

<p>1 Tuesday, 15 May 2012</p> <p>2 (10.00 am)</p> <p>3 LORD JUSTICE LEVESON: Yes, Ms Patry Hoskins.</p> <p>4 MS PATRY HOSKINS: Good morning, sir. The first witness</p> <p>5 this morning is Lord Wakeham.</p> <p>6 LORD JOHN WAKEHAM (sworn)</p> <p>7 Questions by MS PATRY HOSKINS</p> <p>8 MS PATRY HOSKINS: Please take a seat and make yourself</p> <p>9 comfortable. First of all, state your full name to the</p> <p>10 Inquiry, please.</p> <p>11 A. John Wakeham.</p> <p>12 Q. You provided two statements to the Inquiry, the first</p> <p>13 dated 9 February 2012, behind tab 7, and a second</p> <p>14 witness statement dated April 2012, behind tab 1.</p> <p>15 You've also provided a letter to the Inquiry dated</p> <p>16 7 January 2012.</p> <p>17 LORD JUSTICE LEVESON: I think the letter was then</p> <p>18 incorporated into the first statement so that it formed</p> <p>19 part of the record.</p> <p>20 Lord Wakeham, thank you very much indeed for the</p> <p>21 obvious interest that you've taken in the work of the</p> <p>22 Inquiry and the equally obvious amount of work that</p> <p>23 you've put in to providing evidence to help me.</p> <p>24 A. Thank you.</p> <p>25 MS PATRY HOSKINS: You've provided, therefore, two</p> <p style="text-align: center;">Page 1</p>	<p>1 than I intended and then I went back to being</p> <p>2 a chartered accountant after 30 years. So I really</p> <p>3 consider myself as a businessman who found myself in</p> <p>4 politics.</p> <p>5 Q. Thank you very much.</p> <p>6 I'm going to take some of the roles you played</p> <p>7 during that period and deal with them chronologically,</p> <p>8 if I can. We're going to first deal with the aftermath</p> <p>9 of the Calcutt 2 report, so Sir David Calcutt's second</p> <p>10 report. You deal with this extensively in your</p> <p>11 statement, but just in case anyone is in anyone doubt as</p> <p>12 to what that report was about, I'm going to summarise it</p> <p>13 in this way. We all know that Sir David Calcutt's first</p> <p>14 report had issued in the abolition of the Press Council</p> <p>15 and had set up the PCC and that first report recommended</p> <p>16 that the new PCC be given a period of time, 18 months,</p> <p>17 to demonstrate that non-statutory regulation could be</p> <p>18 made to work effectively. That's correct in summary,</p> <p>19 isn't it?</p> <p>20 A. I think so, yes.</p> <p>21 Q. After John Major became Prime Minister, he decided to</p> <p>22 follow through with that recommendation, that there be</p> <p>23 a new sort of follow-up report and in July 1992,</p> <p>24 David Mellor, who was then the Secretary of State for</p> <p>25 the Department of National Heritage, announced that</p> <p style="text-align: center;">Page 3</p>
<p>1 statements to the Inquiry. We'll take the letter as</p> <p>2 incorporated. Is that your formal evidence to the</p> <p>3 Inquiry?</p> <p>4 A. Yes.</p> <p>5 Q. I'm going to start with your career history. Your most</p> <p>6 recent witness statement is behind tab 1. It's probably</p> <p>7 helpful if we turn it up because your career history is</p> <p>8 summarised at paragraphs 1 to 5 of that statement. I'll</p> <p>9 summarise it, if I can. You were Conservative MP for</p> <p>10 Maldon and Essex, later Maldon and Colchester south from</p> <p>11 1974 to 1992.</p> <p>12 In 1992, you left the House of Commons and you were</p> <p>13 created a life peer. Whilst you an MP, you were</p> <p>14 a minister continuously from 1979 until 1994. Your</p> <p>15 other appointments are detailed in paragraph 2 of your</p> <p>16 statement. I need not rehearse them all. I'll come</p> <p>17 back to consider with you some of the particular roles</p> <p>18 that you held.</p> <p>19 After you left the House of Commons, you were</p> <p>20 appointed as chairman of the Press Complaints Commission</p> <p>21 and you held that position from 1995 until 2001.</p> <p>22 Have I accurately summarised --</p> <p>23 A. Yes. The only thing I would say is that I've always</p> <p>24 thought of myself as a chartered accountant who decided</p> <p>25 to go into politics and spent rather longer in politics</p> <p style="text-align: center;">Page 2</p>	<p>1 Sir David Calcutt would be asked to assess the</p> <p>2 performance of the PCC and the new self-regulatory</p> <p>3 regime. Calcutt 2 was the resulting report. Have</p> <p>4 I accurately summarised that?</p> <p>5 A. Yeah. I have to say I was busy privatising the</p> <p>6 electricity industry during that while, and whilst</p> <p>7 I attended the cabinet, I have only the vaguest</p> <p>8 recollection of any of these things going on.</p> <p>9 Q. Calcutt 2 was delivered in January 1993. We don't need</p> <p>10 to look at it in the bundle yet. Can we agree that you</p> <p>11 were asked essentially to chair a cabinet subcommittee</p> <p>12 which looked at the recommendations of Sir David</p> <p>13 Calcutt's second report?</p> <p>14 A. Yes. I think the more correct way of putting it was</p> <p>15 I was chairman of a cabinet subcommittee that looked at</p> <p>16 all these sorts of things. It wasn't set up to do this.</p> <p>17 It was a matter that came up in the normal course of</p> <p>18 agenda and I probably read about it the night before the</p> <p>19 meeting that I had to chair, and probably couldn't have</p> <p>20 remembered who Calcutt was 24 hours before the meeting.</p> <p>21 I read, read what had happened, heard the debate at the</p> <p>22 meeting and came to a conclusion.</p> <p>23 Q. I understand. Just so we can familiarise ourselves with</p> <p>24 what the Calcutt report was saying, first of all can we</p> <p>25 start with the background against which Calcutt was</p> <p style="text-align: center;">Page 4</p>

1 (Pages 1 to 4)

<p>1 reporting. We're all very familiar at this Inquiry, of 2 course, with the excesses which led up to the setting up 3 of this particular Inquiry, but just to remind ourselves 4 of the context in which Sir David Calcutt was reporting. 5 If you look behind tab 3 of the bundle, you will find an 6 extract from "A Press Free and Responsible". It's 7 exhibit B to your witness statement. 8 Do you see that? It's an extract from "A Press Free 9 and Responsible" by Professor Richard Shannon. 10 A. Yeah. 11 Q. If you turn to the first page, there's an extract from 12 chapter 6. 13 A. Correct, yes. 14 Q. "Calcutt strikes again -- and misses: January--November 15 1993." 16 We can see from the second substantive paragraph on 17 that page that the Calcutt report cited six instances 18 upon which he founded his verdict of the PCC's failure. 19 We'll come on to discuss in a moment the recommendations 20 of Sir David, but cites six instances on which he 21 founded his verdict of the failure and its necessary 22 demise. They include: 23 "... the Sport's contempt when it refused to publish 24 an adjudication the People's contempt in the Princess 25 Eugenie case; the PCC's handling of the Morton Page 5</p>	<p>1 consideration to be given to a new tort of privacy to 2 address this issue. Do you recall those 3 recommendations -- 4 A. Yes, I've certainly read them, yes. 5 Q. He also recommended, interestingly, that the law on the 6 interception of telecommunications be reviewed in order 7 to identify relevant gaps in legislation. Do you recall 8 that? 9 A. I don't recall it, but I'm sure it was right. 10 Q. Fine. We can agree overall it was a rather damning 11 assessment of the PCC at that stage? 12 A. Correct, yes. 13 Q. You've explained that you chaired the cabinet 14 subcommittee which was asked to look at Calcutt 2 and 15 its recommendations. Am I right in saying that you were 16 working alongside the National Heritage Select Committee 17 on privacy and media intrusion as well? Do you recall 18 that? 19 A. I think I went and gave evidence to them, but that was 20 after I was chairman of the PCC, not at that stage. 21 I don't think I did anything at this stage. It was 22 later, because I have a frightful row with Gerald 23 Kaufman, if I remember rightly. He's now a very good 24 friend of mine, but he wasn't at that time. 25 Q. All right. It doesn't matter for these purposes. Can Page 7</p>
<p>1 serialisation affair; and its feebleness [they say] in 2 the Ashdown, Bottomley and Mellor scandals." 3 You have rather more familiarity with that period 4 than some others may -- 5 LORD JUSTICE LEVESON: It depends whether electricity was 6 intervening. 7 A. Yes. I read this and I'm sure it's right, but I can't 8 say I can remember a single thing about any of those 9 items. 10 MS PATRY HOSKINS: I was going to ask you if there was 11 anything you could add to that, but the answer is no. 12 If we were to look at what the Calcutt 2 report 13 actually concluded, it concluded, in essence, that the 14 PCC was not an effective regulator of the press because 15 it was a body set up by the industry and operating 16 a code of practice which was devised by the industry and 17 which was overfavourable to the industry. That's 18 essentially quoting from the summary in the report 19 itself. 20 In that context, you may recall that Sir David 21 recommended the establishment of a statutory press 22 tribunal with power to impose fines, requiring the 23 printing of apologies, corrections and replies, and he 24 also recommended that the government take a look again 25 at laws against press intrusion. Indeed, he wanted Page 6</p>	<p>1 you assist us with the broad conclusions of the cabinet 2 subcommittee? 3 A. There were two things which I remember from it. The 4 first was that there seemed to be quite a voice around 5 the cabinet table that if we were going to bring in 6 a sorted of statutory system, we had to have a proper 7 definition of the public interest, and the lawyers 8 around in particular felt that this was going to be 9 extremely difficult to deliver. That was the thing that 10 came out. 11 I also thought to myself: if we're trying to have 12 a system to protect the public against inaccuracy and 13 one thing and another, the complicated legal system 14 which would inevitably flow from that was not going to 15 help the ordinary guy in the street to get any sort of 16 justice from the newspaper unless he had a lot of money. 17 Q. All right. 18 A. But the deliberations went on after I left the 19 government and they followed (inaudible), but I did have 20 a conversation with the Prime Minister when I told him 21 that I thought this was probably not a very sensible way 22 to go forward. 23 Q. Your witness statement does indicate that you persuaded 24 John Major to come around to your views. Can you assist 25 us with what his views were when you first spoke to him? Page 8</p>

<p>1 A. Well, it was a pretty short conversation. I think 2 probably I might have exaggerated slightly, persuaded 3 him. But he certainly was in favour. He'd accepted the 4 view that I think at least two of our -- at least twice 5 cabinet colleagues had said that they were mindful to 6 bring in the statutory system and he had gone along 7 withing it, and I said I think this is not going to 8 work, and I got the impression that he was -- but it 9 wasn't a long conversation. It was fairly short. 10 Q. You tell us in your witness statement at paragraph 26 11 that you don't recall during this period meeting 12 proprietors of news organisations or any senior 13 executives at this time and that you were certainly not 14 lobbied in respect of the Calcutt 2 recommendations. Is 15 that correct? 16 A. That is correct. Around that time, I had quite a few 17 dealings with the press, the lobby correspondents, when 18 I was leader of the Commons. I then went off to 19 privatise electricity and I had a lot of dealings with 20 newspaper people to do with the privatisation of 21 electricity. Then I was leader of the Lords and it 22 would be this time when I was chairing this committee, 23 and I had a bit to do with it but I can't recall ever 24 having a discussion about these items. 48 hours before 25 I did it, I probably didn't even know I would be Page 9</p>	<p>1 us any insight into why it took so long, from January 2 1993 when Calcutt reported to July 1995, for the 3 government to come to a formed view on the issue? 4 A. I suppose the easiest answer is to say if I'd still been 5 around, it might have been quicker, but I have no idea 6 why they did it. I didn't have anything to do with it. 7 I was miles away. 8 Q. It's clear, having looked at the White Paper and looking 9 at all the discussions that took place at that time, 10 that no statutory tribunal or ombudsman system was set 11 up, no power to impose fines, no tort of privacy was 12 ever introduced at this stage. Can you give us an 13 understanding of why you -- I know you left before the 14 end of the process, but why it was that eventually that 15 view was taken, essentially to reject most of the 16 recommendations and to take a different route? 17 A. Well, I can't tell you what the view of the government 18 was at that time, but I know what my view was, was that 19 I did not think it would be very easy to define the 20 public interest, which was one of the things I've 21 already said. Secondly, I did not think that it would 22 be at all easy to get the legislation through 23 Parliament. Thirdly, I did not think it would protect 24 the people who read the newspapers. 25 I'm conscious of the fact that a privacy law, which Page 11</p>
<p>1 chairing the committee to do it. 2 Q. During the period until you left government, no contact 3 with proprietors or representatives of the media 4 industry? Given that Calcutt was essentially 5 recommending statutory regulation, one might think it 6 was likely that they would have views -- 7 A. They might, but I didn't have views because I hadn't 8 really -- I really hadn't focused on it at all. 9 I certainly -- I knew Conrad Black because I'd met him 10 at dinner. That was one I knew. I knew David Stevens 11 because he invited me to dinner. I knew the late 12 Lord Rothermere, the other one. I certainly knew him 13 because I found myself in the same queue swearing in in 14 the House of Lords after a new election and introduced 15 myself to him. But I didn't really know them 16 technically well. I certainly didn't, for example, meet 17 Rupert Murdoch until after I went to the Press 18 Complaints Commission. 19 Q. At the end of the day in July 1995, the government 20 published a White Paper dealing with the Calcutt 2 21 recommendations explaining that the government 22 essentially would not be introducing statutory 23 regulation. 24 A. Yes. 25 Q. I understand that you'd left by this time. Can you give Page 10</p>	<p>1 this would have created, is actually very difficult for 2 the public to deal with unless they are rich, and it's 3 not quite as bad for the newspapers as they like to 4 pretend. I mean, in France, the newspapers like to 5 publish across the headlines how much they've had to pay 6 in privacy costs in order to get the stories for their 7 readers. They trade on it. And I would have seen 8 a privacy law, as we've seen slightly in recent times, 9 acting as a disadvantage for the public and not quite 10 such a big disadvantage for the press. 11 Q. A number of things did happen. The White Paper, for 12 example, encouraged the press to strengthen and improve 13 self-regulation. The PCC did a number of things that 14 you may recall, including appointing a privacy 15 commissioner who was given special powers to investigate 16 urgent complaints about privacy, but the major 17 recommendations of Calcutt were not adopted. In your 18 view, did it go far enough? Is there anything else that 19 could have been done at that time? 20 A. I mean, I wasn't taking any interest in this whatsoever. 21 When I got to the PCC, I discovered there was a chap who 22 called himself the privacy commissioner, but I didn't 23 have any particular dealings with it. When I got there, 24 I realised this thing had to be sorted out and I sorted 25 it out as best I could. Page 12</p>

<p>1 Q. Let's move on then to your appointment as chairman of 2 the PCC. You were appointed on 1 January 1995. 3 I intend no criticism of this, but your appointment to 4 the PCC seems to have been essentially a tap on the 5 shoulder from the chairman of PressBoF. That's set out 6 in your witness statement at paragraph 30. I want to 7 understand whether you think that is an appropriate way 8 of appointing chairmen. You may have heard Lord 9 O'Donnell tell us yesterday that he thought that 10 chairmen should be appointed by an independent open 11 competition. Any views?</p> <p>12 A. The first thing I have to say is it was 18 years ago and 13 it wasn't such a revolutionary idea that somebody was 14 asked to do a job 18 years ago. It wouldn't be done 15 like that today for perfectly good reasons. Whether 16 they get a better chairman by the new system or not is 17 another question, and if I may say so, I got better 18 commissioners when I was running the Press Complaints 19 Commission by going to people and saying, "I want you to 20 join" than the Public Appointments Commission have got. 21 I mean, I got the recently retired head -- permanent 22 secretary from the Home Office, who was probably the 23 most senior permanent secretary who never became head of 24 the Civil Service, an absolutely outstanding man, and 25 the minute I got him onsite, Whitehall took me</p> <p style="text-align: center;">Page 13</p>	<p>1 what your qualities were. 2 A. Paragraph 31? 3 Q. Paragraph 31 of your first statement, behind tab 1. 4 A. Yes, it's come on the screen here. I can see it here, 5 yes. 6 Q. You say: 7 "I think I was approached because I had three broad 8 qualities which the newspaper industry was looking for." 9 We'll look at the substance of the qualities in 10 a moment but why do you say you were approached because 11 you had three broad qualities which the newspaper 12 industry were looking for, rather than say the public 13 was looking for? Why is it important that the 14 chairman -- 15 A. Well -- 16 Q. I'm sorry. 17 A. I think the newspaper industry did not want statutory 18 control and that they accepted they needed someone to be 19 the chairman with a bit of clout, who could stop 20 statutory control by getting the standards up to an 21 acceptable level, and this was my view of what I thought 22 they probably wanted. I suppose it's a bit 23 self-aggrandisement, really, in a way, but it's all 24 true, what I put down -- 25 LORD JUSTICE LEVESON: I think you missed Ms Patry Hoskins'</p> <p style="text-align: center;">Page 15</p>
<p>1 seriously. They said, "This isn't a Fred Karno's army; 2 these people are really meaning business." 3 And other people I got -- I got a bishop and I got 4 John Smith's widow and so on, and the standards that we 5 got by that method were considerably higher than the 6 public appointment system, but I recognise the public 7 appointments system is the way things are done today. 8 LORD JUSTICE LEVESON: We could spend many hours talking 9 about just that, and the problems of the present system 10 and the advantages of the system which is now, as you 11 say, discredited. 12 A. Yes. 13 LORD JUSTICE LEVESON: I'm not sure it takes us very far. 14 A. No, no, I mean it only takes us this far, if I may say 15 so, in that when I was appointed the chairman, it wasn't 16 a revolutionary thing to do in this way. It was 17 a perfectly accepted normal thing. 18 LORD JUSTICE LEVESON: I quite understand. I quite 19 understand. 20 MS PATRY HOSKINS: I was going to ask about whether the old 21 system was better, but I think given your answer -- 22 LORD JUSTICE LEVESON: No, I think that it goes outside what 23 we need to cover. 24 MS PATRY HOSKINS: Indeed. Turn to paragraph 31, because 25 there you set out why you think you were approached and</p> <p style="text-align: center;">Page 14</p>	<p>1 point. It's not that you aren't eminently suited to 2 achieve your goals through the description of the 3 qualities you describe and I'm certainly not going to 4 take issue with a single one. It's the question that 5 it's the newspaper industry who are doing the appointing 6 for the newspaper industry's benefit and with their 7 goals in mind rather than somebody saying, "We just want 8 somebody who is going to be square about this." They're 9 saying, "We really want somebody who is absolutely on 10 side with us." 11 A. Not necessarily "with us", if I may say so. They wanted 12 somebody on side with the government because they did 13 not want statutory regulation. 14 LORD JUSTICE LEVESON: Yes, but that's "on side with us", ie 15 the newspaper industry. 16 A. I think -- well, I don't know. I thought that what they 17 wanted was someone who could make self-regulation work 18 in a way that was satisfactory, that nobody wanted to -- 19 nobody really pressed to bring in statutory control. 20 LORD JUSTICE LEVESON: All right. 21 A. That's the way -- 22 LORD JUSTICE LEVESON: I understand that way of putting it. 23 MS PATRY HOSKINS: We aren't going to take issue with any of 24 the qualities that you set out at paragraph 31. I want 25 to understand, however, how important you consider these</p> <p style="text-align: center;">Page 16</p>

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<p>1 to be even now. Being trusted by both politicians and 2 the press, and then having some understanding of the way 3 the media operates, and thirdly, being regarded as 4 a strong supporter of press freedom and self-regulation. 5 Can I ask you about the third of those first? 6 A. I don't think you could be a chairman of a body that was 7 running a system of self-regulation unless you believed 8 in self-regulation. I think that would be a bit 9 difficult. And I can't imagine you being a very good 10 chairman of a Press Council if you didn't believe in 11 press freedom. I would have thought they were pretty 12 self-evidently things that were required for the job. 13 Q. What about an understanding of the way the media 14 operates? You explain that you'd conducted the 15 parliamentary lobby successfully, you'd obviously 16 managed the government's media presentation as well 17 during the Gulf War. You'd brought television to the 18 House of Commons, and you said you knew what you were 19 doing. Is there any advantage in someone who's actually 20 worked within the media industry being appointed as 21 chairman? 22 A. I mean, I never worked within the media industry; 23 I dealt with them. 24 Q. Yes. So no requirement -- do you think it's 25 important --</p> <p style="text-align: center;">Page 17</p>	<p>1 industry. You needed to make it more independent, you 2 needed to ensure it had very good complaints-handling 3 processes and above all, you needed to give it clout and 4 to restore its credibility, and you explain the changes 5 that you made. 6 Some of these we've touched on already -- 7 A. Yes. 8 Q. -- but let's start with the first of these. You 9 reformed the appointments system to ensure that 10 appointments were made by a body with a lay majority. 11 How important was that, in your view? 12 A. Well, I suppose this is the flipside of me being 13 appointed as the chairman. I mean, things were changing 14 and here it seemed to me that it was important to try 15 and get the Press Complaints Commission more highly 16 respected and therefore to get the right people and have 17 the right people appointing them seemed to me to be 18 a move in the right direction. 19 Q. Then something we've touched on already: 20 "Secondly, I encouraged individuals of stature to 21 put themselves forward for service on the Commission." 22 Does that mean you essentially went and spoke to 23 them, or tapped them on the shoulder and said, "Look, 24 I think you'd be good"? 25 A. I can't remember exactly how it was done, but I wouldn't</p> <p style="text-align: center;">Page 19</p>
<p>1 A. Well, I mean, the way these things happen is they look 2 around at the people who are available and they look at 3 the qualities, and I would have thought those were all 4 qualities that helped. 5 Q. And that remain important? 6 A. Yeah. I'm not saying exclusively you have to be like 7 that, but if you have somebody who's got some of those 8 qualities, it's probably going to help, yes. 9 Q. You tell us in your statement, especially paragraphs 27 10 and 33, which we don't need to turn up, that essentially 11 the PCC had lost credibility under your predecessor, 12 especially because of press behaviour in relation to 13 several of the Royal Family, for example the Camilla 14 tapes and pictures of Princess Diana and so on and so 15 forth. What I want to do now is explore what you did on 16 taking up the appointment in January 1995. 17 If we turn to paragraph 34 of your statement -- it 18 should come up on the screen. It's behind tab 1 if you 19 wanted to look at the paper copy. 20 A. Yeah. 21 Q. It's come up: you explain in paragraph 33 that you had 22 a number of challenges when you took up the job and you 23 explain halfway down the paragraph that it seemed to you 24 that the PCC was leaderless and didn't command 25 widespread respect either with the public or with the</p> <p style="text-align: center;">Page 18</p>	<p>1 have -- if somebody said that's what I did, I wouldn't 2 deny it, but I can't really remember. 3 LORD JUSTICE LEVESON: You were anxious to obtain the most 4 high-powered, high-profile people you could, and that 5 was how it was done in those days. Whatever the 6 position is, that's how it was done. 7 A. Yes, that's roughly right, yes. 8 LORD JUSTICE LEVESON: I've got that. 9 MS PATRY HOSKINS: Thirdly, over the page or further down 10 the screen, you streamlined the complaints handling 11 system, which was too slow, and you explain that 12 complaints handling time tumbled. 13 Fourthly, you were active in encouraging 14 high-profile complaints: 15 "There was no one I was not prepared to ring up and 16 talk to." 17 Can you give us an example of that? 18 A. Yes, I can give you an example. Let me think which is 19 a good one. There was a picture of a member of the 20 Royal Family who was before she was a member of the 21 Royal Family topless in one of the Sunday papers, and 22 I rang the palace and I said, "You have to complain 23 about this, this is outrageous and we want a complaint", 24 and there was an almighty dither, nothing was happening, 25 and so I rang them again and I said, "Look, it's</p> <p style="text-align: center;">Page 20</p>

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<p>1 Prime Minister's questions today, the Prime Minister is 2 bound to be asked, and what I want the Prime Minister to 3 be able to say is: 'This is a matter before the Press 4 Complaints Commission.'" 5 And I still didn't get an answer, so then I rang 6 again and I said, "I am going to issue a statement at 7 1 o'clock today to say I am expecting a complaint from 8 the palace", and that got the complaint, and then 9 I dealt with it and within 48 hours the editor of the 10 paper had apologised profusely and so on for a serious 11 error of judgment and the matter was dealt with. It 12 would not have been dealt with if I hadn't waded in to 13 do it, and that's the sort of thing I did. That's 14 a high-profile one, but I did it with various other 15 people. 16 Q. It's to create a profile for the PCC? 17 A. Well, it's to get the thing dealt with and not allow the 18 sort of continuous story about how feeble they were and 19 how difficult they were. Occasionally I had to work it 20 the other way. I mean, I had the chief executive of 21 a major company in this country who had divorced his 22 wife, married somebody else, then divorced the second 23 wife and gone back and married the first wife, and he 24 couldn't understand why the newspapers wanted to report 25 it, and I just had to tell him that: "I'm afraid this Page 21</p>	<p>1 you to now lash out at him with a story, even if it's 2 true, is not a very nice thing to do", and in both cases 3 both editors took my advice and didn't publish the story 4 and I think that was worth doing. So that was all 5 right. 6 Now, what was the next -- 7 LORD JUSTICE LEVESON: I'm sorry, I'm going to pick up that 8 story for a moment. That required you to learn through 9 your sources what they were doing. 10 A. Yeah. 11 LORD JUSTICE LEVESON: It might be that that's an extremely 12 valuable tool that's available to you, but of course 13 unless you know about it, you can't do it, and therefore 14 it may be that that's an idiosyncratic example because 15 you found out. 16 A. Yes. 17 LORD JUSTICE LEVESON: Equally, in relation to your palace 18 story, one may say that there may be all sorts of 19 reasons why the palace don't feel it's right to get 20 involved, but still that doesn't make the story any the 21 better and therefore query whether it's not something, 22 if you're the guardian of the code, if you like, you 23 shouldn't be able to do without forcing a complaint, 24 without making the palace do something. 25 A. Yes. I think my initial reaction is to that when I got Page 23</p>
<p>1 is something that newspapers in a free society will 2 report. It's no good you complaining to me, because 3 that's life." 4 Q. You then go on to tell us that you were active in 5 getting on the phone to editors to talk to them about 6 stories they might be about to write where you'd been 7 alerted to a possible breach of the code. This is the 8 origin, you say, of the PCC's pre-publication service, 9 was series effective. Then you say that sixthly and 10 most importantly, you improved the PCC's sanctions. You 11 insisted that the code of practice be included in 12 editors' contracts of employment, then you give you us 13 an example about Piers Morgan. Did you want to talk us 14 through that example? 15 A. I wonder if I could just talk about the first one? 16 Q. Of course. 17 A. The first case I remember where I rang editors up was 18 that they were running -- they wanted to run -- and I'd 19 heard about this -- a scurrilous story about my 20 predecessor, and I rang up the two editors that I heard 21 were looking at this story and I said to them, "Well, 22 whether you publish the story or not is a matter for 23 you, I'm not a censor, but," I said, "I just wonder 24 whether it's a wise thing for you to do. Here you have 25 been criticised by this chap, he's now retired, and for Page 22</p>	<p>1 there, the Press Council had fallen into considerable 2 disrepute with the press for one reason -- one of the 3 reasons was that a whole lot of people were making a lot 4 of complaints and many of them are pretty frivolous and 5 one thing and another, and they did say the Press 6 Complaints Commission is there to deal with people's 7 complaints who have an interest in the complaint, 8 a proper interest. In other words, if they see 9 something about me, Joe Bloggs can't complain. I can 10 complain. It has to be relative to me. That's what 11 they wanted to do and I was trying to get that system 12 worked. 13 LORD JUSTICE LEVESON: Doubtless we'll come to it, but one 14 of the questions is whether that actually doesn't 15 necessarily and unnecessarily confine the role of 16 whatever body is undertaking this task. Let me give you 17 the example that has been given on a number of occasions 18 by a number of groups who have given evidence to me. 19 Those who complain, for example, about single issues. 20 The transgender community, disabled people, immigrants. 21 There is no specific person who can be identified 22 because they're not named, but there is, they argue, 23 a legitimate complaint that as a group they are being 24 traduced and there is no remedy for those who represent 25 those groups or who have legitimate interest in those Page 24</p>

6 (Pages 21 to 24)

<p>1 groups to enforce or to challenge the approach of the 2 press. 3 Now, all that has to be judged against the right of 4 the press to publish what they want, but not to provide 5 any remedy may itself be a problem. 6 A. Well, certainly, and I'm talking times ago when I was 7 trying to get this thing going successfully. 8 LORD JUSTICE LEVESON: I understand. 9 A. It didn't seem to me that the Press Complaints 10 Commission or the press would tolerate me going from the 11 short of shambles there was to some of these things, but 12 I did start in a number of ways -- for instance, I got 13 the people concerned with the disabled in and I had 14 meetings with editors and the disabled lobby, the people 15 who were concerned with them, in order to try to 16 understand how better we could encourage better 17 standards of reporting of disabled in the press. I did 18 the same thing, if I remember rightly, over science 19 reporting, where there was a danger that people would 20 give alarmist reports, and I tried to get -- 21 LORD JUSTICE LEVESON: So nothing you say should be taken as 22 discouraging an approach that allows a remedy or 23 a complaint in those circumstances today? I appreciate 24 that when you were doing it things were different, but 25 today you wouldn't challenge that sort of approach?</p> <p style="text-align: center;">Page 25</p>	<p>1 judgment, since he went, the PCC has become a shadow of 2 what it was at the time he was running it and it has not 3 been able to fulfil the expectations that were there." 4 He goes on to say to the committee: 5 "That is one of the reasons why we now face these 6 serious problems and one of the reasons why this 7 committee has been formed." 8 The question I have for you is: how important, in 9 your view, is the personality of a chairman to the 10 success of the PCC and how can that be ensured? 11 A. Well, I think it is to some degree important, but it's 12 not the only -- it's by a long way not the only 13 consideration. I mean, if you look at the present 14 difficulties we got into, there were other factors it 15 seemed to me, that have arisen, and one of them, of 16 course, was the Human Rights Act, which -- and I made it 17 clear in my speech in the House of Lords. The problem 18 with the Human Rights Act was that it, in effect, 19 brought in a privacy law and the high-profile cases for 20 rich and famous people sought to get their remedies 21 through the courts. That meant that the PCC became 22 a sort of second class, on-the-cheap way of doing it if 23 you weren't important and you didn't have funds, and 24 that reduced the standards of the -- appreciation of the 25 PCC, and that was part of the --</p> <p style="text-align: center;">Page 27</p>
<p>1 A. Well, I wouldn't challenge it, but I wouldn't support it 2 either. I think I would want to look at it very much 3 more carefully, the pros and cons of it, but I certainly 4 found other ways of dealing with those things because 5 I recognised they were important when I was doing it. 6 MS PATRY HOSKINS: What comes across clearly from your 7 previous answers and from your statement as well is that 8 part of your plan and that of government was that the 9 PCC's reputation and effectiveness would be enhanced by 10 three things: strong leadership, the introduction of 11 more weighty and high-profile members and the raising of 12 the profile of the organisation by taking on 13 high-profile cases. It's also clear that you were 14 pretty successful in achieving that aim. You say that 15 yourself in your statement in paragraph 35. 16 If I give you an example, Jack Straw said this in 17 evidence to the privacy and injunctions committee: 18 "I certainly hoped and believed [he said to them] on 19 good evidence that the Press Complaints Commission would 20 be able to take on a more active role [this is back in 21 1995 when you took over]. I believed that because I had 22 seen Lord Wakeham operate as chairman of the Press 23 Complaints Commission and thought he was doing a first 24 class job. He had the skills and the gravitas to ensure 25 that the PCC did take on this role. Sadly, in my</p> <p style="text-align: center;">Page 26</p>	<p>1 Q. We'll come on to look at the Human Rights Act in due 2 course. 3 A. Yes. 4 Q. How important was your ability to ring up proprietors or 5 editors and tell them what to do? How important was 6 that to the effectiveness of the PCC? I appreciate that 7 at the beginning of your tenure, you probably didn't do 8 that on a regular basis. 9 A. It depends how you judge it. If you say we had 10 something like 3,000 complaints a year and I might have 11 rung up ten times in a year, that would be an 12 exaggeration. It was less than ten. So it wasn't a big 13 deal, but every now and then it was necessary and the 14 newspapers knew that I was pretty keen that they dealt 15 properly with these complaints. 16 Q. Did you ever ring a proprietor in order to deal with 17 a situation where an editor was not necessarily 18 listening to you or complying with what the PCC had 19 recommended? 20 A. I can't remember. I did certainly ring a -- write to 21 a proprietor where I thought the editor was not doing 22 a satisfactory job and the result was that the 23 proprietor made a public statement, which I think 24 everybody knows about, which was the conduct of this 25 young man is unacceptable.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Q. Do you want to tell us about that example?</p> <p>2 A. Well, it was -- yes, it was -- it was Piers Morgan was</p> <p>3 the editor of the News of the World at the time and he</p> <p>4 allowed and published photographs taken by</p> <p>5 a photographer over the wall of a nursing home where</p> <p>6 Lord Spencer's first wife, I suppose it was, was</p> <p>7 a patient, and these appeared in the paper, which was</p> <p>8 therefore photographing somebody who was in a hospital</p> <p>9 and it was outrageous that it should be done.</p> <p>10 I reckoned that it was very serious and I wanted to get</p> <p>11 the message over -- it was fairly early on my day -- is</p> <p>12 that proprietors had a responsibility for their editors</p> <p>13 in that they were behaving in a reasonable and proper</p> <p>14 way.</p> <p>15 Q. What led you to write to Rupert Murdoch on that</p> <p>16 occasion?</p> <p>17 A. Because I thought it was a good example to rub the point</p> <p>18 home.</p> <p>19 Q. What was his reaction?</p> <p>20 A. He made the statement that he did, that the conduct was</p> <p>21 unacceptable, and that sent a message around the</p> <p>22 industry that we weren't to be trifled with.</p> <p>23 Q. Can I ask you about the aftermath of the death of</p> <p>24 Princess Diana. We know she died on the night of</p> <p>25 31 August 1997, and we also know that in response to the</p> <p style="text-align: center;">Page 29</p>	<p>1 never will be, but it has delivered results across</p> <p>2 a wide range of fronts.</p> <p>3 Now, was that your view at the time? In light of</p> <p>4 the findings of Calcutt 2, in light of the changes that</p> <p>5 had to be made, was that genuinely --</p> <p>6 A. Oh, very much so, because the bulk of the work of the</p> <p>7 Press Complaints Commission were dealing with complaints</p> <p>8 from members of the public, and as a matter of fact, we</p> <p>9 got as many complaints on the local press as we did from</p> <p>10 the national press. I mean, 50 per cent of the</p> <p>11 complaints, roughly in my day, came from the local</p> <p>12 press, 50 per cent from the national. Of course, there</p> <p>13 were a lot more local papers. But there were different</p> <p>14 sorts of complaints, all of which -- I think we had made</p> <p>15 progress across the board in the sort of things that we</p> <p>16 didn't approve of and we were dealing with them quickly.</p> <p>17 Q. If you turn to the second page, page 2 of 7 in the top</p> <p>18 right hand corner, in the third substantive</p> <p>19 paragraph that starts "It is time now for the code to</p> <p>20 change", again, you say this:</p> <p>21 "I underline that this is not because there is</p> <p>22 anything wrong with the code as it stands or because</p> <p>23 newspapers do not already operate to high ethical</p> <p>24 standards. It is to meet the expectations of the public</p> <p>25 and the sincere demands of editors."</p> <p style="text-align: center;">Page 31</p>
<p>1 reaction to her death there were various changes to the</p> <p>2 code of conduct, which I'll come onto in more detail in</p> <p>3 a moment. I think we can agree that some substantial</p> <p>4 changes were made and implemented around that time.</p> <p>5 Now, can I ask you to turn to tab 5 in the bundle,</p> <p>6 please. This is a speech that you gave at Inner Temple</p> <p>7 on 25 September 1997.</p> <p>8 A. Yes.</p> <p>9 Q. I just want to ask you about a few elements of that.</p> <p>10 This was a speech given almost four weeks after the</p> <p>11 death of Princess Diana. It's your exhibit D to your</p> <p>12 statement. There are some important things to note.</p> <p>13 First of all, look at the bottom of the first page. The</p> <p>14 reference for the technician is in the MOD folder, 2361.</p> <p>15 Starting with the first page and at the end of the</p> <p>16 first page, you make two general points. First of all,</p> <p>17 you outline the fact that Princess Diane has died in the</p> <p>18 last few weeks. You explain that you've consulted on</p> <p>19 a review of possible changes, and then, at the bottom of</p> <p>20 the first page, you say you want to make two general</p> <p>21 points. The first is this: to make clear that the</p> <p>22 changes you're proposing today do not in any way detract</p> <p>23 from the unsung and important success story that</p> <p>24 self-regulation has been since the Press Complaints</p> <p>25 Commission was established. You say it's not perfect,</p> <p style="text-align: center;">Page 30</p>	<p>1 Was that an indication that you didn't actually</p> <p>2 think that those changes were necessary?</p> <p>3 A. No, I did think they were necessary, but I was trying to</p> <p>4 make -- bear in mind the changes in the code were not</p> <p>5 a matter for me; they were a matter for the editors</p> <p>6 under the arrangements, and I therefore had to move</p> <p>7 carefully to make sure the editors went along with what</p> <p>8 I wanted.</p> <p>9 Q. In the last paragraph on the same page, you explain what</p> <p>10 you're wanting to do and you explain that you want to</p> <p>11 look at specific measures in five areas: harassment,</p> <p>12 children, privacy, public interest and intrusion into</p> <p>13 grief. You start by discussing the concept of</p> <p>14 harassment and you say:</p> <p>15 "... which undoubtedly has rightly most concerned</p> <p>16 the public in the days since the tragic death of</p> <p>17 Princess Diana. To the problems of the paparazzi, there</p> <p>18 are no easy solutions."</p> <p>19 If you turn over the page, there's a very long</p> <p>20 discussion on the issue of paparazzi. Reading that --</p> <p>21 I don't expect you to read it all again now. I'm sure</p> <p>22 you're familiar with the contents of this speech.</p> <p>23 Reading that, it's clear that the concerns that you are</p> <p>24 looking at, you're discussing, are in some ways very</p> <p>25 similar to some of the stories about the paparazzi that</p> <p style="text-align: center;">Page 32</p>

<p>1 we've heard at this Inquiry. So if I give you an 2 example. You explain that you want to help reduce the 3 market for paparazzi pictures in this country, you 4 intend to include an amendment to clause 8 to prohibit 5 the publication of pictures obtained through persistent 6 pursuit or as a result of unlawful behaviour. You say 7 that you're particularly thinking of pictures obtained 8 by freelancers who break traffic laws, commit trespass 9 or stalk their prey and you say this: 10 "There will therefore no longer be a market in this 11 country for pictures taken by the sorts of photographers 12 who persistently pursued Princess Diana. Motorbike 13 chases, stalking and hounding are unacceptable." 14 And you explain: 15 "Editors who carry pictures obtained by them will be 16 subjected to the severest censure by the PCC." 17 We know that the new changes that you recommended 18 came into force. They were made and they came into 19 force in January 1998, so some six months after you gave 20 this speech. There was a ban on information of pictures 21 obtained by persistent pursuit. The new clause 4, as it 22 turned out, made explicit the editor's responsibility 23 not to publish information or pictures in breach of that 24 clause, for example. 25 To be honest, those changes exist to this day.</p> <p style="text-align: center;">Page 33</p>	<p>1 years because they haven't had the high-profile 2 complaints they used to have, and the high-profile 3 complainers say, "We would sooner take the matter to the 4 courts", therefore the PCC doesn't deal with them, the 5 PCC's standing goes down, and it's a combination of 6 both. 7 So -- and people don't complain. The system was -- 8 in my day, it wasn't right to do anything about it if 9 a person didn't complain, and there was a good reason 10 for that, as well as the -- quite often, the newspapers 11 would say something -- and this would be more in 12 the story than a picture -- would be only part of the 13 story. So you complain, and they say, "Well, I'll tell 14 you the rest of the story", and the person concerned 15 decided: "I think it's best just to leave things as they 16 are." 17 Q. So the changes were adequate, in your view, but the 18 problems have come because the high-profile complaints 19 don't come in in the way that they used to? 20 A. I wouldn't summarise it completely like that. That's 21 part of it, but the changes we made at the time we 22 thought were adequate and we would have had to see how 23 they worked out. During my time there, I thought there 24 was an improvement. I'm not clear what has happened 25 since.</p> <p style="text-align: center;">Page 35</p>
<p>1 Although the code has now been significantly shortened, 2 the preamble to the code makes clear that all the same 3 points. Yet it might be said that it hasn't actually 4 made a difference. I don't know, Lord Wakeham, if you 5 heard the evidence given back in November of last year 6 by celebrities who spoke of harassment, pursuit by 7 photographers, the need to obtain injunctions to prevent 8 harassment. Some examples spring to mind: Ms Miller 9 being chased down the street by ten men with cameras, 10 the owner of Big Pictures picture agency boasting in his 11 autobiography of chasing cars and taking pictures 12 through car windows. 13 Why, in our view, have the changes that you 14 implemented quite rightly after the death of 15 Princess Diana not made a difference? 16 A. I'm not sure it is correct to say they haven't made 17 a difference. I think they did make a difference and 18 I think there was a genuine attempt to -- the crux of 19 what I tried to do was to say the editor is responsible 20 for what appears in his newspaper, and therefore he has 21 to satisfy himself that the photograph was taken 22 properly, et cetera, et cetera. Of course, as I think 23 I say there, a lot of the market is outside our control. 24 It's foreign market. I think it did have -- but, of 25 course, the respect of the PCC has gone down in recent</p> <p style="text-align: center;">Page 34</p>	<p>1 Q. If we look on the same page where we just were, page 3 2 of 7, within that speech, halfway down, just after where 3 we were just looking, you say this: 4 "To assist in that process, I would like to 5 encourage photo agencies themselves to come within the 6 ambit of the PCC by signing up to the industry's code. 7 Editors taking pictures from agencies who subscribe to 8 the code should be able, to some extent, to rely on the 9 agency to check the manner in which a photograph has 10 been taken." 11 Can you recall what happened to that recommendation? 12 A. I think that did happen, a number of the agencies did, 13 and I remember being in the office of the 14 Press Association and walking around with the head of it 15 and on the wall, by the telephone of the photographic 16 editor, he had stuck on the wall the thing about the 17 PCC, which was to remind him when he was taking 18 a photograph from anybody or buying a photograph from 19 anybody that he had -- that they answered satisfactorily 20 the questions he wanted. But it may have changed since. 21 I don't know, I can't say. 22 Q. Then you deal with another issue, the media scrum. If 23 you look further down the page in this speech, you'll 24 see: 25 "I want to go further than dealing with the isolated</p> <p style="text-align: center;">Page 36</p>

<p>1 problems posed by the paparazzi and I want to deal with 2 the media scrum. At heart, the media scrum occurs when 3 many individual journalists are each doing a perfectly 4 legitimate job but together they form an unacceptable 5 scrum around the house or office of someone in a news 6 story. This scrum is deeply intimidating to those at 7 its centre. It is really a form of collective 8 harassment."</p> <p>9 You say tackling it won't be easy, but what you 10 would like, you say, is to see a stipulation in the code 11 that where an intimidating media scrum forms, 12 journalists should only stay at the scene for as long as 13 the public interest requires their presence there. You 14 explain this is what happened at Dunblane and more 15 recently at Balmoral. What happened to that 16 recommendation?</p> <p>17 A. You'll have to ask the people who are running the PCC 18 now. It's a long time since I was there.</p> <p>19 Q. Do you recall?</p> <p>20 A. It worked pretty well when I was there, but there were 21 two other things which I think are important to take 22 into account in considering this. One was that it was 23 not unknown for us to send faxes around to all the 24 principal editors, the news editors, if we had 25 a report -- if somebody rang up and said, "There there's</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. You then go on to deal at length with changes made to 2 the treatment of children by the press, but we can move 3 over this because by and large the measures were adopted 4 and we don't need to cover them.</p> <p>5 Can I ask you about this. Chris Smith, now 6 Lord Smith -- his comments are in the public domain -- 7 has said that at this time he was actually pushing for 8 further changes to the PCC code, but there appeared to 9 be basically no appetite for this in the industry. 10 Obviously we can ask him about that in due course, but 11 do you recall this? Do you recall calls for further 12 steps to be taken?</p> <p>13 A. I certainly -- I'd forgotten about Chris Smith's time 14 until I read the statement in the papers that you kindly 15 gave me, but he wasn't the only one. There were other 16 people, including me, who would have -- who knew about 17 these things. One of the things which was quite 18 important in the debates was whether or not we should 19 institute a system of fining.</p> <p>20 Q. Yes.</p> <p>21 A. The first thing would be I don't think I could have 22 persuaded the newspaper industry to have accepted 23 a finding. I certainly don't think it would have been 24 proper for editors to have been on the Press Complaints 25 Commission if they were in a position to fine their</p> <p style="text-align: center;">Page 39</p>
<p>1 a scrum around, what are you going to do about it?" we 2 sent a fax around to the news editors to remind them -- 3 to say -- we didn't accuse them; we said, "If, by any 4 chance, one of your reporters is there, would you be 5 kind enough to remind him of what the code says about 6 these matters?" and surprise, surprise, in many cases, 7 it would disappear.</p> <p>8 But there's a second problem, and the second problem 9 was this: that of course a lot of the scrum these days 10 is television cameras and radio reporters, but 11 television cameras in particular, which of course were 12 outside my remit, and when I had meetings with them to 13 talk about it, they would be very reluctant to do 14 anything about it before the event happened because they 15 said they would be taken to judicial review, and I had 16 to take a chance on whether I was going to be taken to 17 judicial review when I rang up and said, "Please will 18 you get your people off harassing ..." whatever it was, 19 and I was only once taken to judicial review during my 20 time there and I didn't even have to use the -- what is 21 it? The Aga Khan and the Jockey Club case, that didn't 22 arise. The judge just threw the case out, said that 23 we'd behaved properly. But I know I was slightly taking 24 a chance by the pre-event or to try and stop it rather 25 than waiting for the complaints.</p> <p style="text-align: center;">Page 38</p>	<p>1 competitors for breaching the code, so that was 2 difficult. It was very important in the initial stages 3 of getting the Press Complaints Commission going that 4 the editors played a full part.</p> <p>5 So we had to balance all these things and I'm not 6 saying it's exactly the same today, but it was important 7 to get the editors committed it was their code. They 8 were the ones who were needed to absolutely fully 9 support what we were doing, and I needed to take them 10 along, and they would not have been -- and I don't think 11 I would have been in favour of the editor of one 12 newspaper fining another one, and there was a further 13 question of one fine would have been enough to put the 14 paper out of business. The same fine would have been an 15 extremely cheap price to have got the story, which in 16 French newspaper style they could have put across the 17 top of their banner.</p> <p>18 So I was against fines at that time, and I think 19 Chris Smith -- I think Virginia Bottomley was also quite 20 keen on it at one time, but I persuaded them as best 21 I could that I thought this was an unwise move at the 22 time I was dealing with it.</p> <p>23 Q. So is it your view then that in the aftermath of the 24 death of Princess Diana the changes made went far 25 enough, that they were sufficient?</p> <p style="text-align: center;">Page 40</p>

<p>1 A. I think they were right at the time, and we got them 2 through and I think it was a significant improvement and 3 some of them were, of course, changes that I had in mind 4 before Diana died, but you have to pick the moment when 5 the press was in the mood to accept a tougher code. 6 Q. Can I ask you now about the Human Rights Act. It's in 7 the public domain that you played a significant role in 8 lobbying when the Human Rights Act was being passed. 9 Can we identify, please, what your concern was when the 10 human rights bill was going through Parliament? Can we 11 look at tab 21 of the bundle. I think it's probably 12 easiest, rather than asking you to remember exactly what 13 you said. Tab 21 contains an extract from a debate on 14 the data protection bill, in fact, and if you look at 15 page 2 of 4, the third paragraph from the bottom -- this 16 is you speaking. The paragraph starts "However"; do you 17 see that? 18 A. I'm sorry, I'm looking at the top bit of my speech. 19 Q. Third paragraph from the bottom: 20 "However, I have to say to your Lordships that one 21 thing greatly puzzles me and should give us all cause 22 for concern. The thing that puzzles me is that the data 23 protection bill and the human rights bill which this 24 house has been considering seem to exist almost in 25 different worlds, but the truth is that they present two</p> <p style="text-align: center;">Page 41</p>	<p>1 Data Protection Act had the safeguard that I wanted. 2 The Human Rights Act brought in -- although David 3 Irving kept telling me I was wrong -- a privacy law. In 4 effect, Article 8 and Article 10 are a privacy law, 5 which I thought would be damaging to self-regulation. 6 It would be a vehicle for the rich and it would leave 7 the poor with no remedy. You only have to look at 8 recently a footballer who lost a case -- I don't know 9 whether he should have lost the case or did, I'm not 10 interested in that, but the fact is it is reputed that 11 it cost him £500,000 to lose his case under the Data 12 Protection Act. A case of privacy that costs you 13 £500,000 is of limited value to the public, who I was 14 trying to serve. 15 So that was that, and I tried various ways of 16 dealing with it -- 17 LORD JUSTICE LEVESON: But you would never have been able to 18 help the footballer, Lord Wakeham. You never would. 19 Because that was all about prior disclosure. The only 20 way you could prevent prior disclosure would be to go to 21 court. The Press Complaints Commission couldn't 22 prevent -- 23 A. I'm not saying we should. All I'm saying is the 24 publicity of a man losing and costing him half 25 a million, it makes it very difficult to see how many</p> <p style="text-align: center;">Page 43</p>
<p>1 entirely contradictory sets of policies. The data 2 protection bill does not introduce new powers for the 3 rich and the crooked to gag the press; the human rights 4 bill does the opposite. The data protection bill does 5 not introduce a back door privacy regime; the human 6 rights bill does. The data protection bill safeguards 7 the position of effective self-regulation. The human 8 rights bill may end up undermining it." 9 That's obviously what you were saying at the time. 10 Is that an accurate reflection of -- 11 A. That's what I said at the time and I'm sure it was 12 accurate at the time and I think -- I'll try and tell 13 you what I think I meant from that. 14 The thing about the Data Protection Act was it was 15 based upon, as I recall, a European directive which gave 16 national governments the power to exempt journalism from 17 the full force of it, because sort of by definition 18 a newspaper that is collecting a story has it on its 19 files, on its computers, and if it hasn't published it, 20 it is because it hasn't got enough information to stand 21 it up, and for that to be exposed at that stage would 22 have been very damaging to the freedom of the press. 23 But we persuaded the government, and Gareth Williams was 24 the person who I dealt with over that. He saw that 25 perfectly well and the exemption was included. So the</p> <p style="text-align: center;">Page 42</p>	<p>1 other people would want to go down similar roads, but 2 maybe they wouldn't get themselves into the muddle he 3 got himself into. 4 LORD JUSTICE LEVESON: Well, they might not therefore want 5 to go to court. Therefore they do need some other 6 mechanism to resolve this dispute, which the PCC doesn't 7 provide. 8 A. Well, I'm not sure it provided it entirely in my day, 9 but there's no reason why it shouldn't be made to. In 10 fact, in my original letter to you, I tried to set out 11 the way I think we should develop the system. 12 LORD JUSTICE LEVESON: Yes. 13 A. I'm very happy to talk about it. 14 LORD JUSTICE LEVESON: That's one of the reasons why you're 15 here today. 16 A. That's very kind of you to allow me to explain. 17 But what happened on the Human Rights Act, I got the 18 third reading speech in the House of Lords. I said 19 I stand ready to talk to the government if they should 20 think -- and then Jack Straw rang me when he got to the 21 Commons and he said, "I hear you're very unhappy with 22 that", and he was unhappy too, and so we met and we 23 devised -- or he devised section 12, which was 24 an attempt, as I understand it -- what I understood was 25 that section 12 was really to give a newspaper the</p> <p style="text-align: center;">Page 44</p>

<p>1 defence that they had behaved in accordance with the</p> <p>2 code and therefore that was a proper way to behave and</p> <p>3 therefore freedom of expression would take the priority.</p> <p>4 That's what he said.</p> <p>5 I didn't comment on whether it was effective or not,</p> <p>6 partly because both Jack Straw and David Irving are</p> <p>7 friends of mine and the last thing I wanted to do was</p> <p>8 get involved in what appeared to be a discussion between</p> <p>9 the two of them. I just wanted to get the thing as</p> <p>10 right as I could.</p> <p>11 MS PATRY HOSKINS: Did you initially seek to get the press</p> <p>12 a complete exemption from the Human Rights Act?</p> <p>13 A. I certainly did, with absolutely no chance whatsoever of</p> <p>14 getting it through the House of Lords, but I wanted to</p> <p>15 raise the issue, which was important. I have to tell</p> <p>16 you that Parliament is in favour of strengthening</p> <p>17 restraints on the press whenever they find an</p> <p>18 opportunity, and if there's any legislation flows from</p> <p>19 the circumstances we're in, I have considerable</p> <p>20 reservations as to how it would get on in Parliament.</p> <p>21 Q. But you ended up with section 12, which has been</p> <p>22 described already.</p> <p>23 A. Yes.</p> <p>24 Q. Am I right in saying that you were very much hoping that</p> <p>25 this section would prevent privacy actions coming to</p> <p style="text-align: center;">Page 45</p>	<p>1 refined it and we refined it, but at no time was it</p> <p>2 a regulator's job. It was a job of raising standards in</p> <p>3 self-regulation.</p> <p>4 Q. Any views? I mean, did you speak to the press industry</p> <p>5 when the human rights bill was going through Parliament?</p> <p>6 Did you speak to representatives of the press industry?</p> <p>7 A. I can't remember doing so. I can't absolutely swear</p> <p>8 that I never spoke to a journalist at any time about it,</p> <p>9 but I certainly wasn't representing them. My concern</p> <p>10 was for the public. The Press Complaints Commission, in</p> <p>11 my view, was the best way of protecting the public and</p> <p>12 I didn't want to see it destroyed in the way that it</p> <p>13 more or less has been in the last few years.</p> <p>14 LORD JUSTICE LEVESON: When you say you never described</p> <p>15 yourself as a regulator, Lord Wakeham, you made a speech</p> <p>16 in 1995, so right at the very beginning:</p> <p>17 "I now have but one central aim as chairman of the</p> <p>18 Press Complaints Commission: to remove the sword of</p> <p>19 Damocles; that is the threat of statutory controls and</p> <p>20 privacy legislation suspended other the head of the</p> <p>21 fourth estate, which has been souring the crucial</p> <p>22 relationship between politicians and the press over the</p> <p>23 last ten years, and to put the regulation of the press</p> <p>24 beyond the bounds of day-to-day political debate."</p> <p>25 Wasn't that accepting for you that you were</p> <p style="text-align: center;">Page 47</p>
<p>1 court but instead they would go to the PCC?</p> <p>2 A. Yes, and it didn't.</p> <p>3 Q. In your witness statement, you appear to reject the</p> <p>4 notions that you were campaigning for the press at this</p> <p>5 point. Some commentators have said that it was simply</p> <p>6 inappropriate for the chairman of the regulator, who's</p> <p>7 meant to be, at the end of the day, an impartial</p> <p>8 mediator and complaints handler, to essentially lobby on</p> <p>9 behalf the press in respect of government decisions that</p> <p>10 might affect the press' commercial interests.</p> <p>11 In fact, if you look at Jack Straw's comments to the</p> <p>12 privacy and injunctions committee, he believed you were</p> <p>13 in fact representing the press. He describes the press</p> <p>14 as "the press in the person of Lord Wakeham".</p> <p>15 A. Well, I thought -- the bit at the beginning, I wanted to</p> <p>16 intervene but I didn't.</p> <p>17 Q. Right, please do.</p> <p>18 A. I was never a regulator. I never said I was</p> <p>19 a regulator. I didn't pretend to be a regulator. My</p> <p>20 task was to try and raise standards in the press by</p> <p>21 means of a code and by self-regulation. You have to</p> <p>22 bear in mind that when I meant there, the press had been</p> <p>23 governed previously by the Press Council, and there was</p> <p>24 no -- there wasn't a code. We were the starting of the</p> <p>25 code. It was pretty crude when we started, and we</p> <p style="text-align: center;">Page 46</p>	<p>1 a regulator?</p> <p>2 A. No, no. I was getting rid of it. I didn't want</p> <p>3 regulation of the press. I wanted self-regulation.</p> <p>4 I wanted them to regulate themselves. I may not have</p> <p>5 put it as cleverly as I should have done, but that's</p> <p>6 what I wanted. I certainly did not see myself as</p> <p>7 a regulator. I saw my job as to try and raise standards</p> <p>8 so that nobody would then be wanting to bring in</p> <p>9 regulation of the press. That was the object of the</p> <p>10 exercise: to get standards sufficiently high. People</p> <p>11 would then say, "This is fine, we don't need</p> <p>12 regulation."</p> <p>13 LORD JUSTICE LEVESON: So when your successors come along</p> <p>14 and speak about them being regulators, that's simply not</p> <p>15 your understanding of the role at all?</p> <p>16 A. No. I mean, the dividing line is quite narrow, it's not</p> <p>17 black and white, but I think that they made a mistake in</p> <p>18 trying to take on the job of regulating when they should</p> <p>19 have been putting it back to the press and saying, "What</p> <p>20 are you doing? This is outrageous. You mustn't do</p> <p>21 this."</p> <p>22 LORD JUSTICE LEVESON: But that means then there is nobody</p> <p>23 who is regulating the press at all.</p> <p>24 A. Self-regulation in a free society is what I would want</p> <p>25 to achieve, and I thought I had done quite well in</p> <p style="text-align: center;">Page 48</p>

<p>1 achieving it during my time, and since then we've got 2 ourselves into difficulties and we have to find a way 3 forward and I made a suggestion as to how I think we 4 should find a way forward, which of course does, in the 5 end, bring the courts in as well because I take the view 6 that the Human Rights Act is now part of our law, it's 7 been incorporated into our law, and we'd best work 8 within that system.</p> <p>9 MS PATRY HOSKINS: That brings us neatly onto your proposals 10 for the future of press regulation. I've been working 11 from your letter to Lord Justice Leveson dated 7 January 12 2012, which is behind tab 8, simply because it's all 13 there conveniently set out. Can we turn to that? It's 14 MOD2429.</p> <p>15 A. Yes.</p> <p>16 Q. On the second page of that letter, you say in the third 17 paragraph that based on your experience at the PCC and 18 your own beliefs as a Parliamentarian in freedom of 19 expression, you remain strongly -- I think that should 20 say "opposed to" --</p> <p>21 A. Yes, so would I.</p> <p>22 Q. -- additional statutory controls.</p> <p>23 A. Yeah.</p> <p>24 Q. So nothing that you've seen in the intervening years has 25 persuaded you that we should go to statutory regulation;</p> <p style="text-align: center;">Page 49</p>	<p>1 you need something greater for that.</p> <p>2 But I also floated the idea in that letter, from my 3 point of view, that what I thought was reasonably right 4 to try to make section 12 work in the way that I thought 5 it was going to work was that there could be an 6 understanding between the PCC and the courts, whereas 7 when somebody starts a legal proceedings for privacy 8 with the courts, the judge would say, "Have you taken 9 this case to the PCC? If not, why not?" And if there's 10 a good explanation, accept it. If not: "I think it 11 would be better if you went there first", and then come 12 along and see what it was. The PCC could give an 13 adjudication and I would not then stop anyone from 14 taking it to the courts if they wanted to and the courts 15 could decide what they were going to do about it.</p> <p>16 By this means, it seemed to me self-regulation would 17 be a stage one in a process which might end up in the 18 courts if we couldn't find a practical solution.</p> <p>19 LORD JUSTICE LEVESON: That's absolutely opposed to the 20 present rule, that if you go down the PCC route, you 21 can't go to court.</p> <p>22 A. Correct, yes, absolutely. And that was right in my day, 23 that was what we did in my day, and I think we did it 24 for a reasonably good reason, because there was a danger 25 of double jeopardy for the newspapers, that they would</p> <p style="text-align: center;">Page 51</p>
<p>1 is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. "... wrong in principle and wouldn't work in practice. 4 The only answer therefore is to strengthen 5 self-regulation." 6 I could paraphrase this for you. Is there anything 7 in particular that you would like to draw Lord Justice 8 Leveson's attention to?</p> <p>9 A. Well, yes. I hope it's reasonably there. I've taken 10 the view that the complaints handling of the PCC was 11 pretty good. It was cheap, it was quick. I reduced the 12 timescale down to 35 days from complaint to getting an 13 adjudication, and that was not perfect but it was okay. 14 We set up an appeals procedure as well for those who 15 weren't happy with the results, which I don't think was 16 used very much.</p> <p>17 There were, of course, much more difficult issues 18 that came up from time to time. There were not so many 19 of those as there ought to be, but they were important 20 and they had to be dealt with, and whilst I thought that 21 the complaints could be dealt with by an ombudsman type 22 figure, I think the wider issues -- the McCanns, the 23 Daily Mirror and the question of share tipping and 24 things of that sort -- were bigger issues which you 25 couldn't leave to one man to deal with, and therefore</p> <p style="text-align: center;">Page 50</p>	<p>1 be clobbered by the Press Complaints Commission and then 2 they'd go to court. I think that in my day, really, the 3 only cases that this really mattered was defamation 4 cases and it was relatively easy to see if this was 5 a case where you should say to somebody, "Look, this is 6 a case that you might prefer to take to court because 7 this doesn't look like it's in our field."</p> <p>8 What I didn't want to do was to use the PCC as 9 a sort of fishing expedition, have people come along who 10 really all the time were intending to go to court, and 11 get the PCC to deal with it in order to give them the 12 information --</p> <p>13 LORD JUSTICE LEVESON: But you might have just that effect 14 now.</p> <p>15 A. In --</p> <p>16 LORD JUSTICE LEVESON: If the court is going to say, "Go 17 along and try the PCC", and the PCC looks and requires 18 answers from newspapers, then that's the dry run, that's 19 the fishing expedition, which then leads to court.</p> <p>20 A. Yes, but I was also suggesting that in that case the 21 person concerned would pay the costs of the PCC. If 22 they then decided to take it on, the costs would be part 23 of the costs of the legal proceedings, so the PCC would 24 get their money back from one side or another for 25 providing -- doing the work. That seemed to me to be</p> <p style="text-align: center;">Page 52</p>

<p>1 a reasonable compromise. 2 LORD JUSTICE LEVESON: Either the newspaper or the 3 complainant? 4 A. Yes, absolutely. Whoever won or lost, yes. But there 5 was therefore the -- 6 LORD JUSTICE LEVESON: So that means, does it, that if one 7 takes an indigent person who doesn't have very much 8 money, they think they've got a complaint and they're 9 encouraged to go to the PCC, and then either they feel 10 they're not fairly treated or they feel that they've got 11 actually something quite useful and therefore it ought 12 to be worth some damages, then they take the risk of all 13 the costs of the PCC as well as the risks of the 14 litigation? 15 A. Absolutely, yes. Absolutely. But 99.9 per cent of the 16 people, having gone to the PCC and had a fair 17 investigation of their complaint, wouldn't take it any 18 further, in my view. 19 LORD JUSTICE LEVESON: But do you visualise that the fair 20 investigation of the complaint could lead to the 21 resolution of factual conflict? At the moment, the PCC, 22 as I understand it -- and you'll tell me if you think 23 I'm wrong -- won't get involved in -- I mean, if there's 24 what I might call a straight swear. The complainant 25 says X, the newspaper says Y. How can the PCC resolve</p> <p style="text-align: center;">Page 53</p>	<p>1 because the press on occasions have often been extremely 2 valuable in trying to get at the truth. 3 I don't know if I can bore you with one example of 4 really where it happened. We had a case, a Sunday 5 paper, and it had a full-page picture on the front of 6 a woman, as best we could see, dying, and every lay 7 member of the press thought this was a horrible, 8 horrible intrusion into that person's and that family's 9 life. And we got to the end, and one of the editors 10 said, "Well, I quite understand why you feel that way, 11 but before the Commission reaches its conclusion, may 12 I make a suggestion that you do some enquiry as to the 13 circumstances in which that photograph was taken?" 14 And the circumstances were that the hospital 15 concerned had invited the press in, this reporter in, to 16 say, "Take any picture of anything you like, because we 17 want some publicity", probably to clobber the government 18 about health service expenditure -- it was a Labour 19 government, so it happens on all sides -- to clobber the 20 government. The picture appeared, therefore taken with 21 the full permission of the hospital. Whether it should 22 have been in is another matter -- 23 LORD JUSTICE LEVESON: My immediate reaction is: what about 24 the patient or the patient's family? 25 A. Well, right. The patient complained to the hospital.</p> <p style="text-align: center;">Page 55</p>
<p>1 that? It's a conflict of evidence, therefore they 2 don't. 3 A. It very rarely happened in my time that I can remember. 4 There was something reported in the newspaper and the 5 person concerned would produce the argument and evidence 6 as to why he thought the newspaper had got it wrong. 7 I don't ever -- I can't immediately think of any case 8 where a newspaper challenged the person on that basis. 9 Where they would challenge them is to say this was in 10 the public interest to reveal that -- whatever it was. 11 LORD JUSTICE LEVESON: All right. So would your system 12 therefore also require that absolutely everybody in the 13 PCC who was making this decision was entirely 14 independent both of the press and editors and, of 15 course, the public? Because otherwise your press 16 representatives are going to be judges in their own 17 cause. 18 A. Yes. I accept that the situations that changed from 19 when I started it. I believed it was vital to have the 20 press in when I was running it because I wanted 21 a commitment from the press to try and make it work. 22 I think there is a case for saying, under the new 23 system, there should be an independent tribunal to deal 24 with these cases, for which there could be an advisory 25 committee of the press who would be able to tell you,</p> <p style="text-align: center;">Page 54</p>	<p>1 The hospital then said, "Oh, well, you must complain to 2 the Press Complaints Commission." They didn't tell 3 anybody that they'd invited them in to do it, and we 4 would not have understood that if it hadn't been for the 5 editor. He said, "That is one of the best newspaper 6 photographs, in my professional judgment, that I've ever 7 seen." It couldn't have been taken without 8 co-operation, in his view, and then we found the full 9 story, which did make a bit of a difference. 10 LORD JUSTICE LEVESON: All that might say is that one should 11 be rather careful to investigate whatever one is saying, 12 and I'm not sure one would need a newspaper editor say 13 that. As a lawyer, I've frequently said, "I think we'd 14 better investigate that." Indeed, I've spent most of the 15 last six months saying just that. 16 A. Yes, but we had the picture and it was a disgustingly 17 bad picture, and we had a complaint. 18 LORD JUSTICE LEVESON: I understand that. 19 A. And we thought that was pretty clear. 20 LORD JUSTICE LEVESON: Yes. 21 MS PATRY HOSKINS: Can I turn to the thorny issue of 22 industry compliance? You identify this as being the 23 trickiest area in your letter, which we've just been 24 looking at. Second-to-last paragraph of the letter: 25 "On the issue of industry compliance, I think this</p> <p style="text-align: center;">Page 56</p>

1 is the trickiest area."
 2 To some extent, you say, it's always been a problem
 3 but in a much less acute manner. Do you have any
 4 answers or potential solutions?
 5 **A. Let me say why it's always been a problem in a much less**
 6 **acute -- we always had newspapers who refused to pay**
 7 **their dues to the Press Complaints Commission and didn't**
 8 **want to be part of it, but they were all relatively**
 9 **small and the view I took was: if somebody complained**
 10 **about that newspaper, I didn't write to the person and**
 11 **say, "I'm afraid I can't deal with this. The newspaper**
 12 **hasn't joined the club"; I dealt with it as if they had**
 13 **joined the club because I thought it was in the**
 14 **interests of the Press Complaints Commission that we**
 15 **should deal with it, and that was perfectly easy to do**
 16 **when there were relatively few and they were relatively**
 17 **minor newspapers.**
 18 **When you have the -- whatever it's called,**
 19 **Northern & Shell drop out, this is a very much more**
 20 **serious matter, and it didn't happen in my day, and**
 21 **I don't think self-regulation would work unless you have**
 22 **the full commitment of all the major papers, including**
 23 **them. And I think that David Hunt's idea of there being**
 24 **a contract, a legal contract so they have to contribute**
 25 **money to it means that the body gets the -- the PCC gets**

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1 its funding, which is important, and if the newspapers
 2 don't want to co-operate with it, that doesn't stop --
 3 it doesn't stop the PCC dealing with the complaint. It
 4 can deal with it. If they don't want to defend
 5 themselves, that's their problem.
 6 Q. Thank you. I think you wanted to say a word or two
 7 about the practicalities of getting legislation through
 8 Parliament.
 9 **A. Well, yes. It has been drawn to my attention what David**
 10 **Hunt said, and as he, I say, learnt his trade -- he was**
 11 **one of my whips when I was a chief whip. I'm sure he**
 12 **was right in what he said about the difficulties within**
 13 **Parliament. There will be amendments to the bill, if**
 14 **there was a relatively minor bill to regulate the press**
 15 **in some way, which would get itself out of control.**
 16 **It's exactly analogous to what is at present happening**
 17 **will the House of Lords reform. There has been a long**
 18 **time a very simple bill by David Steel which does**
 19 **a great deal of the things which should be done, but the**
 20 **government is frightened to take it on because it knows**
 21 **it will get so many amendments and so on, a minor bill**
 22 **will become a major bill.**
 23 LORD JUSTICE LEVESON: That wasn't actually what Lord Hunt
 24 was saying. What Lord Hunt was saying was that members
 25 of the House of Lords and the House of Commons both

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1 would combine together to make even more tough --
 2 **A. Oh, absolutely. That's exactly -- I understand that**
 3 **completely, and I'm just saying that that's exactly what**
 4 **people would have done with this House of Lords bill**
 5 **that's been around for years.**
 6 **So leave that on one side. That's exactly the**
 7 **danger. He's absolutely right. That is what would**
 8 **happen, and that is why, for example, when I argued that**
 9 **the press should be exempt from the Human Rights Act,**
 10 **I didn't press it to a division or anything -- because**
 11 **I knew I'd lose. There's no way I would have got that**
 12 **through, but I wanted to raise the point in order to try**
 13 **and get something going.**
 14 **So if that is what I might call a narrow, minor**
 15 **bill, David Hunt is right. If the government was faced**
 16 **with a much bigger and more serious one, I'm also pretty**
 17 **sure what would happen there. First of all, they would**
 18 **be absolutely -- nobody would touch it this side of an**
 19 **election. Absolutely sure of that. The government**
 20 **wouldn't do anything. I'm no member of government, but**
 21 **I don't think they would touch it this side of an**
 22 **election, because the danger would be that whatever the**
 23 **government says, the press would be against it, the**
 24 **opposition of the day -- and this is not a party point**
 25 **because it could be the other way around if the election**

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1 went the other way. The opposition would say, "The
 2 government is absolutely right to tackle the abuses of
 3 the press. Unfortunately, they've done it the wrong
 4 way." And there would be a massive parliamentary debate
 5 which would get out of control very quickly, in my view,
 6 and as many years as a business manager in both houses,
 7 I would be very reluctant to advise a government to
 8 bring in a bill to take statutory control of the press.
 9 LORD JUSTICE LEVESON: Oh no, no, no, no. Let me make it
 10 clear -- and I've made it extremely clear: there's no
 11 question of my suggesting statutory control of the press
 12 at all.
 13 **A. Yes.**
 14 LORD JUSTICE LEVESON: I think I said from day one -- and
 15 frequently, when anybody's suggested to the contrary --
 16 that I am a firm believer in the freedom of the press.
 17 I think it's an essential part of our democracy and
 18 there isn't a chance of my recommending that, but I am
 19 rather concerned that the effect of what you say is to
 20 undermine the purpose of this Inquiry entirely, because
 21 effectively what you're saying is: "Well, you can think
 22 about this and you can look at it and you can write
 23 whatever you like, but at the end of the day, unless you
 24 simply say, 'Well, the press should be allowed to get on
 25 with it', then you're going to create an absolute fire

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<p>1 storm and nothing will happen." 2 A. Can I answer you this way? I thinking that Calcutt 2, 3 which the government turned down, was actually the 4 creation of a much better Press Complaints Commission. 5 I would not have been able to do it if it hadn't have 6 been for the threat of Calcutt 2, to which the 7 government said no, and the serious threat that there 8 could be statutory regulation. That is what I used all 9 the time. All my speeches in the early months, I'd say, 10 "Now, look, I hope you people are listening to me, 11 because if you don't listen to me, statutory control 12 will be the end result of it." 13 And I can remember -- I had forgotten but I was 14 reminded the other day -- at least one meeting I turned 15 to these editors who were being a bit difficult about 16 this or that and the other thing, and I said, "If you 17 lot go on like this, I'm going straight to the 18 Prime Minister and saying these people are impossible, 19 and I cannot deal with them any longer." 20 It was the threat of statutory intervention, which 21 didn't happen, which made me persuade them to co-operate 22 with me, which they did for the seven years or so I was 23 there. We frequently changed the code in all sorts of 24 different ways, as we found the opportunity to do so, 25 and it was a lot better at the end than the beginning.</p> <p style="text-align: center;">Page 61</p>	<p>1 A. Well, yes, but not if you say: "Here's a lot of things 2 I don't intend the government to do, but they would be 3 pretty horrible if I did." I think you have to take 4 a pretty stern line -- at least I would if I were in 5 your position -- about the shortcomings that are there. 6 But it doesn't mean to say that your worst excesses -- 7 I think the most important thing, if I was sitting where 8 you're sitting, which I'm not, is I would be looking at 9 the effect upon ordinary people, on the ordinary people. 10 I think that's very much the most important part of it. 11 LORD JUSTICE LEVESON: I entirely agree with that. But 12 I gain this comfort from what you say, Lord Wakeham. If 13 I make a suggestion which is rejected but causes the 14 press to change, then I've won. If I make a suggestion 15 that's accepted that causes the press to change, I've 16 won. So to that extent, it may be I can't lose. 17 A. Yes, that's not a bad starting point, from your point of 18 view. I don't disagree with that at all. I think 19 that's very good. And who wants you to be anything 20 other than a winner? 21 LORD JUSTICE LEVESON: Oh, no, no, no, I actually perceive 22 this responsibility quite differently, Lord Wakeham. 23 MS PATRY HOSKINS: Well, on that winning note, those are all 24 my questions. 25 LORD JUSTICE LEVESON: Thank you very much. Lord Wakeham,</p> <p style="text-align: center;">Page 63</p>
<p>1 So I think that what you say will be very 2 instrumental in getting a higher standard, even if -- 3 whatever you're likely to say is going to be designed to 4 increase and improve the standards, which have slipped, 5 and I think it will be -- it doesn't necessarily mean 6 a legislation at this stage. It does mean that they 7 will say -- 8 LORD JUSTICE LEVESON: So you're encouraging me to suggest 9 a particularly stringent piece of legislation that 10 really does hit the press very hard, so that's a very, 11 very large club for Lord Hunt to wield against the 12 editors? Is that what I should be doing? 13 A. No, I don't think that's right. I think the existence 14 of the inquiry that you are conducting has, if they have 15 any sense, sent a pretty clear signal to the press, and 16 you will obviously report what you think is the most 17 appropriate dealings. Now, you will report what you 18 think is right. If you report a tough -- I'm not saying 19 you are. If you reported a tough statutory solution, 20 I think we would have parliamentary difficulties of 21 greater or lesser extent, whatever it is -- 22 LORD JUSTICE LEVESON: What you're saying is: it wouldn't 23 happen but it might help the press sort themselves out, 24 so we could use it as another example of in nuclear 25 deterrent?</p> <p style="text-align: center;">Page 62</p>	<p>1 is there anything that you would like to add? You have 2 an enormous experience in this area. I read not just 3 between the lines that you think that things have taken 4 a serious turn for the worse in the more recent years -- 5 and that's not necessarily to criticise all your 6 successors, because these things have clearly gone in 7 cycles. One looks at the attempts to look at this since 8 the war, the number of efforts that have been made in 9 this area. But if there is anything else you'd like to 10 add, I'd be very grateful. 11 A. No, I think we've sort of -- it sort of came out in 12 a different order than was in my mind to start with, but 13 I'm perfectly -- I think I've got everything out that 14 I've particularly wanted to say. 15 No, I wish you luck. Thank you very much. 16 LORD JUSTICE LEVESON: Thank you very much indeed for 17 coming. 18 MS PATRY HOSKINS: Sir, the next witness isn't due until 19 12 o'clock, so I wonder if we could have a slightly 20 longer break. 21 LORD JUSTICE LEVESON: There's no question that we can have 22 a slightly longer break -- 23 MR BARR: I was going to say, in fact, the next witness has 24 been put off until 2 o'clock. 25 LORD JUSTICE LEVESON: Thank you very much indeed. That's</p> <p style="text-align: center;">Page 64</p>

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1 also important, because at 2 o'clock I intend to say 2 something about recent events, which will be of some 3 help, some significance, and I hope, help. 4 MS PATRY HOSKINS: Thank you. 5 LORD JUSTICE LEVESON: Thank you. 6 (11.36 am) 7 (The luncheon adjournment) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
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