p>15 company, and some would say your duty, to find out where</p> <p>16 Mr Cameron stood as leader of the opposition on these</p> <p>17 matters, wouldn't it?</p> <p>18 A. I'm not sure where the leader of the opposition stands</p> <p>19 on issues is a commercial advantage to a company.</p> <p>20 I think that the policies that these political leaders</p> <p>21 espouse, they generally do publicly.</p> <p>22 Q. It occurs on two levels --</p> <p>23 A. They have a platform, and they --</p> <p>24 Q. Yes, of course it occurs in the public domain, and</p> <p>25 Mr Cameron did indeed set out his position on these</p> <p style="text-align: center;">Page 61</p>	<p>1 Q. But Mr Murdoch, a company as sophisticated as News Corp,</p> <p>2 with the quality of advice available to it, didn't it do</p> <p>3 two calculations, one on the basis of a Tory government</p> <p>4 and one on the basis of a Labour government?</p> <p>5 A. I think not with respect to -- not with respect to any</p> <p>6 transaction, clearance of a transaction, specific</p> <p>7 regulation or anything like that. But certainly you</p> <p>8 would look at the general political direction a country</p> <p>9 was going in, as we would in any place, if it's Turkey</p> <p>10 or India or wherever, to see: is this a place where our</p> <p>11 enterprise can be pursued?</p> <p>12 Q. It could be Mali or outer Mongolia. It doesn't matter.</p> <p>13 But in relation to the United Kingdom, you would be</p> <p>14 thinking, particularly as an election is coming up: how</p> <p>15 is this going to play out, this bid, if on the one hand</p> <p>16 you have Cameron, and on the other hand you have Brown?</p> <p>17 Surely that calculation must have been carried out?</p> <p>18 A. With respect to the offer to make a proposal, the bid,</p> <p>19 the idea to bid for the shares we didn't already own,</p> <p>20 that wasn't part of it. There was a view later on, when</p> <p>21 it was thought that it was likely that we might attempt</p> <p>22 to do this, to not be -- to try to avoid becoming</p> <p>23 a political issue in the middle of an election, but not</p> <p>24 with respect to what the likely or possible outcomes of</p> <p>25 the election were.</p> <p style="text-align: center;">Page 63</p>
<p>1 matters in a public forum, but wouldn't you also wish to</p> <p>2 find out privately what he might say? Moreover, in</p> <p>3 a private context, he might tell you more?</p> <p>4 A. No, Mr Jay, if what you're getting at is some sort of</p> <p>5 a judgment about a political leader with respect to</p> <p>6 specific legislation or specific policies around our</p> <p>7 business, that's really not -- that's not the way I do</p> <p>8 business. I would have been interested and flattered to</p> <p>9 be invited to a dinner that the leader of the opposition</p> <p>10 was at and I would have been curious as a person in the</p> <p>11 room and listened to what he had to say about a variety</p> <p>12 of topics.</p> <p>13 Q. At the time when the BSKyB bid was hatched in the mind</p> <p>14 of News Corp, you say towards the back end of 2009,</p> <p>15 didn't it, even as a matter of intellectual curiosity,</p> <p>16 occur to you that it would be interesting to know where</p> <p>17 Mr Cameron stood on matters of regulation which might</p> <p>18 have an impact on the fate of that bid in due course?</p> <p>19 A. Not really. I mean, we did an assessment of the</p> <p>20 regulatory risk, but that's a legal assessment around</p> <p>21 what a process might look like, would there be</p> <p>22 regulatory issues, competition issues, et cetera. It</p> <p>23 was not a narrow political calculation around that,</p> <p>24 because the legal risk would have been established and</p> <p>25 we would have made a judgment on that basis.</p> <p style="text-align: center;">Page 62</p>	<p>1 Q. Because Mr Murdoch, a bid of this sort, its merits are</p> <p>2 examined on two levels. There's the legal analysis,</p> <p>3 where you may be advised that your case was strong. I'm</p> <p>4 not asking you to comment on that. Then there's the</p> <p>5 political dimension, which is: "However good the legal</p> <p>6 case is, we still have to get this bid through because</p> <p>7 of the opposition we might face on the political stage."</p> <p>8 That sort of discussion must have taken place, mustn't</p> <p>9 it?</p> <p>10 A. Yes. I mean, it takes place with respect to what sort</p> <p>11 of regulatory scrutiny a transaction is going to come</p> <p>12 under, and you make an assessment around that, and</p> <p>13 certainly while on the regulatory side, on competition</p> <p>14 issues and plurality issues, we were confident of the</p> <p>15 legal case, we were alive to the risk that politics or</p> <p>16 commercial interests might influence opposition or</p> <p>17 arguments made against. But, you know, we rested on the</p> <p>18 on soundness of the legal case.</p> <p>19 Q. Is your evidence to this Inquiry that you thought that</p> <p>20 a Labour government, reelected in 2010, would be more</p> <p>21 favourable, more well disposed to, to the BSKyB bid than</p> <p>22 a new Conservative government?</p> <p>23 A. I don't think government's approach to the bid was</p> <p>24 something -- which government's approach to the bid was</p> <p>25 something that was necessarily high on our mind. There</p> <p style="text-align: center;">Page 64</p>

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<p>1 would have been -- we had -- between New York and 2 London, we had legal and public affairs executives 3 working tightly on this, and they made an assessment 4 that from a regulatory perspective there was -- you 5 know, that it was a sound transaction and that we would 6 be able to get it through.</p> <p>7 There was a question about how long it might take, 8 what sort of references were made, what sort of -- would 9 it go to the Competition Commission or not, and that 10 would impact the length, or a phase 2 European 11 transaction, for example, but it was more duration, not 12 really likelihood of completion that we were concerned 13 about.</p> <p>14 Q. On 10 September 2009, you had drinks with Mr Cameron at 15 a place called the George, and the topic of the 16 discussion was the Sun's proposed endorsement of the 17 Conservative party. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Was it made clear to Mr Cameron that the Sun would be 20 endorsing the Conservative party?</p> <p>21 A. It was made clear to Mr Cameron by me that after 22 discussions with the editor and the leadership at 23 News International and my father that that autumn, the 24 Sun would either be endorsing the Conservative party or 25 certainly, you know, moving away from its traditional or</p> <p style="text-align: center;">Page 65</p>	<p>1 Labour's record.</p> <p>2 Q. Is it your evidence that either at that meeting or 3 before you had not discussed regulatory issues with 4 Mr Cameron?</p> <p>5 A. At that meeting I certainly didn't.</p> <p>6 Q. At previous meetings had you discussed them?</p> <p>7 A. I don't believe so, actually.</p> <p>8 Q. Later meetings with Mr Cameron, we can see these on 9 page 02864. There are general references to topical 10 subjects, politics. Do you think regulation might have 11 been discussed?</p> <p>12 A. Which -- these are on 7 November and 23 December?</p> <p>13 Q. No, they're before the election. It's on the second 14 page of JRM10, our page 02864.</p> <p>15 A. Oh. I think more -- I think actually more politics, 16 just leading up to an election, was more of a topic. 17 I don't believe we discussed any specific regulation and 18 certainly if anything came up, it would have been 19 entirely consistent with the public -- you know, the 20 public advocacy that I and the company had undertaken at 21 that point.</p> <p>22 Q. Okay, but once he becomes Prime Minister, which was, as 23 we recall, in May of 2010, you've recorded here two 24 meetings with Mr Cameron, back to JRM9, page 02952. 25 There's a lunch at Chequers, with your family on</p> <p style="text-align: center;">Page 67</p>
<p>1 recent support of Labour, as it had been through the 2 summer.</p> <p>3 Q. Yes. This must have been welcome news to Mr Cameron, 4 mustn't it?</p> <p>5 A. It seemed that way.</p> <p>6 Q. Yes. Did you discuss the timing of the Sun's 7 endorsement?</p> <p>8 A. We discussed it at the end of the -- the plan that the 9 editors had was that it would be at the end of the 10 conference season, if it happened, because we wanted 11 to -- the editors wanted to see what things came out of 12 the conferences, particularly the Labour conference, 13 whether or not they would -- what they would say.</p> <p>14 Q. Wasn't there a discussion that: "We'll endorse you at 15 the best possible moment"? The worst possible moment 16 for Mr Brown, as it happened, the very day of his speech 17 to the Labour party conference.</p> <p>18 A. I was --</p> <p>19 Q. Was there discussion on that basis?</p> <p>20 A. I don't remember the specificity of that, but for 21 clarity, I think it was the day after was the article. 22 It was really more focused on Labour's record than it 23 was an endorsement of the Conservatives, the one that 24 you're referring to that you put in the evidence. It 25 was the day after the speech and it was really about</p> <p style="text-align: center;">Page 66</p>	<p>1 7 November 2010.</p> <p>2 A. Mm-hm.</p> <p>3 Q. One may accept the general social conversation. You 4 don't recall any discussion of the BSKyB bid, do you?</p> <p>5 A. Not of the BSKyB bid, no, not at all.</p> <p>6 Q. But then on 23 December 2010, there was some discussion, 7 according to your witness statement at paragraph 3.19. 8 Can we just be clear about this occasion? Was it at the 9 home of Mr and Mrs Brooks?</p> <p>10 A. Yes, it was. It was 23 December at their home.</p> <p>11 Q. Yes. About how many people were there?</p> <p>12 A. I can't remember the exact number but it was in the 13 teens. Maybe a dozen, maybe 15 people.</p> <p>14 Q. It was two days after the revelation that Mr Cable might 15 not be approaching the BSKyB bid with an entirely open 16 mind, if I can put it in that way.</p> <p>17 A. Oh no, it was two days after Mr Cable had been removed 18 from his responsibilities with respect to it after 19 showing acute bias.</p> <p>20 Q. Fair enough, Mr Murdoch. You're entitled to put it in 21 that way. So the issue, the fate of the bid, was very 22 much in your mind on 23 December 2010, wasn't it?</p> <p>23 A. It was. It was a big question mark about what would 24 happen going forward, but there was no discussion with 25 Mr Cameron other than as I've detailed in my witness</p> <p style="text-align: center;">Page 68</p>

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<p>1 statement, which is simply he reiterated what he had 2 said publicly, which is that the behaviour had been 3 unacceptable, and I imagine I expressed a hope that 4 things would be dealt with in a way that was appropriate 5 and judicial.</p> <p>6 Our only concern during this period was that the 7 correct and appropriate legal test was applied to this 8 transaction, and I would have said it to anyone who 9 would listen. But it was a tiny side conversation ahead 10 of a dinner where all these people were there. So it 11 wasn't really a discussion, if you will.</p> <p>12 Q. So it just took a few moments; is that right?</p> <p>13 A. That's my recollection, yeah, and I include it here for 14 completeness.</p> <p>15 Q. Fair enough. Then other ministers. The meeting with 16 Mr Laws after, you've kindly told us, he resigned as 17 chief secretary of the Treasury. So it was after 29 May 18 2010, presumably after the bid was announced; is that 19 right?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. Was the purpose of the discussion to see if the Liberal 22 Democrat part of the Coalition could be brought on side?</p> <p>23 A. No, not so much to be brought onside. I had been 24 attempting and requesting to meet with the minister, 25 Mr Cable, in charge of the portfolio under the -- it's</p> <p style="text-align: center;">Page 69</p>	<p>1 football, and that was the goal. But the primary driver 2 for the timing was really (a) the affordability of it, 3 being able to do it. We had taken some time to really 4 husband our resources carefully. It was contemplated it 5 would be an all-cash offer and that took a little while 6 to save up, if you will, after -- over a number of 7 years. Also, there was a gap because in 2009, you'll 8 recall, with the financial crisis, with the uncertainty 9 around the environment, you know, large scale mergers 10 and acquisitions activity was a hard thing to get your 11 head around.</p> <p>12 Q. Yes.</p> <p>13 A. And furthermore, in 2009 -- and forgive me, Mr Jay, but 14 it's important because I think I know where you're 15 going, but every summer the BSKyB board, the independent 16 directors, meet together to talk through long-term 17 strategy and the like, and we wanted to do it ahead of 18 that, or around that time when the board was all 19 scheduled to have a few days together, so it could be 20 done completely and properly with the board.</p> <p>21 Q. Yes. I think you said that you needed to save up over 22 a number of years; is that right?</p> <p>23 A. Yes. The company did, yes.</p> <p>24 Q. So it suggests that the BSKyB bid was at least in embryo 25 over a number of years, doesn't it?</p> <p style="text-align: center;">Page 71</p>
<p>1 a quirk of the Enterprise Act in this area that the 2 politician himself, the Secretary of State holds the 3 responsibility to make the decision. It's not 4 a question of a regulator or an independent body or 5 anything like that; it's the Secretary of State himself 6 who can do that. I had been requesting a meeting with 7 Mr Cable. I was told that I wasn't able to have 8 a meeting with Mr Cable and his advisers with our team 9 as well to talk about the transaction, so I reached -- 10 our people, I think, reached out to Mr Cable's advisers, 11 who suggested that we talk to various senior Liberal 12 Democrats.</p> <p>13 Q. Can I ask you a general question about the timing of the 14 bid. We know from what's in the public domain that 15 News Corp approached BSKyB regarding its interest in 16 acquiring the publicly owned shares of BSKyB in June 17 2010; is that correct?</p> <p>18 A. That's right.</p> <p>19 Q. Which is one month, thereabouts, after the election. 20 The internal consideration began the previous year. Was 21 it part of the News Corp strategy to at least wait until 22 the outcome of the election?</p> <p>23 A. I think it was to wait until the election was completed, 24 regardless of the outcome, such that a transaction of 25 this size, some \$12 million, didn't become a political</p> <p style="text-align: center;">Page 70</p>	<p>1 A. Well, you know in 2009, in late 2009, when we started to 2 really have proper discussions about it was where we 3 were, but it was -- in 2007, the company acquired 4 Dow Jones for \$5.5 billion in cash, and to contemplate 5 a transaction of this size in the immediate aftermath of 6 that, and given what happened in 2008 and 2009 with 7 respect to the global financial crisis, would have been 8 difficult. So in 2009 and 2010, we realised this was 9 something that we could actually do.</p> <p>10 Q. I'm sure there's a difference between aspiration and 11 reality, but in terms of aspiration, BSKyB had been on 12 the radar of News Corp for a number of years, hadn't it?</p> <p>13 A. Well, it had been more than on the radar. The company 14 founded British Sky Broadcasting some 20-odd years ago.</p> <p>15 Q. What I mean by that is the acquisition of the remaining 16 publicly owned shares in BSKyB. That had been on the 17 radar for a number of years?</p> <p>18 A. It had long been an aspiration, since the merger with 19 BSB.</p> <p>20 Q. When I refer to the outcome of the election and your 21 desire to await that, part of your calculation, wasn't 22 it, was a preference, at least, for a Conservative 23 victory?</p> <p>24 A. I think -- I don't think it's controversial to say that 25 generally speaking, with respect to an approach to</p> <p style="text-align: center;">Page 72</p>

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<p>1 enterprise, the free market and so on, that the 2 Conservatives tried to make a case that they were the 3 better option for that. 4 Q. Having committed the Sun to the Conservative party on 5 30 September 2009, it would not have been a desirable 6 outcome had there been a Labour victory, at least as 7 regards the fate of the BSKyB bid, would it? 8 A. I think the -- I think it was never a calculation, the 9 BSkyB bid and the Sun, if that's what you're saying. 10 There was never -- we never made -- and I would never 11 have made that sort of kind of a crass calculation about 12 what the newspapers did. It just wouldn't occur to me. 13 Q. You describe that as a crass calculation, but I would 14 suggest you would make the sophisticated calculation of 15 preference for a particular result in the General 16 Election as regards what might work best for the fate of 17 the BSKyB bid. You would at least do that, wouldn't 18 you? 19 A. Or what might be best for the British economy in 20 general, which would lead you to the view that you were 21 happier or less happy to invest. And that was my -- 22 I don't know if my personal politics matter to you, but 23 that would have been my view, yes. 24 Q. We know from your witness statement, paragraph 3.23.1, 25 that you had telephone calls to or with Mr Jeremy Hunt, Page 73</p>	<p>1 that. 2 Q. Well, not that long after it, was it? 3 A. A week later. 4 Q. Mm. 5 A. So it might have come up with Mr Hunt. 6 Q. Mr Hunt was, of course, a huge ally of 7 News International, wasn't he? 8 A. I wouldn't describe it that way, no. I don't think so. 9 Q. According to what was then on his personal website, he 10 was. You've seen that, haven't you, Mr Murdoch? 11 A. Yes, I saw it in the evidence you put here. It's the 12 first time I'd seen it. 13 Q. "Like all good Conservatives, Hunt is a cheerleader for 14 Rupert Murdoch's contribution to the health of British 15 television." 16 A. I don't think you have to be an ally of the business to 17 conclude that. It's the fact. 18 Q. Well, there's a bit of opinion wrapped up in that fact, 19 isn't there? 20 A. The cheerleading part, yes, but the contribution has 21 been significant. 22 Q. I think the point I'm making, I hope very gently, is 23 that Mr Hunt was onside. It is true that he did not 24 have, as it were, jurisdiction over the bid, because 25 that lay with the Secretary of State for BIS, Mr Vince Page 75</p>
<p>1 who was the Secretary of State for culture, media, 2 Olympics and sport, on 10 November and 15 November 2010. 3 It's our page 02962. You also say you don't recall 4 whether the conversations related to BSKyB; is that 5 right? 6 A. That's right, I don't recall. There would have been 7 a number of agenda items for the minister for culture, 8 media and sport that, you know, the company -- the 9 minister would have sought lots of input on from the 10 industry in general, and that was where it was. He 11 didn't have any authority or any remit with respect to 12 the BSKyB transaction at that time, but if I did say 13 anything to him about it, it would have only been to 14 seek assurances that the appropriate legal test was 15 applied and that this didn't become a political issue. 16 Q. This was, I think, shortly after the European 17 intervention notice, wasn't it? 18 A. The -- I can't remember the exact date of the European 19 intervention notice, but I do remember -- I think it 20 was -- I can't remember. I can come back to you on 21 that. Actually, no, I have a schedule of this. The 22 European intervention notice, I'm sure you already know, 23 Mr Jay, but it's ... 24 Q. 4 November. 25 A. Yes, 4 November, yeah. So it was a little while after Page 74</p>	<p>1 Cable, but the purpose of the call, I would suggest to 2 you, was to see if he could oil the wheels a bit; isn't 3 that right? 4 A. No, I don't think so. I think it would have been -- 5 I don't remember those particular calls, but I think 6 there might have been a desire to update him on the 7 process and what we were hearing. It might have been to 8 say -- to talk about everything from next generation 9 access to others. I don't have the record in front of 10 me. 11 One call was about a meeting that he cancelled at 12 the last minute, and I think he apologised for having to 13 cancel the meeting because his lawyers had told him not 14 to, but I don't know if it's one of those calls. 15 Q. Okay. Look at tab 53 in the bundle we've prepared for 16 you, our page 01962. It's a record of earlier meetings 17 with Mr Hunt before the election. 18 A. Tab 53, did you say? Sorry. 19 Q. It is in my version of the bundle. It might be tab 52 20 in your version. I'll give you time to turn it up. 21 It's the list of the meetings with -- 22 A. I see them on the electronic system. Is that them? 23 Q. It is, I hope. The first meeting on 12 October 2009 -- 24 A. Yes. 25 Q. -- you discussed, amongst other things, the reform of Page 76</p>

19 (Pages 73 to 76)

<p>1 Ofcom, didn't you?</p> <p>2 A. I think he had -- there's a whole agenda here of</p> <p>3 a number of things that were discussed.</p> <p>4 Q. Yes. And reform of Ofcom, of course, was one of them,</p> <p>5 wasn't?</p> <p>6 A. It it's on the list there, yes.</p> <p>7 Q. And at the next meeting, 12 February 2010, new</p> <p>8 Communications Act, media regulation. Can you recall</p> <p>9 anything about that?</p> <p>10 A. No, I think it was the opposition government's -- the</p> <p>11 opposition's view, and I think they've stated in public</p> <p>12 that they were going to have -- think about, in the</p> <p>13 first term if they were elected, a new Communications</p> <p>14 Act and I think even the Labour government had talked</p> <p>15 about updating the Communications Act as well. This</p> <p>16 would be a normal agenda around -- you know, Mr Hunt</p> <p>17 describing what his agenda was, largely, around things</p> <p>18 like the local TV network, anti-piracy, around</p> <p>19 copyright, next generation access, et cetera, and</p> <p>20 I think he was very publicly on the record of saying</p> <p>21 that he wanted to look at the system of regulation under</p> <p>22 DCMS as well, in particular Ofcom.</p> <p>23 Q. The last item of the agenda here is BBC funding</p> <p>24 structure and governance.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 77</p>	<p>1 A. Not necessarily. I don't -- I think the whole industry</p> <p>2 would have welcomed -- including BSkyB -- a process of</p> <p>3 wider consultation and discussion around something as</p> <p>4 important as that.</p> <p>5 Q. Did you have -- in relation to Ofcom, this is -- any</p> <p>6 contact with ministers or officials in relation to the</p> <p>7 changes announced in October 2010 that reduced Ofcom's</p> <p>8 role and cut its budgets by 28 per cent?</p> <p>9 A. No, I don't think so.</p> <p>10 Q. Again, was that an outcome which News Corp would have</p> <p>11 favoured?</p> <p>12 A. Look, I've often said -- and I've been very, very</p> <p>13 consistent about this -- that the scale of intervention</p> <p>14 by -- particularly in media regulation is very large and</p> <p>15 I don't think there's anything that would surprise</p> <p>16 anyone about my views on that at this point. Anyway,</p> <p>17 I think most of Ofcom's bill gets put back to us anyway,</p> <p>18 so it wouldn't really make a difference.</p> <p>19 Q. It's been said of you that you are, perhaps were,</p> <p>20 a close friend of Mr Osborne. Is that right?</p> <p>21 A. We were -- we have been friendly. I wouldn't say I was</p> <p>22 a close friend of his.</p> <p>23 Q. One newspaper article says you have children of the same</p> <p>24 age, you get on well. This is a piece in the Guardian,</p> <p>25 I think you're aware, dated 30 September 2009.</p> <p style="text-align: center;">Page 79</p>
<p>1 Q. That also was discussed. Did you, previously to this,</p> <p>2 persuade Mr Hunt to drop what was then Tory policy, to</p> <p>3 top slice the BBC licence fee?</p> <p>4 A. No. I've never thought that top slicing was a good idea</p> <p>5 and I've been very consistent about that and very</p> <p>6 transparent. If I were asked -- and I might have been</p> <p>7 at that meeting -- I would have told him my views on top</p> <p>8 slicing, which is that it's not a good idea and it's</p> <p>9 better to keep an intervention concentrated and</p> <p>10 measurable, which was the same position that the BBC had</p> <p>11 as well.</p> <p>12 Q. Later on, after the election, in October 2010, there was</p> <p>13 a licence fee settlement with the BBC where I think the</p> <p>14 upshot was that the licence fee was frozen for a number</p> <p>15 of years. Was that something which you discussed with</p> <p>16 any member of the Conservative or Coalition government?</p> <p>17 A. I don't remember if I -- I don't remember if I did. But</p> <p>18 if I did, I would have said that they should have gone</p> <p>19 through a proper process. The schedule for renewing the</p> <p>20 licence fee was the following year, when they could have</p> <p>21 consulted widely with the industry and stakeholders and</p> <p>22 they didn't do it. I was very upset when they announced</p> <p>23 that settlement.</p> <p>24 Q. Regardless of the process, it was an outcome which was</p> <p>25 in the interests of BSkyB, wasn't it?</p> <p style="text-align: center;">Page 78</p>	<p>1 A. Which tab is it?</p> <p>2 Q. Tab 63 in my version of this bundle. I hope it's the</p> <p>3 same place.</p> <p>4 A. Yes. As I've said, I'm friendly with Mr Osborne, the</p> <p>5 Chancellor.</p> <p>6 Q. Have you been to the Chancellor of the Exchequer's</p> <p>7 sometimes described as grace and favour home at</p> <p>8 Dorneywood?</p> <p>9 A. I have once, yes, with my family.</p> <p>10 Q. Have you had discussions with him at any stage about the</p> <p>11 BSkyB bid?</p> <p>12 A. I think I had one discussion where it might have come</p> <p>13 up, which was around the -- which was during the</p> <p>14 process, which would have just been to be grumpy about</p> <p>15 it taking a long time and being referred to Ofcom, which</p> <p>16 I was very clear in public about at the same time.</p> <p>17 Nothing I would have said to Mr Osborne would have been</p> <p>18 in any way inconsistent with our public advocacy on the</p> <p>19 subject.</p> <p>20 Q. Is it possible to differentiate, though, in any way</p> <p>21 between what you describe as your public advocacy and</p> <p>22 what takes place in private? The purpose of the former</p> <p>23 is obvious and entirely appropriate. The purpose of the</p> <p>24 latter may be said to seek to gain some unfair or covert</p> <p>25 advantage in relation to your opponents.</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

1 A. No.
 2 Q. Would you agree with that?
 3 A. I don't think that would be -- that would not be the way
 4 that I would do it. I'm pretty -- you know, I look at
 5 this and say -- listen, I like to be direct, I like to
 6 have a clear set of principles that might guide how we
 7 think about a marketplace working, what we do, what the
 8 regulation is like. I like to lay it out publicly and
 9 if views are sought or consulted on in those areas, I'll
 10 say the same thing. I think it's legitimate sort of
 11 advocacy, if you will, of positions that -- you know,
 12 for policy-makers that's important, and I think all
 13 business leaders would take the same approach or I think
 14 they should.
 15 LORD JUSTICE LEVESON: The press clearly have an enormous
 16 megaphone and they can promote the views that they think
 17 are correct, and the evidence of the 10 September
 18 meeting, which you've spoken of, was clearly very
 19 important. But do you think that you obtain greater
 20 access for yourself as a businessman because you have
 21 the weight of press interests behind you?
 22 A. I certainly don't know what all of the other meetings
 23 that the Prime Minister or these people take in general.
 24 I think it's true to say that politicians and people
 25 around the political class, if you will, are very, very

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1 eager to get their points across and they definitely
 2 like to talk to the press, and we've seen the schedule
 3 of the Prime Minister's meetings with all the different
 4 journalists, editors, appropriates, et cetera. There's
 5 a lot there. But from the standpoint as a business
 6 person, I don't think I've personally experienced that
 7 because actually I haven't -- I haven't actually spent
 8 that much time with politicians personally, and
 9 certainly most of my interaction with these politicians
 10 has been around British Sky Broadcasting, where the sort
 11 of politics of news and things like that don't really
 12 fit in, and the vast majority of my career has been as
 13 a -- you know, as making television here.
 14 LORD JUSTICE LEVESON: Oh, I understand that, but do you
 15 think it might have been an advantage when you've been
 16 discussing B SkyB and making television, and the
 17 contribution that B SkyB has made, that actually
 18 News International have other interests which have been
 19 capable of at least potentially making a difference?
 20 A. I don't think there's any evidence of an advantage with
 21 respect to the way we've operated our business and the
 22 way that the business has been regulated and governed in
 23 the country. I just don't think -- I really just don't
 24 think that's there. I think it's a question perhaps for
 25 the politicians about how they saw it but certainly for

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1 me, I would really -- you know, I just wouldn't link the
 2 two. I just would never do that. I think the press and
 3 the newspapers have to make the decisions on behalf of
 4 their readers and in the context of the country and what
 5 they think is right, and you know, I need to be able to
 6 win the argument, if you will, for British Sky
 7 Broadcasting and others, or I did at the time, on the
 8 merits of the business and of the legal case, if it's
 9 a merger or other things like that, and that's all
 10 I would ever seek to do.
 11 MR JAY: In your discussions with politicians before the
 12 General Election, particularly the last one, was it not
 13 obvious to you that they were very interested in whether
 14 you would be supporting their party in due course?
 15 A. I don't think I was ever asked directly about that.
 16 Q. That wasn't the question. The question is whether it
 17 was obvious to you that they would be very interested in
 18 knowing whether your newspapers would support their
 19 party in due course.
 20 A. Yeah, I think all politicians would be interested to
 21 know that, and would seek the support of newspapers and
 22 the media. That's very much part of their -- the way
 23 they see their job, as communicators and, to use
 24 Lord Justice Leveson's phrase, to be able to avail
 25 themselves of that megaphone, if you will, for their own

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1 policies and purposes. I think that's reasonably
 2 evident.
 3 Q. There's an ever-changing balance of power here, but in
 4 a run-up to an election, it must occur to you, as
 5 a sophisticated individual, that the balance of power is
 6 more with you than with them because they are so
 7 interested in knowing whether your newspapers are going
 8 to support them. Would you agree with that?
 9 A. I hope that's not the case, because -- you know, I hope
 10 that they don't think that's the case, because we live
 11 in an environment of just such extraordinary choice in
 12 media sources. We look at customers multi-sourcing
 13 a variety of news from all over the place. I just don't
 14 think that there's that kind of -- the very
 15 old-fashioned sort of view, if you will, of kind of big
 16 media proprietors and -- being able to dominate the
 17 landscape. I don't think that exists any more. I think
 18 in Westminster sometimes it might feel that people still
 19 believe that but I just think it's not the case.
 20 Q. Mr Murdoch, I'm not actually concerned with reality,
 21 because one could never prove --
 22 LORD JUSTICE LEVESON: I'm not so sure that you mean that,
 23 Mr Jay. Or at least you may not be, but I certainly am.
 24 MR JAY: Let me put it in these terms: one can never prove
 25 that because a newspaper, even one as important as the

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<p>1 Sun, supports a political party, that has a causative 2 effect on the outcome of an election, but in terms of 3 perception -- and I think you've just confirmed this 4 through your last answer -- politicians believe that, 5 don't they? 6 A. Whether or not they believe it, I think it doesn't 7 change the fact, as I think Lord Justice Leveson was 8 suggesting, that they seek -- and that I would 9 suggest -- I don't think I've ever had a conversation 10 with a politician where he or she didn't try to convince 11 me of the rectitude of their views. And is that -- 12 I think that's true of pretty much anyone they talk to, 13 but I would say probably particularly people with any 14 direct or even indirect relationship with the press. 15 Q. Are you agreeing or disagreeing with me that there's at 16 least a perception in the minds of politicians that the 17 support of a paper such as the Sun is or may be 18 important? 19 A. I can agree with you that there may be, if that's the 20 question, but I think really it's a question for them. 21 Q. But in terms of your analysis of the timing of something 22 like the BSKyB bid, weighing up the pros and cons, it 23 would be part of your assessment, wouldn't it, as to the 24 power you can exercise over politicians at a critical 25 time, which is in the run-up to an election? Page 85</p>	<p>1 Q. It's more than a risk. If you look at the history in 2 relation to News International, whether it's 1981 with 3 the Times, 1987 with Today, 1990 with the original 4 merger of the two companies, there has always been 5 a political debate which has gone on in parallel with or 6 alongside the legal or substantive debate, hasn't there? 7 A. I think, unfortunately, there has been a political 8 debate, and my concern, as I've been involved in 9 business in this country, has always been to try and 10 keep the debate on the legal side and actually to look 11 at facts and merits and -- I'm pretty square on this -- 12 and be consistent with respect to how we legislate, how 13 we regulate industries and how ultimately we can create, 14 you know, an environment for better investment and more 15 jobs in these industries. That's been my concern. 16 Q. But you would be aware, Mr Murdoch, that although 17 doubtless you would wish to keep the debate solely to 18 the legal issues, it would be inevitable that the debate 19 would spit over into the political domain, wouldn't you? 20 A. As I said, I don't -- may I ask you to clarify, Mr Jay? 21 Because I don't really understand. There are many 22 debates, so -- there's debates around whether or not 23 a transaction may or may not act against the public 24 interest, which we dealt with last year. There are 25 debates around how sports rights are sold. There are Page 87</p>
<p>1 A. No, absolutely not. It would not be a part of our 2 assessment that we would exercise our power over 3 politicians that you believe is there. That is not the 4 case. 5 Q. Because, of course, after the election the tables are 6 turned somewhat. The power is more with the 7 politicians, isn't it, particularly if you need their 8 help in relation to a commercial project such as the 9 acquisition of the remaining shares of BSKyB? 10 A. I wouldn't concede that the table was there to turn, 11 Mr Jay. As I said earlier, I think the power is with 12 the law of the land and the policy-makers around it, and 13 you have to assess the environment and whether or not an 14 investment is advisable or not and you have to assess 15 the regulatory environment and try to play as straight 16 a bat as you can, or a very straight bat indeed. 17 Q. I'm sure a straight bat is usually the best way forward, 18 but you accepted some time back, Mr Murdoch, this 19 morning, that the way these bids are dealt with in the 20 regulatory sphere is not just a legal issue; it is also 21 a political issue, isn't it? 22 A. Well, I think there's always the risk that a transaction 23 or a business activity can be politicised, if you will, 24 and that concerns around the environment around 25 something can be there. Yes, that's the case. Page 86</p>	<p>1 debates around -- and then there are debates around 2 politics, and sometimes politicians can have a view. 3 I mean, we definitely -- you know, when we started to 4 invest heavily in domestic English cricket at BSKyB, 5 there was a political angle -- early day motions, people 6 saying it should be kept free-to-air and all of those 7 things -- and I thought my job at that time, as it is 8 now, was to say, "No, from a legal perspective it's 9 entirely appropriate for English cricket to be broadcast 10 on Sky, from the standpoint of the sport, from the 11 standpoint of fans and so on and so forth." 12 So I always try to bring it back to what's legally 13 sound, what are the right arguments for industry and to 14 try to make the political debate one that's less 15 relevant, because it sometimes isn't based in what's 16 right or legal or where the right jurisdiction is. 17 Q. Okay. Can I touch on one other politician. It's the 18 First Minister of Scotland, Mr Alex Salmond. You had 19 lunch with him in January 2011 and there's a letter 20 which followed, 26 January 2011, from Mr Salmond. Do 21 you recall that? 22 A. Do I have that letter in my bundle? 23 Q. It may be in your tab 92. 24 A. Just let me have a look. 25 LORD JUSTICE LEVESON: Tab 92 is -- Page 88</p>

<p>1 MR JAY: It's our tab 93 in Mr Rupert Murdoch's bundle. 2 A. The letters in January, yes. 3 Q. How many people do BSkyB employ in Scotland? 4 A. Oh, some thousands. I don't remember the number off the 5 top of my head, but I can come back to you with the 6 exact number. About 5 or 6,000, if not more. 7 Q. I think I've seen reference somewhere to as many as 8 18,000 -- 9 A. The 18,000 is the total British Sky Broadcasting direct 10 employment base. There are more that are indirect. 11 Q. In relation to him, after the 2007 election when the Sun 12 in Scotland did not support his party, 13 News International and Mr Salmond, his party, became 14 closer, didn't they? 15 A. In 2007? That was before I was there, I'm afraid, so 16 I don't -- 17 Q. That's part of the history, but -- 18 A. I don't know what the relationship was like. 19 Q. Okay. 20 A. I only met him much more recently than that. 21 Q. Okay. Can I deal with one discrete issue. It's tab 67 22 of the bundle we've put together for you. It's an event 23 which allegedly took place at the Independent. 24 A. Oh yes. 25 Q. You recall this?</p> <p style="text-align: center;">Page 89</p>	<p>1 face that you have an issue, it's much better than 2 whispering or saying you're upset to somewhere else, 3 particularly because I knew Mr Kelner and I was 4 concerned about it. 5 So I went into the front door of the Independent and 6 they don't -- they didn't really have a desk or 7 a reception area, so you're automatically -- or a lock, 8 frankly. So you're automatically in the middle of the 9 newsroom, which I wasn't intending to do. I didn't 10 storm in anywhere. 11 I found Mr Kelner, who was at one of the desks there 12 and I said, "Could we speak to you for a minute?" and 13 then we went into his private office and shut the door 14 and I told him off my concerns and whether or not I used 15 colourful language I wouldn't dispute. But certainly 16 there was no storming and none of this happened out in 17 the open in the newsroom, and I was particularly upset 18 because Mr Kelner had particularly been availing himself 19 of the hospitality of my family for years and I thought 20 this was beyond the pale and not a decent way to go 21 about his business. 22 Q. Okay. Before we look at the detail of the BSkyB bid, 23 can I ask you about the issue of specialist advisers. 24 Was Mr Osborne's specialist adviser, known as Spad -- 25 his name is Mr Rupert Harrison. Was he known to you?</p> <p style="text-align: center;">Page 91</p>
<p>1 A. Yes, I recall this story. 2 Q. They say that you went around to the Independent's 3 offices and swore at them, owing to an article which 4 said: 5 "Rupert Murdoch won't decide this election; you 6 will." 7 Is that true or not? 8 A. That's not correct, Mr Jay. Would you mind -- may 9 I just give you my version of events? 10 Q. Well -- 11 A. Is that what you'd like? 12 Q. Succinctly tell us what happened, Mr Murdoch. 13 A. I'd had a meeting in the building. They're in the same 14 meeting as Associated Newspapers, and I'd had a meeting 15 at Associated, which was in the article. We went 16 downstairs and I was -- I was upset and concerned 17 because the Independent had not run an article about 18 this but had put up a lot of giant billboards around 19 England with -- that I'd seen pictures of, with that 20 message: 21 "Rupert Murdoch won't decide this election." 22 And I thought they were really personalising an 23 agenda against my father and my family that I found 24 inappropriate. I'm always a direct person and I think 25 if you have the opportunity to tell someone to their</p> <p style="text-align: center;">Page 90</p>	<p>1 A. I don't have any recollection of Mr Harrison. I just 2 don't know. 3 Q. Your or News Corp's head of corporate communications, 4 someone called Mr Matthew Anderson, would it be fair to 5 describe him as a lobbyist? 6 A. No. Mr Anderson is a communications and marketing 7 executive who deals with public affairs, which would be, 8 as you say, lobbying -- the public affairs people who 9 interface with government would report in to Mr Anderson 10 alongside brand, marketing, press people as well. 11 Q. As a means of improving the prospects of the BSkyB bid, 12 did you instruct Mr Anderson to have contact with any of 13 the specialist advisers of Mr Hunt or Mr Osborne? 14 A. I think there was a regular -- generally speaking, at 15 the public affairs level, it was Mr Michel, who reported 16 to Mr Anderson at that time, who dealt with the direct 17 contact with the political level with special advisers 18 and people of that nature. To my knowledge, that's 19 where -- that was sort of the PO Box for the company 20 there. 21 Q. In terms of how News Corp/News International operate, 22 we're going to hear obviously from your father tomorrow. 23 We are going to hear that he's had some meetings with 24 politicians. We know that you have some meetings with 25 politicians -- you've told us about them -- but</p> <p style="text-align: center;">Page 92</p>

<p>1 particularly in the period 2008 to the General Election 2 in May 2010, would it be fair to say that Mrs Brooks, as 3 it were, bore the brunt of the majority of meetings with 4 politicians because of her relationship with 5 politicians? 6 A. I've seen the schedule, I think, of the Prime Minister's 7 meetings in that period and I can't remember exactly, 8 but she would have been closer to those issues than 9 I was. 10 Q. Was it part of the general way of -- 11 A. But -- 12 Q. -- working, as it were, that Mrs Brooks might report 13 back to you as to the outcome or the fact of any 14 discussions with politicians and then you would report 15 anything important back to your father? 16 A. From time to time she would report to me about 17 a discussion that was relevant, but she would also 18 communicate directly with my father with some frequency. 19 Q. When you had discussions internally, particularly 20 in September 2009 within the Sun -- you cover this at 21 paragraph 8.6 of your statement -- and those discussions 22 involved the political editor of the Sun and Mrs Brooks 23 and yourself, and I think your father may have been 24 involved as well -- did the discussions involve any 25 assessment of who might win the next election? Page 93</p>	<p>1 amongst many is: who is going to win? Is that fair? 2 A. Yes. I think you try to see the mood of the country. 3 Q. Okay. Now, the BSKyB bid itself. You cover this in 4 paragraph or section 3 of your statement, which begins 5 at 02957 this. This is quite intricate and a lot of it 6 we don't need to delve into, although we're grateful to 7 you for setting out the history here. 8 In terms of the legal position, do I have this 9 right: that there was a competition aspect which would 10 be dealt with in Europe, as it were, and a plurality 11 aspect, which would be dealt with by the Secretary of 12 State? So far so good? 13 A. Yes. There was the opportunity for the competition 14 aspect to be requested -- for the member state 15 jurisdiction in the UK to request jurisdiction of that, 16 but it was seen as an unlikely scenario that it would be 17 granted anyway, as this was primarily a merger of 18 European television platforms. 19 Q. The competition aspect within Europe was resolved in 20 News Corp's favour in December 2010, wasn't it? The 21 date is 21 December. 22 A. Well, it was resolved without having found that the 23 theories of harm were relevant or credible. 24 Q. So in terms of the law, you were left with the plurality 25 aspect, which I understand contingently or separately Page 95</p>
<p>1 A. The discussions in late 2009 or whenever it was, around 2 that, there was a question of what the Sun's position 3 would be. Through that summer, if you recall, there was 4 quite a lot of back and forth and the Sun was writing 5 extensively about their view on the management of the 6 conflict in Afghanistan and British troops, et cetera. 7 I mean, that was of some general interest at the time, 8 and leading up to the decision around not supporting the 9 Labour party, after having supported them in two 10 elections previously before I was there, I was involved 11 in some of those discussions really around what the 12 paper's position would be, not necessarily the 13 likelihood of who would win, but obviously, you know, in 14 those meetings we would have been kept -- someone would 15 have said, "Well, the polls say this", or: "It's like 16 this or that", that sort of business. 17 Q. That in particular was why the political editor was 18 there, wasn't it, so that you could be advised as to the 19 likely outcome of the next election so far as anybody 20 could assess such an imponderable? 21 A. But also to hear the relevant journalist's view on the 22 individuals involved, the quality of their policies, how 23 he thought the readership and the readers were feeling, 24 to have input. 25 Q. So the decision is multi-factorial, but one factor Page 94</p>	<p>1 might have a separate competition issue. But let's 2 concentrate on the plurality aspect. News Corp's 3 position was: owing to what happened a couple of years 4 previously, in litigation involving the Competition 5 Commission which went up to the Court of Appeal, 6 a decision had already been made that there was really 7 no plurality issue because News Corp already owned 8 39.1 per cent of the issued share capital of BSKyB; is 9 that correct? 10 A. It's correct that that was one of the things that was 11 relevant to that, but that was -- we didn't simply rely 12 on that precedent, which was -- in fact, that was the 13 precedent, but also on the merits on the -- the 14 underlying facts of the case with respect to an 15 assessment of plurality in the marketplace between 2003, 16 when the relevant provisions were put into law, and 17 2010, when it was to be tested again, because the test 18 is around the sufficiency of plurality, the sufficiency 19 of the number of news providers in a marketplace. 20 Q. Can we agree this much, Mr Murdoch: that certainly from 21 News Corp's perspective, whether or not News Corp were 22 right -- News Corp may well have been right -- News Corp 23 had a good case in law on the plurality issues? 24 A. That was the advice that we received and that is my 25 belief. Page 96</p>

<p>1 Q. But I think as you've also accepted, running along 2 parallel lines was this potentially explosive political 3 issue. The political issue was generated by the fact 4 that there were people out there who had it in for News 5 Corporation and News International; that's right, isn't 6 it?</p> <p>7 A. Well, it was more than that, Mr Jay. It was not just 8 a political issue; it was a commercial issue, and the 9 point you made before about there being competition 10 dimensions to plurality was a very relevant point here. 11 The press outside of News Corporation, the other 12 newspaper proprietors in the marketplace, had a very, 13 very distinct commercial fear around bundling and 14 cross promotion in particular, and around the size and 15 scale of News Corporation's interests in the UK if the 16 acquisition had been completed. That is a pure 17 competition argument. They turned that, very 18 effectively, into an argument that the future 19 competitiveness of their enterprises would be at risk if 20 this new competitor were present, and therefore 21 plurality was at a risk at some point in the future. 22 That's a dynamic assessment of plurality that has 23 nothing to do with the relevant legal test, so it is 24 relevant and it's important to note that it is 25 commercial, not simply political. In fact, it is</p> <p style="text-align: center;">Page 97</p>	<p>1 You've already referred to this. 21 December 2010, the 2 then responsible Secretary of State, responsible in 3 a quasi-judicial role for determining the bid, Mr Vince 4 Cable, was replaced because he was reported as saying 5 that he had declared war on Mr Murdoch.</p> <p>6 A. Yes, among other things.</p> <p>7 Q. Yes, and then Ofcom reported on 31 December 2010 -- this 8 is paragraph 3.13 -- in a way which wasn't altogether 9 favourable to the bid. They were, in effect, 10 recommending a reference to the Competition Commission, 11 weren't they?</p> <p>12 A. Yes, that's right.</p> <p>13 Q. And Ofcom were perhaps in the camp -- and you perceived 14 them to be such -- of being slightly hostile to be 15 interests of News International and News Corp, rather 16 than being one of its cheerleaders. Would you agree?</p> <p>17 A. I don't think -- I think it's important not to conflate 18 News International and News Corp here.</p> <p>19 Q. No, no. It's always News Corp.</p> <p>20 A. The primary engagement with Ofcom was around BSkyB and 21 the relevant regulators since they were set up, and 22 look, it's fair to say that -- and we've made extensive 23 submissions to this point to Ofcom and to DCMS and the 24 OFT -- that we had real issues with their analysis and 25 I've included that in my evidence.</p> <p style="text-align: center;">Page 99</p>
<p>1 primarily commercial.</p> <p>2 Q. From the point of view of your competitors, that's 3 right, but if you're looking at the perspective of 4 politicians, there are politicians out there, some of 5 whom are cheerleaders for News International -- and 6 we've seen reference in someone's personal website to 7 that effect -- and others possibly who aren't so warmly 8 disposed to News Corp, News International. You must 9 agree with that?</p> <p>10 A. Yes, that's true. There are differences of outlook.</p> <p>11 Q. So the purpose of any lobbying which is going to take 12 place is to try and ensure that those who are onside 13 remain onside and perhaps communicate things to you, and 14 try and win over those who are not onside; is that 15 right?</p> <p>16 A. I think in any situation, any business is going to -- 17 yes, is going to try to advocate the merits of its case, 18 be it an investment case or a regulatory case, to a wide 19 audience of policy-makers who may or may not be in 20 a position to have some input into it.</p> <p>21 Q. In terms of the chronology, which I am going to take 22 quite shortly -- those who wish to study it I would 23 invite to read your witness statement, which will be put 24 online, and there are no points of fact which I would 25 wish to dispute in terms of what happened publicly.</p> <p style="text-align: center;">Page 98</p>	<p>1 Q. Once Mr Hunt acquired responsibility for adjudicating on 2 the bid, there were two -- I can describe them as formal 3 meetings with him. They are minuted. They're in the 4 bundle. The first is on 6 January 2011, which is JRM5. 5 It's our tab 6, I think.</p> <p>6 A. Mm-hm.</p> <p>7 Q. We can identify the personnel present. I don't think 8 this -- is this your note or the Secretary of State's 9 notes? Do you know?</p> <p>10 A. I believe this is the Secretary of State's notes. This 11 is the minutes from DCMS. I think so. I think that's 12 what it says in the index.</p> <p>13 Q. The Secretary of State is there. Various other persons 14 within his department. His specialist adviser, Mr Adam 15 Smith is there. Do you see that, Mr Murdoch? He's 16 someone who is going to feature somewhat in the 17 narrative.</p> <p>18 A. Yes.</p> <p>19 Q. Then in terms of your team, the News Corp team, someone 20 called Mr Frederic Michel is there. He's the director 21 of public affairs, and his role was to lobby in support 22 of the bid, wasn't it?</p> <p>23 A. His role would have been on various issues. He was 24 a liaison with policy-makers. That's what a public 25 affairs executive does.</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Q. Had he been hired in May 2009?</p> <p>2 A. I can't remember when he precisely started.</p> <p>3 Q. The detail of this is not going to matter much, but the</p> <p>4 Secretary of State indicated, on the basis of counsel's</p> <p>5 advice, that he was minded to refer to the Competition</p> <p>6 Commission. There was then consideration given</p> <p>7 internally to offering undertakings.</p> <p>8 A. Mm.</p> <p>9 Q. Those were offered on 18 January 2011, and the purpose</p> <p>10 of offering them was to remove or at least mitigate the</p> <p>11 plurality concerns, wasn't it?</p> <p>12 A. Yes. It was -- essentially the Secretary of State had</p> <p>13 said he had received the advice from Ofcom that said he</p> <p>14 should refer the thing. It's within his remit under</p> <p>15 this particular part of the Enterprise Act for him to</p> <p>16 take that and weigh it up with any undertakings that</p> <p>17 might or might not be able to deal with the issues.</p> <p>18 Given the length of time that the Competition Commission</p> <p>19 review would take, we decided, rather than go through</p> <p>20 the lengthy process of trying to win the arguments with</p> <p>21 the Competition Commission, we would simply offer an</p> <p>22 undertaking that solved the issue, even though we didn't</p> <p>23 concede that there was an issue there, and the</p> <p>24 undertaking was a substantial structural undertaking</p> <p>25 around separating Sky News from the transaction</p> <p style="text-align: center;">Page 101</p>	<p>1 Q. And that's what you did. Thank you.</p> <p>2 That gives us the framework. We're now going to</p> <p>3 look at some evidence your father provided in response</p> <p>4 to a statutory notice. As that evidence relates to</p> <p>5 emails and material that was sent to you and your father</p> <p>6 had no direct involvement with it, it's more appropriate</p> <p>7 that we deal with it with you, Mr Murdoch. This is</p> <p>8 KRM18.</p> <p>9 A. Mr Jay, I think some of them were sent to me, but not</p> <p>10 all.</p> <p>11 Q. Not all of them were sent to you.</p> <p>12 A. Just for clarity.</p> <p>13 LORD JUSTICE LEVESON: But you've had an opportunity to</p> <p>14 review them?</p> <p>15 A. Yes, I have, just recently.</p> <p>16 MR JAY: KRM18 runs to 163 pages, but it require a word of</p> <p>17 introduction, and it's this: I mentioned Mr Frederic</p> <p>18 Michel about five minutes ago. He has put in a witness</p> <p>19 statement on 18 April 2012 and he makes the point -- and</p> <p>20 therefore let's proceed on this basis, at least</p> <p>21 presumptively, that he's correct -- that in relation to</p> <p>22 the period 24 December 2010 to July 2011, exchanges</p> <p>23 which, at least on the face of this material, appear to</p> <p>24 have taken place with the Secretary of State in fact</p> <p>25 took place with the Secretary of State's specialist</p> <p style="text-align: center;">Page 103</p>
<p>1 entirely, not changing its ownership structure at all,</p> <p>2 and investing ample, you know, significant sums in its</p> <p>3 continuing operation over a ten-year period. So it was</p> <p>4 a major concession that the Secretary of State had</p> <p>5 extracted in the process.</p> <p>6 Q. There was another meeting with the Secretary of State</p> <p>7 and his officials and specialist adviser and your</p> <p>8 advisers on 20 January 2011, which I don't think we need</p> <p>9 look at, but the question of undertakings was certainly</p> <p>10 mentioned.</p> <p>11 A. Mm-hm.</p> <p>12 Q. What happened subsequently is that Ofcom were asked for</p> <p>13 advice. There was a public consultation. There was</p> <p>14 some issue about the undertakings, and therefore you</p> <p>15 revised the undertakings. A second consultation was</p> <p>16 launched on 30 June 2011 for a period ending on 8 July</p> <p>17 2011, but then, unfortunately, on a number of levels,</p> <p>18 the Milly Dowler story was published on 4 July 2011. Is</p> <p>19 all that more or less correct?</p> <p>20 A. Yes.</p> <p>21 Q. As you frankly and clearly state in your statement,</p> <p>22 really, the atmosphere was such that the only commercial</p> <p>23 decision you could take at that stage was to withdraw</p> <p>24 the bid?</p> <p>25 A. That's right.</p> <p style="text-align: center;">Page 102</p>	<p>1 adviser, Mr Adam Smith. Do you follow me, Mr Murdoch?</p> <p>2 A. Yes, I'm following you.</p> <p>3 Q. So with that health warning, if it be one, we can have</p> <p>4 a look now at this exhibit. I think the other important</p> <p>5 health warning is that it's sometimes difficult to</p> <p>6 understand this material without knowing what was going</p> <p>7 on in terms of the currency of the bid and the formal,</p> <p>8 albeit commercially confidential, information which</p> <p>9 Allen & Overy, on behalf of News Corp, were submitting</p> <p>10 to the Secretary of State and Ofcom. So at appropriate</p> <p>11 times I will introduce that so at least we understand</p> <p>12 precisely where we are with this material.</p> <p>13 The first page is 01642, page 1 on the internal</p> <p>14 numbering. 15 June 2010. This appears to be</p> <p>15 a conference call, you and Mr Michel and Mr Cable; is</p> <p>16 that right?</p> <p>17 A. That's correct. I am not sure if I recall Fred being on</p> <p>18 the telephone or not, but he was there with me. It was</p> <p>19 a direct call to Mr Cable from me on the day that we</p> <p>20 announced the proposal to make an offer.</p> <p>21 Q. "Vince Cable call went well. He did say he thought</p> <p>22 'that there would not be policy issue in this case'."</p> <p>23 And then Mr Michel has written:</p> <p>24 "We should have recorded him!"</p> <p>25 Well, in a sense that is ironic on at least two</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 levels.</p> <p>2 "He didn't seem much on top of it. He had seen the</p> <p>3 newspapers but not the announcement. JRM [that's you,</p> <p>4 of course] told him in relation to the size of our group</p> <p>5 [et cetera] Cable appreciated."</p> <p>6 Can I ask you about this lower down:</p> <p>7 "Cable said he was coming as planned tomorrow</p> <p>8 evening."</p> <p>9 Do you recall what that's about?</p> <p>10 A. I think it's the annual -- we used to -- well, we have</p> <p>11 done -- we have the custom of doing in June, around this</p> <p>12 time, a sort of a summer party for pretty much everyone.</p> <p>13 It's advertisers, some politicians, partners, executives</p> <p>14 in the business, et cetera, their spouses and so on.</p> <p>15 Q. Okay.</p> <p>16 A. It's like a big party that we throw.</p> <p>17 Q. The next page, 01643. This is, again, Mr Michel to you.</p> <p>18 Mr Anderson is copied in, and we've discussed who he is.</p> <p>19 So it's Mr Michel speaking:</p> <p>20 "Had a call from Hunt's adviser."</p> <p>21 This is at a time when Mr Hunt had no role in</p> <p>22 relation to the decision; is that correct?</p> <p>23 A. That's correct. He didn't have a role in the decision</p> <p>24 until the end of December.</p> <p>25 Q. That's right.</p> <p style="text-align: center;">Page 105</p>	<p>1 the extent appropriate, or perhaps even inappropriate,</p> <p>2 the UK government would be supportive throughout the</p> <p>3 process?</p> <p>4 A. I mean, I just don't -- I don't think it is necessarily</p> <p>5 inappropriate at all. I think it's just -- you know,</p> <p>6 this is one part, the DCMS part of the government,</p> <p>7 saying, "Look, we don't see any issues here, we'll</p> <p>8 probably be -- it's going to be fine", which was</p> <p>9 consistent with what Mr Cable had told me on the</p> <p>10 telephone.</p> <p>11 There was an attempt to -- a public affairs</p> <p>12 executive often tries just to listen and then reports</p> <p>13 back what he hears. People call around topical issues</p> <p>14 around the business if there's a transaction,</p> <p>15 particularly if there's a particular regulatory or</p> <p>16 policy outcome that could be bad, for example, a big</p> <p>17 intervention or something like that, and a public</p> <p>18 affairs executive is the point person for those</p> <p>19 officials to have discussions.</p> <p>20 Q. Okay. As we move through this bundle, we're going to</p> <p>21 see that none of your applies to these emails from</p> <p>22 Mr Michel, the reason being that it was difficult to</p> <p>23 prepare the bundle apparently in a way which could</p> <p>24 include them. They have been made separately available</p> <p>25 to me and they'll be published online as soon as</p> <p style="text-align: center;">Page 107</p>
<p>1 "Said there shouldn't be media plurality issue and</p> <p>2 believed the UK government would be supportive</p> <p>3 throughout the process (despite what the Standard, for</p> <p>4 example, is suggesting this evening). Keen for Jeremy</p> <p>5 [that's obviously Mr Hunt] to hear your feedback on his</p> <p>6 speech when you meet."</p> <p>7 And then there's reference to a speech. So it's</p> <p>8 pretty clear that you were receiving information along</p> <p>9 the lines that the UK government, as a whole, would be</p> <p>10 supportive of News Corp; is that right?</p> <p>11 A. I think -- no, I think Mr Hunt had publicly said at some</p> <p>12 point around this time that he personally didn't see any</p> <p>13 issues but that the relevant Secretary of State would be</p> <p>14 handling it. So I don't think there was anything --</p> <p>15 there's no special information or anything like that in</p> <p>16 there.</p> <p>17 And again, I think -- it looks to me like there were</p> <p>18 other items on the agenda, as I had said, things like</p> <p>19 next generation access, which is the NGA, notion,</p> <p>20 et cetera, and there was a normal sort of customary back</p> <p>21 and forth between a public affairs executive and people</p> <p>22 at DCMS on a regular basis.</p> <p>23 Q. Although it's right that certainly in law, the decision</p> <p>24 lay exclusively with the responsible Secretary of State,</p> <p>25 isn't the message here from Mr Hunt's adviser that to</p> <p style="text-align: center;">Page 106</p>	<p>1 possible. None of your replies is of any interest apart</p> <p>2 from one, and that I will come to in due course. Are we</p> <p>3 agreed?</p> <p>4 A. Okay.</p> <p>5 Q. The next page. It's Mr Michel again:</p> <p>6 "Jeremy just called."</p> <p>7 It looks as if it's Mr Hunt speaking directly to</p> <p>8 Mr Michel. Would you agree?</p> <p>9 A. I think -- I don't know who he spoke to and I wasn't on</p> <p>10 this -- I'm not copied on this email, so this is one</p> <p>11 that I don't have any direct knowledge of at the time.</p> <p>12 This is Mr Jacobs, who is the general counsel of</p> <p>13 News Corp globally, who was very closely involved in the</p> <p>14 regulatory and legal process here, Mr Palker, who is the</p> <p>15 European level general counsel, regional, and Andrea</p> <p>16 Appella, the regulatory affairs lawyer for Europe as</p> <p>17 well.</p> <p>18 Q. It looks as though you had a chat with Mr Hunt on</p> <p>19 15 June 2010, doesn't it?</p> <p>20 A. Yes, and I think that corresponds to the record that we</p> <p>21 saw earlier, does it not?</p> <p>22 Q. I believe so, but it's not critical. Was the BSKyB bid</p> <p>23 discussed during that chat, do you remember?</p> <p>24 A. I don't. I don't remember. I think -- but I mean, it</p> <p>25 was in those days around the announcement of the bid, so</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 I'd be surprised if it weren't, and I would have taken 2 the same position that I took publicly and that we took 3 with anyone who would listen. 4 Q. Okay. The next page, 01645. We're moving now to 5 28 July 2010. This wasn't copied in to you, it appears, 6 Mr Murdoch, but we can see what Mr Cable was apparently 7 saying or reported as saying by people very close to 8 him: 9 "He is [very] keen to be seen as the most 10 pro-competition Secretary of State and as we know, he is 11 very much anti-regulation. On our particular issue, he 12 strongly believes the deal doesn't change the market 13 situation or would have any impact on media plurality." 14 So either Mr Cable changed his mind or the sources 15 close to him were flatly wrong? 16 A. I think he actually said later on that all of the advice 17 that he received around -- the official advice from 18 Whitehall, he described it, was very, very clear that 19 there were no issues. He said that in the newspaper 20 interview in July of 2011, and I think it was submitted 21 in evidence from a freedom of information request, the 22 advice from his advisers at the time, which drew the 23 same conclusion after a consultation with Ofcom and the 24 OFT. So I think that would have been the advice he had 25 gotten. He later referred to receiving other advice, Page 109</p>	<p>1 Q. Is that right? 2 A. I think that's unfair. Mr Michel, as a diligent public 3 affairs executive, communicated with many people across 4 the political spectrum, as is evidenced in this exhibit. 5 LORD JUSTICE LEVESON: He picked up Mr Peston's posting at 6 17.22 and seven minutes later was already reporting that 7 he'd checked through to DCMS. Is that fair? 8 A. I think that's what the codes say, yeah. He had 9 asked -- it was of some concern, Mr Peston's report, and 10 Mr Michel would have called who he could to find out if 11 it was true. That would have been his job. 12 MR JAY: I quite understand your mindset, Mr Murdoch, that 13 you weren't getting anywhere with Mr Cable -- or at 14 least that was your perception -- so let's find out 15 what's happening with other secretaries of state who 16 might be able to come to your assistance. That's what 17 you instructed Mr Michel to do. 18 A. No, I think this email, Mr Jay, doesn't show that at 19 all. It simply says -- this is simply trying to find 20 out if it's true. 21 Q. Okay. If I move forward a couple of pages to 01648. 22 A. I don't have those numbers, I think, Mr Jay. 23 Q. Number 7 on the internal numbering. 24 A. Okay, thank you. 25 Q. This one seems to be out of sequence, I'm afraid. Page 111</p>
<p>1 I don't know what it was, that obviously informed him to 2 act differently. 3 Q. Okay, the next page, 01646, 15 September 2010, Mr Michel 4 to your adviser but you're copied in. It relates to 5 a blog that Mr Robert Peston put online to the effect 6 that Ofcom was expected to review News Corp's bid for 7 Sky, which plainly would be of concern to you. What 8 Mr Michel is saying: 9 "Jeremy Hunt is not aware and thinks it's not 10 credible at all. He is checking now." 11 So Mr Michel is finding out either from Mr Hunt or 12 his specialist adviser what Mr Hunt's view is about this 13 blog. Are we agreed? 14 A. It seems that he's trying to find out where -- if 15 Mr Peston's information is credible, somebody -- you 16 know, from Hunt's adviser or whoever. It's important to 17 put in context that during this time I was repeatedly 18 seeking an official proper meeting with Mr Cable so that 19 I could make the legal case and give the business 20 rationale, and we were not able to have that meeting, so 21 we had very limited means of communicating. 22 Q. So the way you did communicate was through your 23 cheerleader, Mr Hunt, to find out what was happening 24 around this bid? 25 A. No. Page 110</p>	<p>1 I apologise for that. I should have spotted this 2 earlier. It's 23 June 2010: 3 "Vince has been advised by his team it would be 4 better to meet with you once things have settled down on 5 the Sky process in order to avoid any media questions on 6 the purpose/content of the meeting." 7 LORD JUSTICE LEVESON: That's making the point that 8 Mr Murdoch made a moment ago, that he wasn't able to 9 have a meeting with Mr Cable, isn't it? 10 MR JAY: Yes. 11 A. Yes. And I wanted a proper meeting, the kind that you 12 described before as minuted, et cetera. I wanted to be 13 able to formally make my case to the Secretary of State. 14 Q. Mr Michel found out some more about Mr Cable, at least 15 his department's view, at 01649, the email of 16 27 September 2010. 17 LORD JUSTICE LEVESON: This is likely to be page 8. 18 A. Yes. Thank you, sir. 19 MR JAY: Mr Michel spoke to Mr Cable's -- it was probably 20 his junior minister who sat in the Lords, who I think is 21 Lord Oakeshott, isn't it? Do I have the right 22 individual? Lord Oakeshott. 23 A. I now read this so say that it is Lord Oakeshott that he 24 was referring to but I don't know -- it doesn't say that 25 in here, so I might not have known that at the time. Page 112</p>

28 (Pages 109 to 112)

<p>1 Q. The one point that's particularly interesting -- if you 2 look at the second bullet point: 3 "He is thinking through the media plurality aspects 4 of the transaction, influenced by three main issues 5 which are colouring his judgment: the way Sky News 6 handled the General Election coverage and the quality of 7 news debate ..." 8 Then there's reference to the News of the World 9 ongoing saga and then: 10 "A very strong pure political pressure from Lib Dems 11 and Labour over the way the Murdoch press has treated 12 his own party/policies and Labour over the last 12 13 months." 14 So this looks as if a strong political favour, as 15 perhaps was entirely predictable, is entering into this 16 process. Would you agree? 17 A. Yes, and it was very alarming because none of those 18 three bullet points have anything to do with the proper 19 legal test and the question of the sufficiency of 20 plurality. 21 Q. But this may be said to be part of the risk you took, 22 that the way your press treated the Lib Dems and Labour 23 over the previous 12 months had not been exactly 24 favourable. All the more reason to hope for 25 a Conservative victory and not have the Conservatives</p> <p style="text-align: center;">Page 113</p>	<p>1 Q. So the point I put to you didn't really enter into your 2 calculation at all? You've told us that you were 3 outraged by what you read here in relation to Mr Cable, 4 and yet the obvious converse of that is you would expect 5 someone you did support to show you favour rather than 6 disfavour -- 7 A. That's absolutely -- 8 Q. It all fits together, doesn't it? 9 A. I'm sorry, Mr Jay, that is absolutely not the case and 10 the question of support of an individual newspaper for 11 politicians one way or another is not something that 12 I would ever link to a commercial transaction like this, 13 nor would I expect that political support one way or 14 another ever to translate into a minister behaving in an 15 inappropriate way, ever. I simply wouldn't do business 16 that way. 17 Q. Okay, Mr Murdoch. 18 Page 10 on your internal numbering, our page 01651. 19 We're just going to note this one because you weren't 20 sent it. It's just one of the bullet points here, about 21 two-thirds of the way down. It says: 22 "Advised to brief all the key Lib Dems in coming 23 weeks and go through the impact of the transaction is 24 the key since it was made clear that the media agenda 25 has had a very negative influence on the decision-making</p> <p style="text-align: center;">Page 115</p>
<p>1 saddled with the Lib Dems, as indeed had occurred; would 2 you agree? 3 A. Mr Jay, I think it was perfectly reasonable and indeed 4 appropriate for me to have an expectation that 5 a government minister acting in a quasi-judicial role 6 would take into account the appropriate evidence, would 7 look at it properly and apply the right test and not get 8 into this stuff. Look, maybe I'm -- you can call me 9 naive about it but I thought actually that these senior 10 ministers are serious people who try I to do their jobs. 11 Q. Mr Murdoch, this is absolutely key. You have one 12 government minister who says, "I don't like the way the 13 Murdoch press has behaved and I'm going to hold that 14 against them", but the obverse of that is another 15 government minister, Mr Hunt, who is treated in a rather 16 different way by the Murdoch press. His thinking is 17 going to be exactly the converse to Mr Cable's and that 18 is all part of your calculation, isn't it? 19 A. I don't think there's anything in Mr Hunt's 20 communication in here that would suggest that he did 21 anything other than apply -- way later on in this 22 process, when it was negotiating the undertaking in 23 lieu, that at every turn Mr Hunt took the advice of the 24 independent regulators, Ofcom and the OFT in particular, 25 at every single decision point.</p> <p style="text-align: center;">Page 114</p>	<p>1 process." 2 Are you with me on that one? 3 A. Yes. 4 Q. It may be Mr Laws was part of that briefing process, 5 wasn't it? 6 A. Uh ... again I can't remember the date of the Laws 7 meeting, so I don't know, but certainly we were 8 advised -- this is Mr Cable's adviser and his advice 9 being given, and he was advising saying, "Listen" -- the 10 way I read this is Mr Cable, quote, hasn't himself seen 11 the relevant as in details but he's basically taking 12 a political view, and this adviser says, "I advise you 13 to brief all the key Lib Dems in coming weeks", and 14 given the fact this was coming from Vince Cable's 15 adviser, that's what Mr Michel would have tried to do, 16 as a public affairs executive, to try and be reactive to 17 the advice he was getting from the Secretary of State's 18 people. 19 MR JAY: Sir, would that be a convenient moment to break? 20 LORD JUSTICE LEVESON: Yes, certainly. We'll say 2 o'clock. 21 Thank you. 22 (12.58 pm) 23 (The luncheon adjournment)</p> <p style="text-align: center;">Page 116</p>

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