

<p>1 2 (2.00 pm) 3 Statement by LORD JUSTICE LEVESON 4 LORD JUSTICE LEVESON: The terms of reference of this 5 Inquiry mandate, among other things, that I inquire into 6 the culture, practices and ethics of the press, 7 including contacts and the relationships between 8 national newspapers and politicians and the conduct of 9 each. The purpose is to make recommendations as to the 10 future conduct of relations between politicians and the 11 press. As a result, notices were issued under 12 Section 21 of the Inquiries Act 2005 requiring witnesses 13 to deal with a large number of questions addressing 14 these issues. 15 One of the consequences is that, in fulfilling the 16 terms of my requirement, Mr Rupert Murdoch produced 17 a series of emails which related to the contact between 18 News Corporation and the office of the Secretary of 19 State for Culture, Olympics, Media and Sports, both 20 before the Secretary of State assumed responsibility for 21 the bid by News Corporation for the remaining shares in 22 BSkyB and subsequently. 23 Conscious of the likely effect of this evidence, on 24 the afternoon of Monday, 23 April, I said: 25 "I understand the very real public interest in the Page 1</p>	<p>1 expressing any opinion but I am prepared to say that it 2 is very important to hear every side of the story before 3 drawing conclusions. In due course, we will hear all 4 the relevant evidence from all the relevant witnesses, 5 and when I report, I will then make the findings that 6 are necessary for me to fulfil the terms of reference 7 the Prime Minister has set for me. In the mean time, 8 although I have seen requests for other inquiries and 9 other investigations, it seems to me that the better 10 course is to allow this Inquiry to proceed. When it is 11 concluded, there will doubtless be opportunities for 12 consideration to be given to any further investigation 13 that is then considered necessary." 14 On the same day, questions were addressed in the 15 House of Commons both to the Prime Minister and the 16 Secretary of State arising out of the emails. Further, 17 on the following Monday, 30 April, the House returned to 18 the issue. 19 Prior to the opening of Module 3 by Mr Robert Jay QC 20 on Thursday, 10 May, I took it upon myself to emphasise 21 the approach of the Inquiry. In the context of 22 identifying what Module 3 would not be dealing with, 23 I said: 24 "Although I recognise that some have sought to make 25 political points arising out of the evidence as it has Page 3</p>
<p>1 issues that will be ventilated by the evidence. I also 2 recognise the freedom that permits what is said to be 3 discussed and the subject of comment in whatever way is 4 thought fit, and I shall be interested to see how it is 5 covered. For my part, I shall approach the relationship 6 between the press and politicians from an entirely 7 non-partisan judicial perspective, which I have no doubt 8 is the reason that I was given this remit. I would hope 9 that this approach will be made clear." 10 Since he was the recipient of a number of them, it 11 fell to Mr James Murdoch to produce the emails, which, 12 on Tuesday, 24 April, he did. They formed the basis of 13 much immediate comment, and as a result, on Wednesday, 14 25 April, I returned to the topic and said: 15 "In the light of the reaction and considerable 16 commentary last night and this morning, it's appropriate 17 for me to say a little more. This necessarily involves 18 explaining something of the judicial process. 19 I understand entirely the reason for some of the 20 reaction to the evidence yesterday, and in particular to 21 the emails about which Mr Murdoch was asked, but I am 22 acutely aware from considerable experience that 23 documents such as these cannot always be taken at face 24 value and can frequently bear more than one 25 interpretation. I am absolutely not taking sides or Page 2</p>	<p>1 emerged, and I am not so naive that I do not understand 2 that there are elements of what I am doing that are 3 likely to be of party political interest, I have 4 absolutely no intention of allowing the Inquiry to be 5 drawn into such a debate and will vigorously resist any 6 attempt to do so. I am approaching my task in 7 a politically neutral fashion and intend to ensure that 8 the principles of fairness, which I have sought to 9 maintain throughout, apply equally to this module. 10 I will be considering the way in which politicians of 11 all parties have engaged with the press." 12 More specifically, in relation to the BSkyB bid 13 I said: 14 "I will look at the facts surrounded the news 15 corporation bid for the remaining shares of BSkyB. 16 I will do so in order to investigate the culture, 17 practices and ethics of the relationship between the 18 press and the politicians. It was because of the need 19 to examine the facts fairly that on 25 April I spoke 20 about the need to hear every side of the story, and 21 although I had seen requests for other inquiries and 22 other investigations, it seemed to me that the better 23 course was to allow this Inquiry to proceed. That may 24 cause me to look at the Ministerial Code and its 25 adequacy for the purpose, but I will not be making Page 4</p>

<p>1 a judgment on whether there has been a breach of it. 2 That is simply not my job and I have no intention of 3 going outside the terms of reference that have been set 4 for me." 5 For the avoidance of doubt, I see the significance 6 of the way the bid was handled both by the Secretary of 7 State for Business Innovation and Skills and the 8 Secretary of State for Culture, Olympics, Media and 9 Sport as evidencing manifestations, to return to the 10 terms of reference, of the relationships between a media 11 interest and politicians and the conduct of each. 12 Meanwhile, on 1 May, the Secretary of State for 13 Culture, Olympics, Media and Sport provided written 14 answers to a number of parliamentary questions raised by 15 Mr George Howorth MP concerning guidance issued to his 16 special adviser on the latter's role as a point of 17 contact between his department and BSkyB and News Corp. 18 In the course of answering those questions, Mr Hunt 19 made it clear that the Prime Minister had indicated that 20 he would consider whether the issue should be referred 21 to the independent adviser following his, Mr Hunt's, 22 appearance before this Inquiry. He was asked to place 23 in the library a copy of all the papers relating to this 24 appointment of his special adviser. This question was 25 followed by other questions asking for documents to be Page 5</p>	<p>1 the question not because he is prevented from doing so 2 by the Leveson Inquiry but because he does not want to? 3 Of course the Secretary of State must give his evidence 4 to Leveson whenever he is called to do so, but surely he 5 cannot use that as an excuse to evade his accountability 6 to this house." 7 Mr Speaker: 8 "I am grateful to the right honourable and learned 9 lady for giving me notice of her point of order. My 10 response is twofold. First, as a matter of general 11 principle, I should make it clear that the 12 accountability of a minister to this house is not 13 diluted or suspended by a minister's engagement with 14 inquiries or other proceedings outside this house. When 15 parliamentary questions to ministers are tabled, those 16 questions should receive substantive and timely answers. 17 "Secondly, if ministers are providing written 18 documents to an Inquiry it would be a courtesy to the 19 house and help with the discharge of its scrutiny 20 function if such documents were also provided to the 21 house. I hope that is clear ..." 22 Mr Edward Lee, Gainsborough, Conservative: 23 "On a point of order, Mr Speaker, when we have had 24 scandals or so-called scandals in the past, our select 25 committees have constantly been fobbed off and no Page 7</p>
<p>1 placed in the library. Mr Hunt responded to the effect 2 that he was in the process of preparing his evidence, 3 which would include all relevant information held by him 4 and his department in relation to the bid, and 5 anticipated that as much of his evidence as possible 6 would be published, emphasising that this was a matter 7 for the Inquiry. 8 On 14 May, a number of points of order were raised 9 in the House of Commons. Those that are relevant to 10 this analysis are as follows, see Hansard 14 May 2012, 11 columns 278 to 9. Ms Harriet Harman, Camberwell and 12 Peckham, Labour, on a point of order: 13 "Mr Speaker, Lord Justice Leveson is conducting 14 a public inquiry on the media and will call a number of 15 honourable members including ministers to give evidence. 16 It is an important inquiry and we await the outcome, but 17 will you clarify that while the Leveson Inquiry proceeds 18 with its work, it remains the case that the Secretary of 19 State for Culture, Olympics, Media and Sport is 20 accountable to this house? Is it in order for him to 21 say that he will not answer questions from honourable 22 members of this house because he will instead tell 23 Lord Leveson the answers and to say that he will not 24 place documents in the library because he is giving them 25 to Leveson? Will you confirm that he refuses to answer Page 6</p>	<p>1 information, emails, for instance, have been given to 2 them. Enquiries such as Leveson are given everything. 3 Surely the time has come to proclaim this truth. This 4 house is supreme and sovereign and we should get 5 everything first." 6 Mr Speaker: 7 "I hope that over the last two and three quarter 8 years I have given some indication, not just by voice 9 but by conduct, that I believe that this house should be 10 preeminent. It should be treated by whosoever is in 11 government with courtesy and consideration. It should 12 be regarded as a priority and a matter of honour to keep 13 the house informed and to facilitate the house's 14 discharge of its scrutiny function. So I do not dissent 15 from anything that the honourable gentleman has said ... 16 Chris Bryant: 17 "Further to that point of order, Mr Speaker, can you 18 confirm that article 9 of the bill of rights makes it 19 clear that no other body, including a court, can impeach 20 or question a proceeding in Parliament so the only body 21 that can adjudicate on whether a minister has misled the 22 house, whether deliberately or inadvertently, is this 23 house and that Lord Leveson has no power to do so." 24 Mr Speaker: 25 "I believe the honourable gentleman is absolutely Page 8</p>

<p>1 correct in his statement and interpretation of 2 article 9." 3 That ends the citation from Hansard. 4 The first point to make is that I fully recognise 5 the impact of article 9 of the bill of rights. In the 6 same way that I do not consider it any part of my task 7 to determine whether or not any minister has acted in 8 breach of the Ministerial Code so I do not intend to 9 consider, let alone adjudicate, on the issue of whether 10 or not the house has been misled. I'm not implying that 11 Mr Bryant suggested otherwise, but I repeat that my 12 task, simply expressed, is to consider the relationship 13 between the press and politicians and the conduct of 14 each, in order to make recommendations if I consider 15 such to be necessary and appropriate. 16 As for the evidence that the Inquiry's obtained, it 17 is not for me to say anything about what should or 18 should not be placed before Parliament and when that 19 should happen. In particular, I am not in any way 20 seeking to challenge the ability of Parliament to 21 proceed as it thinks appropriate. Potentially, however, 22 its decisions will have a real impact on the Inquiry and 23 it is only appropriate that I illuminate them. 24 That brings me to the substantive point raised by 25 these parliamentary questions. It is, of course, open Page 9</p>	<p>1 2012 is in these terms: 2 "1. Prior to its publication on the Inquiry website, 3 no witness statement provided to the Inquiry, whether 4 voluntarily or under compulsion, nor any exhibit to any 5 such statement, nor any other document provided to the 6 Inquiry as part of the evidence of the witness not 7 otherwise previously in the public domain should be 8 published or disclosed, whether in whole or in part, 9 outside the confidentiality circle comprising of the 10 chairman, his assessors, the Inquiry Team, the core 11 participants and their legal representatives. 12 "2. This order is made under section 19(2)(b) of 13 the Inquiries Act 2005 and binds all persons, including 14 witnesses and core participants to the Inquiry and their 15 legal representatives and companies, whether acting 16 personally or through their servants, agents, directors 17 or officers or in any other way." 18 I appreciate that this order does not impact on the 19 extent to which matters can be raised in Parliament but 20 I would hope that the respect that I accord to 21 Parliament and the success (with, I hope, mutual 22 respect) that has permitted the various members of the 23 house to pursue their business while I have proceeding 24 with the Inquiry will cause Parliament, when deciding 25 how to manage its procedures, to have regard to the Page 11</p>
<p>1 to the Prime Minister to take whatever step he wishes in 2 relation to allegations concerning one of his ministers, 3 and equally open to Members of Parliament to ask 4 whatever questions they wish in connection with the 5 performance of their duties. When I suggested that the 6 better course was to allow the Inquiry to proceed, that 7 I was anxious to do so in a politically neutral fashion, 8 intending to ensure that principles of fairness were 9 maintained, I had in mind that I intended to require 10 both Mr Frederic Michel and Mr Adam Smith to provide 11 statements and give evidence and that this exercise 12 should be conducted in an orderly fashion so that each, 13 along with the Secretary of State, could explain their 14 respective roles in public before the Inquiry. 15 I anticipate that this will all be done before the end 16 of May. 17 I also had in mind that the Inquiry proceeds 18 pursuant to the statutory authority provided to me by 19 Parliament in the form of the Inquiries Act 2005, which, 20 by section 17(3), makes it clear that: 21 "In making any decisions as to the procedural 22 conduct of the Inquiry, the chairman must act with 23 fairness." 24 Fairness has thus far been behind my approach to 25 disclosure of evidence. My present order dated 26 April Page 10</p>	<p>1 consequences for the Inquiry. 2 As I've already said, I would be very concerned if 3 the advantage obtained by core participants of early 4 sight of statements were used to affect the fairness 5 that I am seeking to achievement. I add immediately, 6 however, that the politician who did disclose such 7 information apologised for so doing and I fully accept 8 was acting without appreciation of the impact of the 9 order. 10 In relation to the B Sky B bid, it is a matter for 11 Parliament to decide how far it is appropriate to 12 require either the Secretary of State or anyone else to 13 go. Suffice to say it is but a small, albeit 14 potentially significant part of the evidence that I have 15 been obtaining on the relationship between the press and 16 politicians, and if I did not think that I could adduce 17 that evidence fairly, I would not do so. 18 Putting it another way, the Inquiry permits the 19 public examination of this material in an independent, 20 impartial manner, visible to all as it happens, after 21 which statements will be published and whatever 22 inquiries or investigations that either Prime Minister 23 or Parliament wish to engage upon will be a matter for 24 them. 25 If, however, the evidence were to have been forced Page 12</p>

<p>1 into the public domain and be the subject of argument 2 and debate in advance of the witness's giving evidence 3 so that minds are potentially made up and conclusions 4 reached, my immediate reaction would be that I would 5 consider it unfair to subject the witnesses to further 6 questions before this Inquiry, for that would inevitably 7 require them not only to answer the concerns of the 8 Inquiry but also those of every other analyst or 9 commentator, whether from the political or press arenas. 10 My attempt to maintain political neutrality would have 11 failed. In that event, I might well conclude that it is 12 simply not appropriate to look at this evidence at all, 13 and I would then abandon Mr Michel and Mr Smith as 14 witnesses and restrict the Secretary of State to other 15 areas of his evidence.</p> <p>16 Over the next month, a large number of politicians 17 are due to give evidence on topics that I have no doubt 18 will engage considerable public interest. One reading 19 of the question posed by Mr Leigh might be a call for 20 all their evidence first to be given to Parliament and 21 then to the Inquiry. I do not know whether that has 22 ever been suggested at other public inquiries of 23 whatever status, but to require that to happen could 24 equally undermine the fairness of the procedure and thus 25 make compliance with section 17, subsection 3, all the</p> <p style="text-align: center;">Page 13</p>	<p>1 you in another capacity, but I still regret the 2 discourtesy.</p> <p>3 A. Thank you. There's no problem.</p> <p>4 LORD JUSTICE LEVESON: Can I also express my thanks to you 5 for the care that you've put into the statement.</p> <p>6 MR BARR: Mr Boulton, I understand there are two corrections 7 that we should make to your statement before you attest 8 to its truth. The first is in paragraph 9, on the first 9 line, where we should amend the date from 1983 to 1989; 10 is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Secondly, on page 7 of the witness statement following 13 the internal pagination, in the third line of the 14 footnote, where it reads "in 29 years", that should be 15 amended to "23 years"?</p> <p>16 A. Yes. Both my errors. I apologise.</p> <p>17 Q. Subject to those corrections, are the contents of your 18 statement true and correct to the best of your knowledge 19 and belief?</p> <p>20 A. Yes.</p> <p>21 Q. You are the political editor of Sky News but today it's 22 important that we mark the fact that you are speaking 23 freely in a personal capacity and not on behalf of BSkyB 24 or Sky News; is that right?</p> <p>25 A. Yes, that's right.</p> <p style="text-align: center;">Page 15</p>
<p>1 more difficult.</p> <p>2 Again, whatever decisions might be taken for the 3 future, I would hope sufficient respect for my process 4 will allow it to proceed without interruption and 5 without effectively rendering the order which I have 6 made entirely academic.</p> <p>7 I hope that allowing the Inquiry to proceed as it 8 plans will not amount to a serious inconvenience either 9 to Parliament or to the political process generally. On 10 the contrary, I hope that the process which I have put 11 in place is well placed to assist both. The present 12 problem arises only out of sequence in the evidence, and 13 given the timetable that I have explained, I would hope 14 that the overall period within which the evidence will 15 be heard assuages the concerns which have been 16 expressed.</p> <p>17 Thank you.</p> <p>18 Yes, Mr Barr.</p> <p>19 MR BARR: Good afternoon. Our witness for this afternoon is 20 Mr Boulton.</p> <p>21 LORD JUSTICE LEVESON: Thank you.</p> <p>22 MR THOMAS ADAM BABINGTON BOULTON (affirmed)</p> <p>23 Questions by MR BARR</p> <p>24 LORD JUSTICE LEVESON: May I first apologise to you for 25 keeping you waiting. It may have been of interest to</p> <p style="text-align: center;">Page 14</p>	<p>1 Q. You've been the political editor of Sky News since the 2 channel was set up in 1989. Before that, you were the 3 political editor of TV AM for six years. You've been an 4 accredited parliamentary and lobby correspondent 5 continuously since 1983, and you were the chairman of 6 the lobby in 2007.</p> <p>7 Could I stop there just to confirm for how long you 8 were chairman of the lobby?</p> <p>9 A. Yes, it's a 12-month appointment, although sometimes 10 elections don't take place exactly on the 365th day.</p> <p>11 Q. You tell us that the role of political editor in TV news 12 is analogous to that of political editors for national 13 newspapers. As well as being the onscreen face as 14 a political reporter and interviewer, you're also 15 editorially responsible for the activities of Sky News' 16 political team?</p> <p>17 A. Yes, that's right. And I would report to the editor, 18 John Ryley, the head of news at Sky.</p> <p>19 Q. In addition to your broadcasting work, you've published 20 two books on Tony Blair and on the coalition, "Tony's 21 Ten Years: Memories of the Blair Administration", and 22 "Hung Together: The 2010 election and the Coalition 23 Government". In addition to your books, you've also 24 written freelance articles, you say, for most of the 25 national press and for two years were political</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 columnist for The Sunday Business.</p> <p>2 A. Yes, that's right.</p> <p>3 Q. You tell us at paragraph 13 of your witness statement</p> <p>4 that in 2006 you married Anji Hunter, who has worked as</p> <p>5 an aide to Tony Blair between 1987 and 2001.</p> <p>6 Can I pause there to ask you: is this just another</p> <p>7 example that the Inquiry has heard of the close links</p> <p>8 which the political world, political journalists and PR</p> <p>9 professionals with a political interest have?</p> <p>10 A. Well, we --</p> <p>11 LORD JUSTICE LEVESON: That's not quite how I would have</p> <p>12 asked that question, Mr Boulton. Doesn't matter.</p> <p>13 A. How would you have asked it?</p> <p>14 LORD JUSTICE LEVESON: Differently. I appreciate that</p> <p>15 that's what you do for a living, but unfortunately this</p> <p>16 time we ask the questions.</p> <p>17 A. Sorry, I apologise.</p> <p>18 LORD JUSTICE LEVESON: No, no apologies necessarily.</p> <p>19 A. Predominantly this is a personal matter inasmuch as we</p> <p>20 fell in love in much --</p> <p>21 LORD JUSTICE LEVESON: That's actually why I wouldn't have</p> <p>22 asked the question that way. The point is that you're</p> <p>23 operating in the same environments and therefore you</p> <p>24 meet people who are in the political arena and they meet</p> <p>25 people who work in the arena of the press.</p> <p style="text-align: center;">Page 17</p>	<p>1 both of us in those two worlds would have been something</p> <p>2 that would have inevitably have been compromising. As</p> <p>3 it is, since Anji left working for the government in</p> <p>4 2001, it didn't arise.</p> <p>5 LORD JUSTICE LEVESON: I understand.</p> <p>6 MR JAY: You move on to tell us a little bit about freedom</p> <p>7 of speech, subject to the law, and you have exhibited</p> <p>8 your interesting Gorbachev lecture on press freedom.</p> <p>9 How do you see the distinction between an individual's</p> <p>10 freedom of speech and the perhaps slightly different</p> <p>11 concept of the freedom of the press, armed as it is with</p> <p>12 a megaphone?</p> <p>13 A. Well, you are the legal experts, so I'll proceed</p> <p>14 cautiously here, but as I see it, freedom of the press,</p> <p>15 or indeed freedom of speech, in this country, with the</p> <p>16 exception of the bill of rights which you've already</p> <p>17 referred to, is more notional than actual. It's not</p> <p>18 a similar situation to the United States where we have</p> <p>19 the First Amendment of the US constitution, so that the</p> <p>20 press and indeed the media generally operate on a basis</p> <p>21 of understanding, you know, which dates back to the</p> <p>22 English Revolution, and my personal view is that in most</p> <p>23 cases the media, whether press or electronic media,</p> <p>24 should really have no greater rights than any individual</p> <p>25 in terms of freedom of speech. I would not want to live</p> <p style="text-align: center;">Page 19</p>
<p>1 A. Yes, exactly. I mean, I think that's true, just as</p> <p>2 judges, lawyers, solicitors, meet each other as well.</p> <p>3 LORD JUSTICE LEVESON: I entirely agree. The question that</p> <p>4 might lead on from that is the impact of the influence</p> <p>5 of one on the other. That's really what we're</p> <p>6 discussing.</p> <p>7 A. Well, I would make the point that my relationship with</p> <p>8 Anji Hunter began at the point I knew that she was</p> <p>9 leaving Number 10 and was going to go into business, and</p> <p>10 I don't believe our relationship would have been</p> <p>11 possible in the same way had we both continued in the</p> <p>12 same job, because I believe it would have been</p> <p>13 potentially compromising.</p> <p>14 LORD JUSTICE LEVESON: That second statement is the</p> <p>15 important one. We weren't actually -- and I'm sure</p> <p>16 Mr Barr wasn't asking personal questions. It's really</p> <p>17 the interface that is of such interest to the Inquiry,</p> <p>18 as I'm sure you appreciate.</p> <p>19 A. Yes, I understand that. There are obviously other cases</p> <p>20 of journalists and politicians and indeed politicians</p> <p>21 from different parties who have relationships with each</p> <p>22 other. In most cases I think it is perfectly clear in</p> <p>23 this sphere of activity, just as in any other, that the</p> <p>24 two can mostly be separated, but I do believe, as</p> <p>25 I said, in our personal cases, a high profile role for</p> <p style="text-align: center;">Page 18</p>	<p>1 in a kind of state corporatist world where we had</p> <p>2 special permissions to do things because we were the</p> <p>3 media, because I think that gets you dangerously close</p> <p>4 to state-licensed media.</p> <p>5 That said, as you are well aware, in the area in</p> <p>6 which I have always worked, which is the electronic</p> <p>7 media and particularly television, we are subject to</p> <p>8 regulation, currently by Ofcom. That enjoins on us</p> <p>9 certain ways of behaving, because we are television</p> <p>10 broadcasters, which don't apply to general citizens.</p> <p>11 For example, we're not allowed to display political bias</p> <p>12 or imbalance, and in exchange for that, if you like, we</p> <p>13 have the protections of a regulator judging our</p> <p>14 behaviour prior to it getting caught up in any legal</p> <p>15 proceedings. It's different for the newspapers.</p> <p>16 Q. But the freedom of the press, as you rightly point out,</p> <p>17 is subject to the law, because it's always been</p> <p>18 understood, even from the 17th century when these</p> <p>19 debates emerged, that it wasn't an unqualified right to</p> <p>20 say whatever one liked. For example, it has to be the</p> <p>21 truth.</p> <p>22 A. Yes, indeed. You're subject to libel, slander,</p> <p>23 blasphemy. I don't know if this is the correct term,</p> <p>24 but as I see it, that is the common law that applies to</p> <p>25 everybody, whether it's newspapers or individual members</p> <p style="text-align: center;">Page 20</p>

<p>1 of the public.</p> <p>2 Q. You move on in paragraph 17 to tell us about agenda</p> <p>3 setting and how you have witnessed the press often</p> <p>4 succeeding in setting the news agenda. How powerful an</p> <p>5 ability is this for the print media?</p> <p>6 A. I think it's probably their single greatest power in</p> <p>7 comparison to the electronic media, because of the</p> <p>8 reasons I've already said, of regulation and balance.</p> <p>9 In the political sphere, the electronic media tend to be</p> <p>10 fairly cautious, and there are some matters, perhaps</p> <p>11 matters of a more scandalous and controversial nature,</p> <p>12 which the electronic media will be very cautious about</p> <p>13 approaching.</p> <p>14 However, the electronic media does see it as part of</p> <p>15 its function to reflect what is being said in the press,</p> <p>16 and we on Sky, for example, have a number -- throughout</p> <p>17 the day, a number of newspaper reviews and look at the</p> <p>18 headlines. Therefore, it may often be that a story</p> <p>19 first gets common currency because it has been pursued</p> <p>20 by a newspaper, and that will, to a certain extent,</p> <p>21 permit the electronic media to follow up on that story</p> <p>22 when they wouldn't necessarily have tabled it themselves</p> <p>23 onto the agenda.</p> <p>24 Q. So a decision, for example, as to which politician to</p> <p>25 attack and for what is something which might set an</p> <p style="text-align: center;">Page 21</p>	<p>1 into a satire programme so that -- what I'm trying to</p> <p>2 say in a concentrated way is that if you have</p> <p>3 broadcasters who are regulated, it is probably good that</p> <p>4 you have other sections of the media, in this case the</p> <p>5 press, which are less regulated and can, if you like,</p> <p>6 set haes running or make allegations which can then be</p> <p>7 tested, I would argue, in the more open forum of the</p> <p>8 electronic media.</p> <p>9 LORD JUSTICE LEVESON: Sorry, I just want to go back on that</p> <p>10 for a moment. The difference between the print media</p> <p>11 and television is balance, the issue of balance.</p> <p>12 A. Yes.</p> <p>13 LORD JUSTICE LEVESON: And I quite understand, and</p> <p>14 I understand how it arose historically and how it</p> <p>15 applies now. But putting balance to one side, do you</p> <p>16 feel in the electronic medium that you are adversely</p> <p>17 affected in what you report because your regulator is</p> <p>18 Ofcom as opposed to an equivalent to the Press</p> <p>19 Complaints Commission, on the basis -- I mean, you have</p> <p>20 to put aside the balance point, because there are</p> <p>21 reasons for it and that's fair enough. But do you feel</p> <p>22 inhibited because it's Ofcom as opposed to somebody</p> <p>23 else?</p> <p>24 A. No, I think the words "adverse" or "inhibited" would</p> <p>25 imply a negative. I do feel that we are held to higher</p> <p style="text-align: center;">Page 23</p>
<p>1 agenda and thereby influence political life in this</p> <p>2 country?</p> <p>3 A. Well, we would not attack politicians in the electronic</p> <p>4 media. That's not our job, as I said. It would be</p> <p>5 regarded as an imbalance. But if one thinks back, for</p> <p>6 example, to the John Major years, and there was a very</p> <p>7 prominent article I think in the Times suggesting that</p> <p>8 he was depressed and had mental problems and all that,</p> <p>9 that article in the Times led to wider discussion in the</p> <p>10 media. That's the type of relationship which I would</p> <p>11 point to.</p> <p>12 Q. You move in paragraph 18 to tell us that you think that</p> <p>13 the first objective of any regulatory framework which</p> <p>14 seeks to uphold a constructive free media should be to</p> <p>15 ensure plurality. Where, on your scale of importance,</p> <p>16 does the objective of ensuring a healthy culture, high</p> <p>17 ethical standards and sound practices come?</p> <p>18 A. I think it is good for the overall conversation, if you</p> <p>19 like, that different aspects of the media and indeed</p> <p>20 different aspects of the public discourse have different</p> <p>21 degrees of responsibility and accountability. For</p> <p>22 example, I think that satire -- a political cartoon</p> <p>23 might be an example which is not necessary fair -- has</p> <p>24 a role in the public discourse, but I don't think it</p> <p>25 would be appropriate for a news bulletin to turn itself</p> <p style="text-align: center;">Page 22</p>	<p>1 standards of accountability. I think that the</p> <p>2 newspapers will have a line that a particular government</p> <p>3 is useless or a particular opposition is useless, and in</p> <p>4 a way that Alastair Campbell was suggesting yesterday,</p> <p>5 that line will be then shaped into most of the things</p> <p>6 that they report. I think that's perfectly legitimate</p> <p>7 because I think you need a lot of voices. It's not</p> <p>8 something which I do or which I'm interested in doing.</p> <p>9 I don't feel inhibited from doing it because I don't</p> <p>10 want to do it.</p> <p>11 LORD JUSTICE LEVESON: No, no, inhibited about what you</p> <p>12 otherwise do do. The business about saying this</p> <p>13 government is useless or that opposition is hopeless is</p> <p>14 part of the balance question and I recognise and fully</p> <p>15 understand that it's different.</p> <p>16 A. Yes.</p> <p>17 LORD JUSTICE LEVESON: But much has been said about how</p> <p>18 actually the press couldn't possibly be the subject of</p> <p>19 any sort of regulator that was like Ofcom because that</p> <p>20 would undermine its ability to express itself. Now,</p> <p>21 assuming you wrote in the right not to be balanced or</p> <p>22 whatever, I want to know whether there's any other way</p> <p>23 in which your experience of being regulated by Ofcom</p> <p>24 would cause you concern in the print journalism.</p> <p>25 I appreciate you don't personally want to be starting</p> <p style="text-align: center;">Page 24</p>

<p>1 throwing bricks in an imbalanced way, and that's not 2 what you do.</p> <p>3 A. Well, I do think there are different types of 4 journalism. I think, as was made in the statement -- 5 which I repeat in my statement -- by Sky News and BSkyB 6 originally, the type of news journalism which we do is 7 less inclined and probably not so well suited to 8 investigative journalism of the type which might emerge 9 in some newspapers and magazines, and so if everyone was 10 subject to Ofcom-type rules, I think that type of 11 journalism might not take place --</p> <p>12 LORD JUSTICE LEVESON: It couldn't possibly be, for that 13 very reason.</p> <p>14 A. Yes.</p> <p>15 LORD JUSTICE LEVESON: So you have to write into Ofcom-type 16 rules the ability to do just that.</p> <p>17 A. Exactly.</p> <p>18 LORD JUSTICE LEVESON: But once you've done that, is there 19 any other inhibition?</p> <p>20 A. I think there is -- you know, to go back to Mr Barr's 21 question about freedom of speech, I think there is 22 a place in our society for irresponsibility. I think 23 there is a place for people, as I said, in satirical 24 terms, to go over the top and say things. 25 Now, they should face -- those are things that</p> <p style="text-align: center;">Page 25</p>	<p>1 the fact that the development of press has not been, has 2 been more piratical, a sort of hit and run activity, is 3 actually good. I think it's good that we have the two 4 things. I wouldn't want everything to come under 5 a structure of regulation.</p> <p>6 LORD JUSTICE LEVESON: Well, it depends what the regulations 7 are, doesn't it? Provided you draw them in such a way 8 that they permit the satire, the ability, subject to 9 constraints to be responsible -- I mean, I'm sure you 10 wouldn't want it to be without constraints. You 11 wouldn't want the ability of anybody to say what -- for 12 example, intrusion into grief or dealing with children. 13 You would feel those were proper constraints whatever 14 the medium, wouldn't you?</p> <p>15 A. I think there need to be constraints. I'm not sure 16 there need to be absolute constraints in those 17 particular areas, but I still think -- for example, if 18 you take the famous Daily Mail front page, which I know 19 Mr Dacre talked about, of "Murderers", I think it would 20 be quite difficult -- I mean, possible, but under an 21 Ofcom-type code, it would be quite difficult for 22 a newspaper to have that sort of attitude.</p> <p>23 LORD JUSTICE LEVESON: I'm not so sure. Mr Dacre made it 24 abundantly clear that he was inviting those people whom 25 he listed to sue him for libel, and the libel laws are</p> <p style="text-align: center;">Page 27</p>
<p>1 essentially face the consequences of the common law, but 2 equally, if I go back to the example of political 3 cartoonists, nobody sues political cartoonists for 4 portraying them in extremely unflattering ways.</p> <p>5 LORD JUSTICE LEVESON: I understand that.</p> <p>6 A. An Ofcom body or an Ofpress body would probably have 7 problems with a lot of political cartoons.</p> <p>8 LORD JUSTICE LEVESON: I'm not so sure they necessarily 9 would. It depends on how you wrote it, doesn't it?</p> <p>10 A. No, but how you depicted it, in the case of --</p> <p>11 LORD JUSTICE LEVESON: Or how you depicted it. But I'm 12 really testing whether there's anything inherently 13 different. The PCC has its own rules about what's on 14 which side of which line, and if somebody goes on the 15 wrong side of a line, then there's a consequence. 16 Equally, there's a consequence --</p> <p>17 A. No, it is true that if you take a matter like privacy, 18 for example, there are Ofcom codes, BBC codes and PCC 19 codes which are not so far apart. We all know perfectly 20 well what those restrictions are. They might be 21 implemented in different ways in different levels. 22 I do, however -- trying to deal with the issues you 23 raise, I do think the fact that the history of 24 broadcasting in this country has been one that, from the 25 beginning, has been regulated and controlled by law, and</p> <p style="text-align: center;">Page 26</p>	<p>1 pretty --</p> <p>2 A. No, I understand that, but I suppose, going back to your 3 original question, is there a greater caution in what 4 you do because of the existence of Ofcom regulation? 5 Yes, I think there is.</p> <p>6 LORD JUSTICE LEVESON: Right. Well, I've probably coped 7 with some of the questions you were going to ask.</p> <p>8 MR BARR: You have indeed, sir.</p> <p>9 LORD JUSTICE LEVESON: I'm sorry about that. You carry on 10 and do it in a rather more ordered way.</p> <p>11 MR BARR: I certainly won't presume to be able to do that, 12 but perhaps I could put these propositions.</p> <p>13 Putting aside the duty to be impartial, recognising 14 that satire, news, what's acceptable in one may not be 15 acceptable in the other, you would accept, wouldn't you, 16 that it's important for the print media to have a set of 17 ethical standards, which we see at the moment in the PCC 18 Editors' Code, and to live up to those? Do you agree 19 with those propositions?</p> <p>20 A. Yes, I think it's important to have ethical standards. 21 I mean, I would make the point that in all media, we are 22 also subject to the court of public opinion and our 23 readers, and if we behave badly, there can very often be 24 adverse consequences and indeed directly adverse 25 commercial consequences as well.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Q. There you're moving the debate into what mechanisms are 2 there to ensure the good behaviour that we are agreed is 3 desirable. Obviously one is the court of public 4 opinion. Another which you touch upon in paragraph 18 5 is the press' ability to regulate itself by scrutiny. 6 But what I'd like to ask you -- and I'm picking up here 7 on material later in your own statement -- is about what 8 limitations there might be on that. First of all, it's 9 not necessarily commercially the most attractive copy to 10 print stories about media wrongdoing, is it?</p> <p>11 A. No, it's not something which necessarily interests the 12 general reader a great deal. The fact is it interests 13 journalists a great deal, so it probably ends up being 14 done disproportionately in the printed media, which does 15 have the effect of, at the very least, I suppose, making 16 people in the news business aware that they are being 17 invigilated by their colleagues in terms of their 18 behaviour.</p> <p>19 Q. An example might be the phone hacking scandal out of 20 which this Inquiry was borne. It got some coverage from 21 some quarters of the media but not really a great deal 22 until the summer of 2011.</p> <p>23 A. Yes, but I think that is not because it was suppressed 24 in any way but precisely because of the nature of the 25 allegations, and as I think everyone in this Inquiry</p> <p style="text-align: center;">Page 29</p>	<p>1 being negligent of those allegations.</p> <p>2 Q. 2007 was the convictions. 2009 was the Guardian story 3 explaining that the problem was much more widespread 4 than simply a rogue reporter. It might be said, 5 mightn't it, that that story didn't get as much traction 6 as it should have done?</p> <p>7 A. I think with hindsight, but I still feel that had it not 8 been for the Milly Dowler allegations we wouldn't have 9 had the watershed moment which we have had. I mean, 10 I -- and I think people were -- you know, certainly we 11 reported the developments on Sky News. Certainly I was 12 aware of what was being written elsewhere, but I have to 13 say, I felt after one session -- and I think I commented 14 about this on air -- I have to say that after one 15 session of Mr Davies before the culture, media and sport 16 committee, I really didn't think that he had unearthed 17 any new information at all at that stage beyond what we 18 knew. Subsequently he did, but at that time I felt the 19 sense of "nothing to see here, move on" was perfectly 20 reasonable.</p> <p>21 Q. Perhaps another limitation to self-scrutiny in the press 22 is the commercial rivalries, which you yourself point 23 out lead to a lack of objectivity when one title is 24 criticising another. That is a serious restriction on 25 the press' abilities to self-regulate, isn't it?</p> <p style="text-align: center;">Page 31</p>
<p>1 will know, the substance of the allegations changed out 2 of all proportions with the "false hope" stories of 3 early July last year, and that -- to go back to the 4 point I was making about being invigilated by the 5 public, that fed into a mood of public outrage, which 6 had the consequences that we are all aware of and are 7 still dealing with.</p> <p>8 Q. It's certainly right to say that things shifted up in 9 the summer of 2011 with that story, but the allegations 10 that were made in 2009 were very serious and they didn't 11 really find much traction in the wider media, did they?</p> <p>12 A. Well, I think the original allegations which led to 13 prosecutions and imprisonment were reported. I think 14 within the news business as a whole, there is a sense 15 sometimes that when convictions are secured, an editor 16 resigns, you then move on to the next thing. Now, with 17 hindsight, people are taking a different view, but I'm 18 not sure that that was such an unreasonable position for 19 everyone to take at the time, although, as you say, 20 through the diligence of Nick Davies and the Guardian 21 and the time issue relating to the Milly Dowler trial 22 and that having to be concluded before some of the key 23 allegations could emerge did mean that there was 24 a delayed effect. I'm not sure you can build a case 25 against either the electronic media or the press for</p> <p style="text-align: center;">Page 30</p>	<p>1 A. Yes, I would certainly agree with that. I think, 2 generally speaking, most outlets don't look at their own 3 affairs and do tend, sometimes, to distort what's been 4 going on at their competitors. I think in the 5 electronic media both the BBC and Sky and ITV tend to 6 sit out a lot of this stuff. I mean, there have been 7 various attempts to have media programmes but they 8 haven't, by and large, been particularly successful, 9 possibly with the exception of the media show on Radio 4 10 at the moment, so we don't get involved.</p> <p>11 I would say, however, within the business of 12 television, the Guardian, because of its Guardian media 13 section and all the rest of it, has had a focus on the 14 activities of the media and a willingness to listen to 15 arguments from other competitors and to air their views, 16 which has not been followed elsewhere in the industry.</p> <p>17 Q. Moving on now to your experiences of the sorts of 18 contacts that you've witnessed between actors in the 19 media and politicians, you tell us first of all about 20 semi-frequent, semi-social contacts between proprietors, 21 executives and senior journalists on the one hand, and 22 the Prime Minister and other ministers on the other. 23 You describe private dinners, lunches, reciprocal summer 24 and Christmas parties, meetings with editorial boards 25 and cosy chats with columnists. All of this, of course,</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 is paragraph 22 of your witness statement. 2 Can I ask you to help us with the sort of 3 information that, in your experience, is being passed -- 4 the sort of media-relevant information and 5 story-relevant information that gets passed during the 6 course of these semi-social contacts. 7 A. Well, I should add that a lot of them I'm not present 8 at. I don't know what happens when a newspaper 9 proprietor dines with the Prime Minister or whatever. 10 I think my assumption is -- from the limited number of 11 contacts which I've had is, as you've heard from other 12 witnesses, it's actually very rare that there is 13 a direct transaction or would even be sought a direct 14 transaction of business. Normally, these sessions are 15 sounding out sessions where both sides are trying to 16 work out where the other one is coming from, what the 17 other one's concerns are, and I think in most cases 18 trying to develop a -- "semi-social" is the expression 19 I use -- a familiarity with each other such that when, 20 certainly speaking from a journalistic perspective, it 21 becomes necessary to comment or pursue a particular line 22 of enquiry, you're not entirely cold calling someone. 23 I mean, I would regard that as what goes on in 24 almost any sphere of work which involves interaction, 25 you know. I don't know, a salesman will probably</p> <p style="text-align: center;">Page 33</p>	<p>1 might be that a series of stories based on a political 2 concern might arise, I suppose, but basically, in the 3 end, it seems to me that because newspapers can take 4 positions on matters, by "currying favour", I mean, 5 urging the newspaper to support your particular 6 position. 7 Q. And that is regarded as being very important indeed, 8 isn't it, by politicians? Has that been your 9 experience? 10 A. Well, many politicians, if they get something in the 11 newspaper that they like, will draw your attention to 12 it. You know: "Have you seen this editorial? Have you 13 seen this article?" 14 Q. I'm interested in your choice of words because it's very 15 indicative, in graphic terms, of the politician going to 16 the press for a favour, and it tells us something -- 17 A. Well, I meant "favour" in terms of favourable support 18 rather than a favour in terms of a quid pro quo. 19 Q. The favour being the support? 20 A. Yes. 21 Q. But that tells us something, doesn't it, about the 22 dynamic of modern relations between press and 23 politicians? 24 A. Is it not the nature of argument? Politics is about 25 making arguments, and ultimately those arguments are</p> <p style="text-align: center;">Page 35</p>
<p>1 occasionally have a drink with the people he's trying to 2 sell stuff to. It doesn't necessarily mean that they 3 spend the whole meal trying to strike that deal. 4 Q. You get to know what makes each other tick? 5 A. I think that's the aim, yes, because what we then, in 6 the case of journalists, are trying to do further is to 7 inform our public with information in the round about 8 the people and what they're doing that we hope that -- 9 you know, that would be news to them, rather than what 10 they'd assume themselves. 11 Q. Putting this point at its lowest, it would mean that the 12 senior politician gets to understand precisely what it 13 is that would please a media proprietor? 14 A. That I cannot speak for. I think they would get an 15 idea. I mean, you know -- I don't know, if a proprietor 16 had an obsession about passports for pets or something, 17 the politician would presumably become aware of that. 18 Q. You talk in paragraph 24 about it being perfectly 19 legitimate for politicians to try to curry favour with 20 the press. Can you help us with how that actually 21 happens in practice? 22 A. Well, I am talking here about the press, which take an 23 editorial position. So at the very least, a politician 24 might say, "I want to have this campaign. Would you 25 write an editorial in support of it?" Going further, it</p> <p style="text-align: center;">Page 34</p>	<p>1 tested by the public and the newspaper is a window to 2 the public, so you want your argument to be made as 3 effectively as possible, both by yourself and, if 4 journalists are willing to support it, on your account. 5 Q. But we have, don't we, the position of the politician 6 wanting something from the press, namely the coverage, 7 having gained, through the sorts of contacts you've 8 described, an understanding of what would please 9 a particular proprietor, and whether or not there's 10 a deal or not, we have here, don't we, fertile territory 11 for quid pro quos? 12 A. As I say in this statement, the greatest power that any 13 news outlet has is not so much what it says about 14 something but in whether it choose to cover it or not, 15 and I think it's perfectly understandable that 16 politicians, non-governmental organisations, private 17 citizens, seek to draw the attention of journalists to 18 issues which are of concern to them. 19 Q. You recognise a need for transparency in recording the 20 sorts of meetings that you describe. At paragraph 23, 21 you say you think it would be wise to publish regularly 22 a record of such meetings, especially with the 23 Prime Minister and Deputy Prime Minister. You are, of 24 course, aware that steps have been taken in this 25 direction since last summer.</p> <p style="text-align: center;">Page 36</p>

<p>1 Can I ask you: in your opinion, what level of detail 2 is appropriate in the sort of disclosure that you're 3 envisaging in order to ensure proper transparency and 4 engender sufficient trust?</p> <p>5 A. I think that all these codes only work if they are 6 clearly defined and they are -- the people who have to 7 disclose information know that they will be held 8 accountable on a regular basis, and I think -- you know, 9 thinking not just of recent events but in previous 10 governments, the problem is that there tends to be 11 a hurried statement, a hurried list of meetings, 12 published when a particular government feels under 13 pressure and then there may be revisions or adjustments 14 to it. I think, just as in some other countries there 15 is a full list given of the head of government's 16 meetings, other than those that relate to security or 17 whatever, as a matter of automaticity, I think that is 18 how the system should work, because otherwise I feel it 19 actually can be worse than useless sometimes, that 20 partial information is given which is carefully crafted 21 to conceal particular facts.</p> <p>22 Q. So if you support an automatic disclosure of the fact of 23 meetings, subject, as you say, to security exceptions, 24 in terms of the level of detail we're given about 25 a meeting -- we've seen in certain recent disclosures</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Well, it's the only time that I've been invited to lunch 2 at Chequers, so whether it's typical or not, I don't 3 know. But I think we were all -- and one of your lay 4 assessors was also present, Elinor Goodman. I think at 5 the time we were all a little bit puzzled as to why we 6 had been summoned, particularly since, to be frank, the 7 Prime Minister didn't appear to have a great deal to say 8 to us, and it was only subsequently, when we were drawn 9 into conversation about some of the foibles of our press 10 colleagues, which we did -- which we engaged in fairly 11 freely and then found subsequently that those comments 12 had been cited by Alastair Campbell -- you know, I've 13 talked to some of the senior broadcasters and they agree 14 with me -- for some of the changes he wanted to make in 15 terms of policing his interactions with other 16 journalists. Had we known that was on the agenda, it 17 would have been a rather different discussion, I think.</p> <p>18 Q. My question is not so much whether a visit to Chequers 19 was exceptional but whether the sort of experience you 20 had in dealing with the New Labour publicity machine, 21 was that an exceptional example or was that typical?</p> <p>22 A. As you know, in my statement I argue that there was 23 a change in the equilibrium, if you like, or an 24 introduction of a disequilibrium during the Blair and 25 Brown years because -- I'm not about apportioning blame.</p> <p style="text-align: center;">Page 39</p>
<p>1 long lists of "general discussion, general discussion, 2 general discussion", which is pretty meaningless. Where 3 would you set the level of detail?</p> <p>4 A. I would set the level of detail -- I don't -- you know, 5 I think people -- government needs a certain level of 6 protection. I think fact of meal, you know, dinner, 7 Chequers, plus Lord Rothermere, or, you know, drink, 8 whatever, with Rupert Murdoch at a particular location, 9 I think those sort of things should be disclosed. But 10 I should add I don't think this simply applies to the 11 press. I think this should apply to other captains of 12 industry and, as I say, I personally would lean to 13 a more extensive disclosure than the less extensive 14 disclosure.</p> <p>15 Q. Moving to your own experiences, you tell us that you've 16 never enjoyed an exclusive Sky News-only briefing from 17 any minister, but you do describe going to Chequers with 18 a small group of media professionals and you've 19 exhibited an extract from your book which sets out the 20 details of that encounter. I don't need to go to the 21 details of that. Perhaps if I can summarise it. 22 Suffice to say that you felt that you and your 23 colleagues' comments were slightly misused by 24 Mr Campbell. Was that typical of the New Labour 25 government or not?</p> <p style="text-align: center;">Page 38</p>	<p>1 I believe that in that period the politicisation of the 2 power of information, if you like, was recognised by 3 Tony Blair, Alastair Campbell and other people working 4 with him, and so all interactions with the media became 5 negotiable. "Do we want to tell him or her this because 6 they're on our side? Or maybe if we give that to that 7 other journalist, they will give it to us more 8 favourably. Should we even give them access at all?"</p> <p>9 In other words, things which I think, if we're to do 10 our job properly, should be accepted as a right became 11 things that were handed out as favours of one kind or 12 another.</p> <p>13 Secondly -- and again, I don't want to dwell on this 14 to any great extent -- I think the obligation to tell 15 the truth at all times was not felt by the Blair 16 government or indeed by the Brown government, and -- you 17 know, one could go into examples. I know you're going 18 to have Peter Osborne giving evidence later in the week, 19 but increasingly there was a sense that one could not 20 really trust what one was being told by people who were 21 being told -- you know, had the job of communicating 22 with the press, and that, I think, is one of the things 23 which has led to the breakdown of political confidence 24 in our culture, and I don't think that's a good thing.</p> <p>25 Q. I'll be picking up that theme in a little while, but for</p> <p style="text-align: center;">Page 40</p>

<p>1 the moment, can I move now to what you tell us about 2 BSKyB's corporate events. You explain that they're 3 unusually informal and matters of record where current 4 events are discussed. At the time that the BSKyB 5 takeover bid was live, do you recall that being 6 discussed?</p> <p>7 A. Well, the meetings which we had, or the ones 8 I particular mention with prospective parliamentary 9 candidates from all the different parties, mainly 10 preceded the 2010 election, when the bid was not really 11 on the agenda. Certainly one of the reasons -- one of 12 the issues that we were willing to discuss, if raised, 13 was to clarify to politicians and prospective MPs the 14 nature of our relationship with News Corporation; in 15 other words, to make it clear to them that BSKyB was an 16 independent company, regulated in the same way as ITV 17 and in a similar way to the BBC, and was not part of 18 News International or the newspapers in any way, simply 19 because -- you know, people sometimes make or have made 20 in the past the wrong assumption, if you like, about 21 that, and obviously it's very important to our 22 reputation that BSKyB's integrity as an independent body 23 and Sky News' integrity as an independent news 24 broadcaster should be well understood.</p> <p>25 Q. It's been said that the shareholding which News</p> <p style="text-align: center;">Page 41</p>	<p>1 at paragraph 29 of your witness statement, you say that 2 you never participated in any such briefings. That 3 rather begs a question: who did?</p> <p>4 A. I believe it is quite a common practice for so-called 5 editorial boards of newspapers or groups of senior 6 current affairs editors of the BBC to be invited in for 7 a lunch with the Prime Minister, perhaps on an annual 8 basis. I say I believe this because I've stood in 9 Downing Street and I've seen so-called editorial boards 10 going in, which would often comprise the editor, maybe 11 the news editor, some of the columnists or whatever in 12 the case of the newspapers. As it happens, Sky News has 13 never sought or, to my knowledge, been invited to go to 14 such a lunch or such a meeting.</p> <p>15 Q. That type of lunch in your view, does it fall into the 16 category of an acceptable way in which the media can 17 become better informed about politicians and vice versa 18 or do you see it as problematic?</p> <p>19 A. I think provided it's done on an even-handed basis and 20 a range of news organisations have access on that basis, 21 I think it can possibly help them better inform their 22 readers or their viewers.</p> <p>23 LORD JUSTICE LEVESON: So that means BBC, ITV, Sky, all 24 those who are engaged in the dissemination through 25 television of news?</p> <p style="text-align: center;">Page 43</p>
<p>1 Corporation already had in BSKyB gave it effective 2 control anyway. Did you notice that?</p> <p>3 A. No. I think, on the contrary, Rupert Murdoch recently 4 wrote on Twitter saying, "I have absolutely nothing to 5 do with the editorial policy at BSKyB", and I was able 6 to tweet: "I agree with Rupert Murdoch." The fact of 7 the matter is I have, over a 23-year period of working 8 with Sky, possibly had three discussions with 9 Rupert Murdoch, all with other people present, just 10 about general world affairs. Never anything about my 11 work or the editorial approach of Sky News, and it was 12 the same in terms of any interactions which I might have 13 had with editorial personnel or executives from 14 News International.</p> <p>15 Q. Did BSKyB lobby, either overtly or covertly, one way or 16 the other in relation to the bid?</p> <p>17 A. On the contrary. I remember that we received emails 18 from the CEO and Jeremy Darrett(?) making precisely that 19 point, that it was not our business to lobby or to take 20 sides in this, that we were subject to a takeover bid 21 and that therefore we should be more careful than ever 22 in terms of saying anything that might be construed as 23 expressing an opinion.</p> <p>24 Q. Moving to the question of exclusive off-the-record 25 editorial briefings with Number 10, which you deal with</p> <p style="text-align: center;">Page 42</p>	<p>1 A. Well, various organisations. I mean, again I have not 2 been party to any of these, but, for example, I know 3 that the intelligence services periodically entertain 4 newspapers or news organisations for off-the-record 5 briefings --</p> <p>6 LORD JUSTICE LEVESON: No, my question was rather different. 7 It was: what you're saying is there is no reason why it 8 shouldn't happen, because understanding the problems 9 that other people face allows the press to do their job 10 rather better.</p> <p>11 A. Yes, exactly.</p> <p>12 LORD JUSTICE LEVESON: But if it's happening, it should 13 happen evenly, across the piece.</p> <p>14 A. Yes, it should --</p> <p>15 LORD JUSTICE LEVESON: It shouldn't just be the BBC.</p> <p>16 A. No, exactly. It shouldn't just be the BBC or the Daily 17 Telegraph or whatever. The question then follows on 18 from that, I suppose: why am I not particularly bothered 19 that Sky has never attended any of these events? It's 20 not particularly -- as far as Downing Street's 21 concerned, it's not particularly our style. We're quite 22 busy and sometimes they take up more time than they're 23 necessarily worth, in my judgment.</p> <p>24 LORD JUSTICE LEVESON: You've already said it, Mr Boulton. 25 Those words don't necessarily detract from that.</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 MR BARR: Luncheon groups. You tell us at paragraph 30 that 2 almost all print journalists at Westminster and some 3 broadcasters belong to small groups which aim to take 4 senior politicians out to lunch on shared expenses on 5 a regular basis, in return for which they hope to get 6 a story.</p> <p>7 A. Mm.</p> <p>8 Q. You say that they often get modest stories. Do you 9 regard this type of contact -- has it got to the stage 10 where it's too cosy or not?</p> <p>11 A. Well, I do know from colleagues they find it 12 increasingly difficult to get luncheon partners and 13 there are quite a lot of politicians now, particularly 14 the younger generation of politicians, who try to avoid 15 such regular encounters.</p> <p>16 I think one of the points I do make in this 17 statement is that print colleagues did not have the same 18 sort of regular face-to-face contact with senior 19 politicians that television interviewers or television 20 reporters do, for the simple reason that, you know, if 21 we can't get an interviewee there or get them on camera, 22 which involves us dealing with them, we can't really 23 report a story.</p> <p>24 Now, obviously in print you might have contacts with 25 a special adviser, you might have contact with</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. Which takes me on to the next part of your statement, 2 where you --</p> <p>3 LORD JUSTICE LEVESON: If you're moving to something else, 4 let's give the shorthand writer just a few minutes' 5 break. Thank you.</p> <p>6 (3.16 pm)</p> <p>7 (A short break)</p> <p>8 (3.23 pm)</p> <p>9 MR BARR: Moving on to your own entertaining of politicians, 10 you tell us that on average about half a dozen times 11 a month you use expenses to entertain contacts, 12 especially if they've asked for a meeting or if you want 13 to repay hospitality. Do you ever feel that as a result 14 of that type of hospitality there is the risk of an 15 obligation or a sense of obligation arising to those 16 people to spare them when it comes to your interviews, 17 and if so, how do you guard against that obligation 18 arising?</p> <p>19 A. Well, quite often they ask to have lunch after an 20 interview or something I've done hasn't gone 21 particularly well for them and in those circumstances, 22 to a certain extent they're saying, "Why did you give me 23 such a hard time over this?" and I'm -- in the interests 24 of transparency, I'm perfectly willing to explain my 25 position. Likewise, as I say, when it comes to repaying</p> <p style="text-align: center;">Page 47</p>
<p>1 a departmental spokesman, you might have contact with 2 the minister, but I imagine that on a lot of the policy 3 stories, at the very least you'll get a quick comment. 4 Therefore, I think for print colleagues in particular, 5 it is a constructive way of establishing a relationship 6 with politicians, which again, I think, probably better 7 informs their readers.</p> <p>8 I should add I think a couple of my colleagues in 9 Sky News who come from print, I think, do go on lunches 10 of the type I describe.</p> <p>11 Q. Are these the sort of meetings that you would expect to 12 fall within the transparency arrangements that you're 13 encouraging?</p> <p>14 A. Certainly in the case of the Prime Minister and Deputy 15 Prime Minister and if it applied to secretaries of state 16 or ministers I don't think there would be any problem in 17 disclosing that, and generally speaking, I am in favour 18 of transparency.</p> <p>19 Q. Would that extend to special advisers, who might 20 otherwise just become a secret conduit?</p> <p>21 A. Yes, I think it probably should. I mean, certainly in 22 my case and my colleague's, such meetings I would 23 itemise by name on my expenses, which would then 24 obviously pass through whatever the verification 25 approval process is of Sky. So it's open in that sense.</p> <p style="text-align: center;">Page 46</p>	<p>1 hospitality, I think if anything, that is trying to 2 dispel any sense of obligation rather than engender it.</p> <p>3 As I also say in my statement elsewhere, I don't 4 think you want to become too pally with politicians if 5 you're interviewing them or interacting with them on 6 a regular basis, because obviously it's not your job to 7 sympathise with them in that way, although I would say 8 I think the first function of any interviewer or any 9 television news reporter is to understand what 10 a politician is saying and proposing doing and to help 11 them, if they like, explain that position before you 12 then move on to examining and questioning it.</p> <p>13 Q. In terms of those types of meetings, do politicians ever 14 try to seek to influence the areas which you might touch 15 upon in a future interview, in precisely perhaps the way 16 you've explained, by saying, "I'd like you to interview 17 me about this next policy so that I can get my message 18 across"?</p> <p>19 A. It has to be said we are using politicians and advisers 20 or their handlers, sort of interchangeably, or I am, at 21 least, in talking about this. It is not uncommon for 22 a politician or adviser to say, "Well, you know, I'll 23 only come on if we're talking about my health campaign 24 and I'm not going to talk about whether minister X 25 should resign over something", and in those</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 circumstances, typically we either won't give 2 an undertaking that we'll ask -- we'll say, "We're going 3 to ask what we feel like, you can come on or not", or, 4 if a politician insists they won't answer questions 5 about something, it's not uncommon to say, "In that 6 case, we'd better not do the interview." 7 Q. I'm moving on to paragraph 35 where you say: 8 "Broadcasters' greatest power is choosing who or 9 what to cover and place on the national agenda." 10 Page 7. 11 A. Yes. 12 Q. You go on to say: 13 "These conflicting forces drive the daily bargaining 14 of what gets onto the air waves." 15 A. Yes. 16 Q. I'm interested in exploring that bargaining process. 17 What is it that the politician is offering in you, as 18 his side of the bargain? 19 A. Well, I mean, at one level there's a bargain if we say, 20 "We'd like you to come on to talk about this subject", 21 and the initial position might be: "We don't want to put 22 anybody up." So you might then go pack and you say, 23 "Well, are you sure you won't want to put anybody up, 24 because we are going to have the opposition spokesman on 25 this particular subject and we want to give you the Page 49</p>	<p>1 A. I think there have been occasions, although I hope not 2 when I have been personally involved and not 3 particularly at Sky, where ministers have felt that 4 they've struck a bargain that they would have an 5 opportunity to speak on something and have not been 6 given it on air, and that they've felt they've been let 7 down. I mean, in the past, certainly anecdotally, that 8 is an explanation which politicians from both sides have 9 given me about why they're not keen to appear on 10 Newsnight, for example. 11 Q. Moving back now to the Blair era, you've already 12 explained in some detail concerns that you've had about 13 that era. Can I put to you, please, the other side of 14 the coin and move to tab 5 of the bundle. Here you've 15 helpfully exhibited chapter 6 of your book, "Tony's Ten 16 Years", entitled "Feral Media". Following the internal 17 pagination of the book, can you start, please, start at 18 178. About a third of the way down the page, there's a 19 quotation. This is from Tony Blair: 20 "I first acknowledge my own complicity. We paid 21 inordinate attention in the early days of New Labour to 22 courting, assuaging and persuading the media." 23 Is that an insight which you would agree with? 24 A. Yes, I would. As I also say, there was a reason for it, 25 as has been cited elsewhere in the Inquiry. The Page 51</p>
<p>1 opportunity to balance that out." So that's the process 2 of bargaining. 3 But yes, there are occasions where there will be 4 a pressing issue of the day, yeah, and a minister may 5 also be starting a particular initiative or campaign and 6 he may well -- he will know that there are items on the 7 agenda that you will ask him about, but he will also 8 feel that he'll have the opportunity to advance the 9 issue which he wants to talk about. So, I mean, you 10 know, there can be -- discussions can take place at that 11 level, you know. "I know you want to talk about this 12 particular aspect of government crisis, but will you 13 give me the opportunity to say my bit about what my 14 department is doing in this area?" That type of 15 discussion -- 16 LORD JUSTICE LEVESON: That sounds perfectly -- 17 A. -- will take place, yes. But that's what I mean by -- 18 LORD JUSTICE LEVESON: Yes, that's the quid pro quo of 19 discussion. 20 A. Yes, but it is a bargaining about access where, if you 21 like, we are agreeing to discuss something in exchange 22 for discussing what we may think is more pertinent. 23 MR BARR: Has that perfectly understandable negotiating 24 process ever been abused in your experience or does it 25 work effectively? Page 50</p>	<p>1 soreness which Labour felt about the 1992 treatment of 2 Neil Kinnock and the feeling that they needed to turn 3 the media around if they were going to have a chance of 4 getting their message across in 1997, but it struck me, 5 reading that again, how remarkably close that is to some 6 of the remarks that the current Prime Minister made last 7 summer. 8 Q. At the end of the paragraph, there's another quotation: 9 "You can't let speculation stay out there for any 10 longer than an instant." 11 Is that still a prevalent view amongst politicians? 12 A. I think it's a bit paranoid, to be honest, but I think 13 that particularly when people get in the Downing Street 14 bunker, they do tend to feel a little bit paranoid, and 15 certainly -- I can't think of instances but I've had 16 instances where I've had phone calls about something 17 we've said and I have felt: "I really don't know why 18 you're bothering with this because I don't think anyone 19 would notice what we said or felt what we said was 20 particularly damaging." 21 Q. Moving now to page 179, where you quote a substantial 22 section, which you describe as being central and argued 23 with real emotion, here we see Mr Blair making four 24 points about the newspapers. He says: 25 "First, scandal or controversy beats ordinary Page 52</p>

13 (Pages 49 to 52)

<p>1 reporting hands down." 2 Do you agree with that proposition? 3 A. No, I don't, but I do think that news, what is new, what 4 is different, what is going to engage the viewer or the 5 reader, will win out over regurgitation of known facts 6 or known positions of the government, which by 7 definition often isn't really news. 8 Q. Reading on in the quotation: 9 "News is rarely news unless it generates heat as 10 much as or more than light." 11 Is it right that newspaper reporting in this period 12 was seeking to generate heat as much as light? 13 A. I don't believe so. I mean, my feeling, as I argue in 14 this chapter later on, is that Mr Blair was speaking 15 after the very painful experiences of post 9/11, of 16 the -- Afghanistan and Iraq, and what happened then was 17 (a) very important and (b) was a national controversy, 18 and I think that as they wear on, in particular, 19 governments very often feel that seeing things their way 20 is the only way, and I don't think, certainly in an 21 issue as important as that, it's the job of the media to 22 simply repeat the views of the government. 23 Q. Isn't he saying rather more than that? Isn't he saying 24 that even with a story of immense importance, as that 25 one was, one way of reporting it is without making it</p> <p style="text-align: center;">Page 53</p>	<p>1 that. 2 If you look at some of the evidence before this 3 Inquiry, what you've called the bargain or the quid pro 4 quo nature of interactions between journalists and the 5 media is not, in my view, an accurate reflection of most 6 of those interactions. In that sense, now, with 7 hindsight, I can sympathise somewhat with that point 8 made about what the press have said about meetings he'd 9 been involved with elsewhere. 10 LORD JUSTICE LEVESON: Yes. One of the great problems for 11 the Inquiry is to distinguish between what is sensible 12 and professional relationship and intercourse, whether 13 it's over a drink or whatever it's over, and that which 14 tips over. 15 A. Sure. 16 LORD JUSTICE LEVESON: It's a mistake to assume that all of 17 the former is necessarily the latter. 18 A. Exactly, and I think that's the point Mr Blair was 19 making. 20 LORD JUSTICE LEVESON: It may very well be, but -- I mean, 21 it's the same point as conspiracy is always better than 22 cock up. 23 A. Better than? What, to report? 24 LORD JUSTICE LEVESON: Well, it's always a better story, 25 isn't it?</p> <p style="text-align: center;">Page 55</p>
<p>1 sound excessively scandalous, but reporting it 2 objectively, with opinions. 3 A. Well, I -- well, you know, I don't want to reopen the 4 Hutton Inquiry but the 45-minute claim was certainly 5 something which I had my attention drawn to by Downing 6 Street as something that was worth reporting, and 7 I think with hindsight one would say that that was 8 sensational, so -- you know, obviously, as we know 9 elsewhere from Mr Blair's writing, he wanted to be 10 associated with eye-catching initiatives. I don't know 11 whether you would class that as heat rather than light. 12 Q. The second point he makes is: 13 "Attacking motive is far more potent than attacking 14 judgment. It is not enough for someone to make an 15 error; it has to be venal, conspiratorial." 16 What we're talking about here really is a form of 17 exaggeration, isn't it? Did you sense that that was in 18 fact the way that press reporting had gone? 19 A. I have to say, reading that again, I have some sympathy 20 with the way in which some people have reported and 21 examined the matters now under examination by this 22 Inquiry and elsewhere. In other words, the assumption 23 or the implication that meetings and contacts between 24 press and journalists are necessarily venal or 25 conspiratorial. Certainly some people are implying</p> <p style="text-align: center;">Page 54</p>	<p>1 A. Well, I don't know. There have been some pretty good 2 cock ups over the years. 3 Again, I think -- you know, conspiracy might read 4 better over three pages of a Sunday newspaper, but on 5 television, a cock-up, genuine mistakes, can often make 6 extremely good news reporting and extremely interesting 7 news reporting. 8 LORD JUSTICE LEVESON: Yes, I understand. 9 A. For example, things going wrong in the health service 10 are generally cock-ups but they are things which we 11 pretty relentlessly focus on in television news. 12 LORD JUSTICE LEVESON: I understand and don't in any sense 13 dissent. I'm merely giving you an example of possibly 14 the first two of Mr Blair's observations. 15 A. Yes. As I say, I have some sympathy with those 16 observations and as I've already said, the third one 17 about Watergate -- I mean, there's no doubt that there 18 is a sort of myth of investigative journalism and scoops 19 which I think is probably dying out a bit now, with the 20 growth of digital media, but certainly for the period 21 I've been a journalist I don't think has always been 22 particularly helpful, and I've already drawn the 23 distinction between the type of journalism I'm involved 24 with and electronic journalism and newspaper journalism 25 in that respect.</p> <p style="text-align: center;">Page 56</p>

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<p>1 MR BARR: I think the Watergate example is an adjunct to the 2 second point. If we move to the third point, which is 3 in the next paragraph: 4 "Third, the fear of missing out means today's media, 5 more than ever before, hunts in a pack. In these modes 6 it is like a feral beast, just tearing people and 7 reputations to bits. But no one dares miss out." 8 Is that a picture that you recognise? 9 A. I think there are two things that have being confused. 10 I don't think that the media, and certainly the 11 electronic media, necessarily always join in the hue and 12 cry after people who are in trouble. However, 13 physically I would see it as part of the function of 14 television, if someone is in the news for whatever 15 reason, to try and get pictures and, if possible, words 16 from them on camera so that in physical descriptions we 17 will be involved in staking out outside people's homes, 18 not breaking the law but in trying to get pictures of 19 them. 20 And again, I think one of the things that I remark 21 on in this chapter is how, when I started out in 22 political journalism during the Thatcher era, a very 23 common way of getting reaction from politicians was 24 doorstepping them, basically shouting questions at them 25 when they were going in and out of meetings or Downing</p> <p style="text-align: center;">Page 57</p>	<p>1 sometimes an excessive focus on an issue can lead to an 2 outcome that might otherwise have been avoided, but 3 I don't think that's controlled by anyone. It's just 4 fate, almost. 5 Q. Moving to the fourth point: 6 "Rather than just report news, even if sensational 7 or controversial, the new technique is commentary on the 8 news being as, if not more, important than the news 9 itself." 10 I think that runs into an allegation that there's 11 been a confusion of news and comment. Do you think 12 there's been a lack of attention paid by the print media 13 to separating news from comment sufficiently? 14 A. I think there has been an inevitable process whereby, 15 because primary information has been conveyed 16 electronically, print media have been forced, to 17 a certain extent, into a secondary market of comment and 18 disclosure. For example, when there were regular 19 Prime Ministerial monthly news conferences, they were 20 things that television, both rolling news and news 21 bulletins, used quite extensively. They were largely 22 overlooked by many of the newspapers because they felt 23 that that material had already been on the record 24 elsewhere. Therefore I think there was a natural 25 tendency to look for secondary matters or controversy,</p> <p style="text-align: center;">Page 59</p>
<p>1 Street, and some of the quite famous quotations of that 2 era, like "Rejoice, rejoice" or "We are a grandmother" 3 or whatever were acquired in that way, and one of the 4 things on my record is I'm the only person ever to 5 doorstep the Queen and got her to talk about politics. 6 Now, I regard that as legitimate television 7 journalism, but it is, to a point, confrontational, and 8 it's something which the news managers of the Blair era 9 tried to stop, inasmuch as Tony Blair did not do 10 doorsteps. You could shout at him as much as you liked 11 as he was going in and out of things. He would not 12 respond. 13 Q. The doorstepping is a slightly different point -- 14 A. It's slightly hunting -- 15 Q. Pack instinct and the pack attack on a personality 16 leading to the destruction of that person's reputation 17 absolutely. Is that the picture that you recognise? 18 A. No, it's not. I think generally, if people's -- you 19 know, people resign or people's cease go down the drain, 20 it's because of what they've done; it's not because of 21 incessant focus by the media, although I do accept, as 22 I do in my witness statement, that sometimes the news 23 agenda can work in your favour or work against you. You 24 know, if big events happen elsewhere, a tight moment can 25 be survived, whereas if big events don't happen,</p> <p style="text-align: center;">Page 58</p>	<p>1 but I -- you know, I think that's a product of what 2 I believe you're calling the elephant in the room, the 3 competitive pressures which are threatening the 4 viability of the print media. 5 LORD JUSTICE LEVESON: That's presumably got worse, not 6 merely because of the Internet, the elephant in the 7 room, but also as, for example, government departments 8 put more material out electronically themselves. 9 A. Exactly. 10 LORD JUSTICE LEVESON: It's all very well handing out 11 a press release to the journalists in the room, but if 12 they can press a button and send it to every journalist 13 in the country, then you need something different. I'd 14 not really thought about it. 15 A. The point is they don't even send it to every journalist 16 in the country; they send it to every member of the 17 public. 18 LORD JUSTICE LEVESON: Yes. 19 A. So if you like, the traditional way that a lot of people 20 started out in the print media of sort of rewriting 21 press releases and making a phone call, you can't do 22 that any more because it's already out there. 23 LORD JUSTICE LEVESON: So it's critical that the press look 24 for some other way of adding value to the story. 25 A. Exactly, yes. And that -- I think in some areas,</p> <p style="text-align: center;">Page 60</p>

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<p>1 perhaps some pertinent to this Inquiry, that's led to 2 a degree of desperation in the pursuit of getting 3 something different. 4 LORD JUSTICE LEVESON: That's interesting. 5 MR BARR: Moving now to your analysis of Tony Blair's 6 speech, you point out that the example he gave was of 7 the Independent, whereas you believe that his real 8 target was the Daily Mail. I'm looking now at page 180, 9 the penultimate paragraph: 10 "Out of office, Blair conceded that it was a mistake 11 to single out the Independent. His real target had been 12 the Daily Mail but he feared what the paper would do to 13 him and his family should he have targeted it." 14 A. Yes. 15 Q. Obviously that's a rather arresting assertion. Can I be 16 clear. How sure are you that this accurately reflects 17 Mr Blair's thinking? Is it your analysis of things he's 18 said or do you have this on hard authority? 19 A. As I think I say in my statement, in the course of 20 preparing this book, my researcher and I did have 21 a meeting with Tony Blair where we discussed these 22 matters. 23 Q. Accepting that this is an accurate analysis, is this an 24 example of perhaps the most potent weapon that the press 25 have, namely the personal attack?</p> <p style="text-align: center;">Page 61</p>	<p>1 some people might feel intimidated by that. 2 Q. Because what I'm getting at is if the position is that 3 an outgoing Prime Minister is not able fully to speak 4 his mind because of a fear of press retribution, whether 5 or not that press retribution is legal or not is perhaps 6 not the point. The point is: doesn't that speak to an 7 unhealthy state of affairs in the relationship between 8 politicians and the media? 9 A. Well, it certainly speaks to the fact that the two sides 10 are not friends. You could argue that the ability of 11 a news organisation or a newspaper to scrutinise and to 12 pursue beyond bounds which many people might consider 13 decent a story is precisely a legitimate democratic 14 function, and indeed, you know, in one of the lectures 15 I talk about the Daily Mail question and in the end, 16 having an organisation that is prepared to examine and 17 debunk the powerful in society may be -- it may not be 18 pleasant, it may not be something I personally would 19 want to do, but I think it can be quite salutary overall 20 for society. 21 Q. It's one thing to righteously investigate wrongdoing and 22 expose it -- for example, the MPs' expenses scandal -- 23 but isn't it quite another to use personal attacks on 24 a politician's family as a form of revenge? 25 A. Oh, hang on, I'm not sure -- I mean, I'm not sure that's</p> <p style="text-align: center;">Page 63</p>
<p>1 A. Well, what I mention is that in a sense the speech 2 turned out to be a bit of a damp squib because it went 3 after the Independent and I make the point that it 4 mentioned neither News International nor the Mail. It's 5 a matter of record that Alastair Campbell and others 6 have been most excoriating about the Mail and its 7 activities, and it's a matter I think I also discuss in 8 one or two of the lectures. A number of politicians 9 have expressed to me their fear of intrusion and 10 exposure, and very often they mention the Mail in 11 connection with that. 12 I'm not suggesting that the Mail does anything 13 illegal, but, you know -- for example, when my own first 14 marriage broke up, my house was rung, their reporters 15 attempted to talk to my children, relatives of both me 16 and Anji were pursued, a journalist went to local 17 restaurants showing a photograph, claiming to be an old 18 friend of Anji's, did the restaurateur know anything 19 us? 20 As it happens, I make no complaint about that. 21 I think that is -- if they believe it's of genuine 22 interest, I think that journalists do have to go to 23 quite long -- quite great extent to try and get stories. 24 Q. If I could just stop you there and come back to -- 25 A. But it's not a pleasant process, and I can well see why</p> <p style="text-align: center;">Page 62</p>	<p>1 what I am reporting the Prime Minister as saying. 2 Q. Well, you -- 3 A. He is saying that he felt that if he "went to war with 4 the Mail", there would be consequences inasmuch as they 5 would look at him and his family in a way, and he's 6 saying he felt intimidated by that. 7 Q. So that is what he was saying? He feared what the paper 8 would do to him and his family, should he have targeted 9 it. So he was afraid of intrusive coverage in response 10 to his criticism on an entirely separate point? 11 A. Yes. 12 Q. And that is, isn't it, a matter of concern? 13 A. It's a matter of concern, but as I say, it's also 14 a matter of balance of power between different pillars, 15 if you like. 16 Q. Moving to page 181, the quotation there really summing 17 up the state of affairs: 18 "This relationship between public life and media is 19 now damaged in a manner that requires repair. The 20 damage saps the country's confidence and self-belief; it 21 undermines its assessment of itself, its institutions, 22 and above all, it reduces our capacity to take the right 23 decisions in the right spirit for our future. I've made 24 this speech after much hesitation. I know it will be 25 rubbished in certain quarters but I also know this has</p> <p style="text-align: center;">Page 64</p>

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<p>1 needed to be said."</p> <p>2 So that picture of a damaged relationship which</p> <p>3 needed repair, is that something that you, looking back,</p> <p>4 would accept?</p> <p>5 A. Yes, and I think I believe I accepted it at the time in</p> <p>6 what I said to the Phillis Inquiry and elsewhere.</p> <p>7 Q. Moving now to the lobby, you've already told us you were</p> <p>8 the chairman for a year in 2007. You tell us that it is</p> <p>9 a parliamentary institution and that status is obviously</p> <p>10 important.</p> <p>11 Moving from its status to its practical importance,</p> <p>12 would it be right to glean from your statement that its</p> <p>13 practical importance to a member is the access it gives</p> <p>14 to political information?</p> <p>15 A. Yes. I mean, physical access originally, as in access</p> <p>16 to the lobby where you could exchange face-to-face --</p> <p>17 have face-to-face exchanges with politicians. That's</p> <p>18 what it involved. Membership of the lobby also means</p> <p>19 access to the vote office, which means automatic access</p> <p>20 to published government papers, and it means access to</p> <p>21 twice-daily briefings, Monday to Thursday, when the</p> <p>22 House is sitting, from the Prime Minister's spokesman,</p> <p>23 one on Friday and other contacts.</p> <p>24 It means less now than it did back in the 1980s,</p> <p>25 because one of those briefings has been put on the</p> <p style="text-align: center;">Page 65</p>	<p>1 could not take our cameras, for example, into the Labour</p> <p>2 Party Conference of that year so that we -- their</p> <p>3 spokesman would not appear on our programmes. And of</p> <p>4 course, the immediate effect of that is that it means</p> <p>5 that your offering is weaker than the offering of your</p> <p>6 competitors, who have full access to all the political</p> <p>7 parties.</p> <p>8 LORD JUSTICE LEVESON: Is it worse than that? I'm just</p> <p>9 interested. If one party says, "I'm very sorry, you're</p> <p>10 not going to come to us", how does your impartiality</p> <p>11 kick in in relation to everybody else?</p> <p>12 A. Well, what I did at the time was I did go to the Labour</p> <p>13 Party Conference, because journalists physically were</p> <p>14 not excluded from the party conference after a decision,</p> <p>15 and I reported on what was being said in the conference</p> <p>16 without being able to have access to pictures of people</p> <p>17 saying it directly, but it did mean in order to preserve</p> <p>18 impartiality and balance --</p> <p>19 LORD JUSTICE LEVESON: You had to do that.</p> <p>20 A. Yes, exactly.</p> <p>21 LORD JUSTICE LEVESON: So it's a piece to camera rather</p> <p>22 than --</p> <p>23 A. Willingly, yes, in those circumstances, but obviously</p> <p>24 it's less interesting hearing me say it than hearing</p> <p>25 Neil Kinnock say it.</p> <p style="text-align: center;">Page 67</p>
<p>1 record by the government, originally by Alastair</p> <p>2 Campbell and followed by others since, and is open, but</p> <p>3 there is an afternoon briefing which is still a closed</p> <p>4 briefing to members of the lobby.</p> <p>5 Q. We will come back to what might be the best way of</p> <p>6 presenting information to the press lobby, but before we</p> <p>7 do that, can I ask you about the quotation that you've</p> <p>8 attributed to Roy Hattersley, the then Labour deputy</p> <p>9 leader, who you say told you:</p> <p>10 "If you do right by us and treat us fairly, we'll do</p> <p>11 right by you."</p> <p>12 Assuming that you had -- and I'm not suggesting you</p> <p>13 would have done, but assuming you had treated him</p> <p>14 unfairly, what did you think the consequence might have</p> <p>15 been?</p> <p>16 A. Well, going back to the bargain we were talking about</p> <p>17 earlier on, the consequence or the sanction which</p> <p>18 anybody in any political party has against any</p> <p>19 broadcaster is not to participate in their programming,</p> <p>20 not to agree to do interviews with their cameras and to</p> <p>21 exclude them from party events, such as party</p> <p>22 conferences, and I report that in the context of having</p> <p>23 been through the TV AM dispute when, at the urging of</p> <p>24 the ACTT, the Labour Party had done precisely that.</p> <p>25 They had blacked, as it was then called, TV AM so we</p> <p style="text-align: center;">Page 66</p>	<p>1 MR BARR: Moving back to the question of how the lobby</p> <p>2 system ought to work, and there seemed to be two</p> <p>3 questions: first of all, who should give the briefing,</p> <p>4 and secondly, whether it should be on the record or off</p> <p>5 the record. You've explained a moment ago what happens</p> <p>6 now. You argue that you think it's best delivered by</p> <p>7 a non-civil servant and you speak favourably of the days</p> <p>8 when Alistair Campbell gave the briefings. But isn't</p> <p>9 the danger of having a politicised briefing that you may</p> <p>10 be subject to spin and you don't get an unvarnished,</p> <p>11 objective view?</p> <p>12 A. I think the biggest danger is that -- if one accepts</p> <p>13 that these are important exchanges of information, then</p> <p>14 you want them to be given by an authoritative person and</p> <p>15 I heard what Lord O'Donnell said yesterday. When Lord</p> <p>16 O'Donnell was the Prime Minister's spokesman and a civil</p> <p>17 servant, he was the most authoritative person in</p> <p>18 Number 10 dealing with relations with the media, and the</p> <p>19 same would go for Christopher Meyer or Jonathan Haslam</p> <p>20 or, before that, for Bernard Ingham.</p> <p>21 I think the problem was that with the arrival of</p> <p>22 special advisers given the responsibilities of</p> <p>23 Alastair Campbell, that when Alastair Campbell ceased to</p> <p>24 do briefings because he felt that he was overexposed and</p> <p>25 handed the role back to civil servants, the civil</p> <p style="text-align: center;">Page 68</p>

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<p>1 servants -- and this is basically the situation which 2 pertains to this day -- never really had the authority 3 to convincingly brief on behalf of the government, both 4 in politically and in informational terms.</p> <p>5 An early example of that was during the whole 6 question of Cherie Blair and her flats when Godric 7 Smith, I'm sure, absolutely with total integrity, 8 briefed that there had not been contacts with the 9 swindler because that was what he was told to say, and 10 it transpired that it wasn't true, and even if you go to 11 the recent experience with Gordon Brown, you had a very 12 distinguished public servant, Treasury official, in the 13 role of Mark Ellam, who I think would admit that he was 14 uncomfortable in his role because he knew that there 15 were a series of special advisers who spoke with greater 16 authority about Gordon Brown's intentions and about the 17 government to journalists than he did, and I think 18 a particular problem with this is that those spokesmen 19 are unaccountable, and to this day -- I see that Steve 20 Field, the current Prime Minister's spokesman, has 21 announced he's stepping down. To this day, most 22 journalists, if they wanted to know what the 23 Prime Minister was up to or what the Prime Minister was 24 thinking, would go to someone like Gabby or Steve Hilton 25 or whatever, behind the back of the official spokesman.</p> <p style="text-align: center;">Page 69</p>	<p>1 improvement?</p> <p>2 A. I think off the record is -- this is somewhere where I'd 3 agree with Alastair Campbell or most senior ministers. 4 I think it is no longer a distinction which is respected 5 or widely understood by the public. I think the reason 6 for off the record was largely a convention of not 7 naming civil servants, to protect civil servants, that 8 what they said was off the record, but in the way -- 9 over 30 years, the way in which I reported what Bernard 10 Ingham said without naming him was no different from the 11 way in which I reported Alastair Campbell, and generally 12 I didn't do it without naming him either.</p> <p>13 The problem is -- although I think it's a minor 14 problem, but it is the fear of sort of -- if you put 15 spokesman on the record, you create mini celebrities in 16 their own right which -- or in the case of Alastair, big 17 celebrities in their own right, but also it would be not 18 to the advantage, I think, of the public discourse if, 19 because you have regular access to a named 20 prime ministerial spokesman, you had less access to the 21 Prime Minister himself.</p> <p>22 Q. One of the features of the current operation of the 23 system which seems to have irked you is the setting of 24 deadlines and releasing of information to benefit press 25 print deadlines on foreign trips. Is that something</p> <p style="text-align: center;">Page 71</p>
<p>1 So my argument is that the official spokesman has 2 really become a bit of a front guy and is actually being 3 put in a very uncomfortable position. I know that Lord 4 O'Donnell suggested that probably we should go back to 5 the position of a civil servant having that 6 responsibility. I take the view that that genie is 7 rather out of the bottle, and what we should go back to 8 is having an authoritative and politically accountable 9 spokesman, more on the model of a White House spokesman, 10 but -- we can disagree about it, but at the moment 11 I think it's a corrupt system, that there's an official 12 spokesman who is not the authoritative figure in terms 13 of communicating the government's intentions to the 14 media.</p> <p>15 Q. Can I draw out of that answer that perhaps a cure to the 16 underlying problem is more accountability for special 17 advisers?</p> <p>18 A. Yes, I think that would be one way. I mean, another 19 way -- I think things like monthly news conferences by 20 the Prime Minister, debates at election time, are also 21 examples of unmediated direct accountability which are 22 healthy for the democracy.</p> <p>23 Q. On the question of whether the briefings should be on 24 the record or off the record, are you content with the 25 current situation or do you think there is room for</p> <p style="text-align: center;">Page 70</p>	<p>1 that you think arises from an overcosiness in the 2 relationship between Number 10 and the print media or is 3 it simply a pragmatic recognition of the fact that if 4 they got to pay to go on a foreign trip, they want at 5 least to have a story before their deadline?</p> <p>6 A. Yeah. There, I think, you have got your bargain or your 7 quid pro quo, that they want to hold something back to 8 give to print, to sort of justify the trip for print on 9 both sides. I just don't see it as a recognition of the 10 modern realities of the digital media. I've had 11 situations where I've been asked not to report on 12 television a story from America which was already 13 appearing on the website of the newspapers on the front 14 pages of tomorrow's papers. I accept sometimes there is 15 a need for embargos but I think they should only be 16 there for very practical reasons. I think it's almost 17 impossible, with 24-hour media and with the Internet and 18 all the rest of it, to try and impose artificial 19 embargos to benefit one medium or another.</p> <p>20 Q. Can I now ask you for your view on what you describe as 21 a Masonic conspiracy. We've heard some evidence from 22 Mr Staines, aka Guido Fawkes, in Module 1, where he 23 suggested that the relationship between the lobby and 24 politicians was so cosy that a blind eye was turned to 25 the MPs' expenses scandal. Is there anything in that?</p> <p style="text-align: center;">Page 72</p>

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<p>1 A. Well, I think on various occasions Mr Staines has 2 applied to become a member of the lobby. Certainly when 3 I was chairman, it wasn't necessarily something 4 I opposed. 5 The -- I don't -- I think there were consistently 6 stories in the Mail on Sunday and the Sunday Times and 7 elsewhere about MPs' and peers' expenses and I think it 8 was a newspaper, the Telegraph, which exposed it, so 9 I don't really understand the point. I think it's very 10 easy -- you know, in my experience, the lobby is simply 11 a means of briefing specialised journalists in a way 12 that, as far as I can tell, all other groups of 13 journalists -- showbiz journalists, economic 14 journalists, whatever -- form groups and are invited to 15 meetings -- 16 LORD JUSTICE LEVESON: The CRA, the Crime Reporters 17 Association? 18 A. Exactly. I would imagine something similar to that. 19 So -- and I can assure you I've never been told any 20 Masonic secrets in the lobby. I think the only two 21 secrets I can recall in 30 years were both from John 22 Biffen, then leader of the house, one, admitting that 23 the Conservatives were indeed going to lose 24 a by-election that day, and the other was actually 25 Bernard Ingham, where he got his ups and downs muddled</p> <p style="text-align: center;">Page 73</p>	<p>1 different. 2 Q. There are still factual disputes and it wouldn't be 3 right to say -- 4 A. But I'm happy to clarify the word "untrue" to whatever 5 the appropriate phrase of what the Inquiry has 6 discovered is. 7 LORD JUSTICE LEVESON: Mr Boulton, I don't know whether 8 that's right or wrong about whether this Inquiry would 9 have started. I just don't know. 10 A. No, I raise it as a question. 11 LORD JUSTICE LEVESON: There were lots of things happening, 12 as you will well remember. 13 But I would be interested in your view -- and you 14 are able to stand a little bit aside as a broadcasting 15 journalist rather than a print journalist -- whether you 16 believe that what has been discovered over the last six 17 months has been a journey that has been worthwhile to 18 undertake in the public interest. 19 A. Well, clearly breaking of the law is something that we 20 all disapprove of and should be investigated, and 21 clearly there are issues that we're discussing about, 22 whether you're talking about media organisations or 23 politicians or indeed the police, people who are in 24 positions of power and authority, and they should 25 probably be invigilated more than the activities of</p> <p style="text-align: center;">Page 75</p>
<p>1 up on the movement of interest rates and managed to put 2 a large hole in the sterling exchange rate by mistake. 3 MR BARR: So can I take it from that that you're telling us 4 that the lobby did not know about the expenses scandal? 5 A. Well, I'm saying that journalists, who include members 6 of the lobby, were working on the expenses scandal. 7 What I'm absolutely saying is I can't see any evidence 8 of a cover-up by journalists on that. 9 Q. Before we move to the future, just a miscellaneous 10 point. At paragraph 50, right at the end, you say: 11 "It has subsequently emerged that the decisive 12 allegation against News of the World was untrue." 13 You wrote this statement before the Inquiry adduced 14 further evidence about the state of investigations about 15 the hacking of Milly Dowler's phone. You're not seeking 16 to suggest, are you, that the phone was not hacked? 17 A. No. I was referring to the deletions and the "false 18 hope" in the Dowler family as a result of the deletions 19 which were alleged or reported in the Guardian as to be 20 the consequence of objection as by the News of the 21 World, and I think the Guardian now accepts that 22 evidence for that is inconclusive. That was the point 23 I was making, and I personally feel that without that 24 allegation, subsequent history, possibly including the 25 existence of this Inquiry, would have been very</p> <p style="text-align: center;">Page 74</p>	<p>1 others. But one has to place, as you say, all the 2 matters that are being discussed and uncovered in this 3 particular case in the context of all the other evils in 4 the world: wars, famine, robbery and all of that -- 5 LORD JUSTICE LEVESON: I quite agree, I quite agree, and I'd 6 be very grateful if you wouldn't suggest I tackle any of 7 them, but I am concerned to know whether you, from your 8 perspective, think that what has been revealed has been 9 worth revealing and does itself indicate that there is 10 a need for some change. 11 A. Well, as I say in this section, question 2.8, I make the 12 point that already what has been revealed outwith your 13 Inquiry has had very severe consequences for a number of 14 individuals and for a number of businesses and 15 organisations. So the point I'm trying to make there 16 was even before we come to your recommendations there 17 are parts of the system that appear to be working in 18 terms of the specific wrongdoings. And I do think it is 19 important because -- that those matters should be 20 discussed and should -- and should be aired, but as 21 I also say elsewhere, my understanding of the law is you 22 can't frame law to prevent crimes happening. You have 23 to deal with the consequences of what happened. 24 LORD JUSTICE LEVESON: Yes, but you don't also just want to 25 rely on the criminal law, do you? I mean, the criminal</p> <p style="text-align: center;">Page 76</p>

<p>1 law will always suffer from the problem, as was revealed 2 in this very case -- you have some activity that is 3 potentially criminal and could be very serious, but, 4 however odious, which I think was the word Deputy 5 Assistant Commissioner Clarke used, nobody died as 6 a result, and you have 70-odd terrorist incidents. So 7 there's a balance.</p> <p>8 A. There is indeed.</p> <p>9 LORD JUSTICE LEVESON: Don't we need to be able to look to 10 the industry to some extent to step up to the plate of 11 having a mechanism, whether it's policing itself or in 12 some other way, to ensure that the public can be 13 reassured that actually the press is doing its job in 14 a proper, appropriate way and always in the public 15 interest?</p> <p>16 A. Yes, I think we do. I think we, as journalists 17 collectively, have standards. I think organisations -- 18 as I tried to make clear, I think there are reasons why 19 they behave in different ways, but they should have 20 standards as well. But what I also believe -- and it's 21 a point I make very strongly in the two lectures I've 22 made -- is that ultimately the point -- professional 23 journalism will only thrive if people want to consume 24 it, and they want to consume it, I hope, because they 25 trust what we are saying and trust their relationship</p> <p style="text-align: center;">Page 77</p>	<p>1 compensation of what's been done, apologies have been 2 made, and I don't know whether newspapers have 3 disciplined --</p> <p>4 LORD JUSTICE LEVESON: I'm not asking for a witchhunt, but 5 I have been told that the reputation of journalists on 6 polls or studies at the moment is pretty low. That may 7 or may not be true.</p> <p>8 A. That's certainly true. I'm glad to say broadcasters are 9 rather higher.</p> <p>10 LORD JUSTICE LEVESON: Therefore it's quite important that 11 something is done -- to make the very point you're 12 making, to create the commercial imperative that you've 13 identified, something is done to boost that, to improve 14 it, so that the public do say, "Well, actually, if it's 15 in the paper, we can rely on it."</p> <p>16 A. Well, I think if it's not in the paper -- and I think 17 Ian Hislop made this point: the reason why people don't 18 buy newspapers, he said, is because people don't believe 19 them, and if they don't believe you, then I think your 20 business is at stake, and I -- certainly what I've seen 21 of people like Paul Dacre or Rupert Murdoch or whoever 22 appeared before you, I don't think that they've disputed 23 that question, that this is an existential reputational 24 question and something needs to be done about it. 25 Whether -- in my view, it may well be able to done by</p> <p style="text-align: center;">Page 79</p>
<p>1 with us as decent people or people who they believe they 2 can support, and if they don't, then I think (a) in the 3 electronic media you're subject to regulation, in the 4 newspapers you're subject to not just the criminal law 5 but losing your livelihood as well.</p> <p>6 So I don't think -- it's not just a question of 7 being pious. I actually think there's quite a strong 8 commercial imperative to behave in the right way and 9 to --</p> <p>10 LORD JUSTICE LEVESON: And also for the public to see that 11 those who don't behave in the right way are exposed and 12 in some way dealt with?</p> <p>13 A. Yes, I would agree with that, although I think in most 14 cases what should normally happen is that journalists 15 who are responsible for professional misconduct would be 16 dismissed by their employers and are unlikely to be 17 employed by other people.</p> <p>18 LORD JUSTICE LEVESON: But then you might ask how many 19 people were dismissed in relation to the stories about 20 some of the issues we've heard, whether it be the 21 McCanns stories and the Portuguese problem or the 22 Chris Jefferies stories. Or possibly you don't think 23 those are worthy of the same sort of criticism?</p> <p>24 A. I think that -- well, I think certainly in the case of 25 Chris Jefferies, he had legal redress, and he's received</p> <p style="text-align: center;">Page 78</p>	<p>1 a mixture of self-regulation and the law. That may well 2 be the solution.</p> <p>3 LORD JUSTICE LEVESON: Well, that's the issue.</p> <p>4 MR BARR: I noted some of the terminology in not only your 5 witness statement but in some of the other witness 6 statements of witnesses we've had. You talk, at 7 paragraph 51, of how the Inquiry has asked how 8 politicians may "constrain media practice", and then you 9 talk later on in your statement about "curbs on the 10 media", and you did also in the Greenwich lecture you 11 exhibited --</p> <p>12 A. Yes.</p> <p>13 Q. -- to your witness statement. Can I take it that there 14 is a fear out there at the moment amongst journalists 15 that what's coming is a curb on the freedom of 16 expression?</p> <p>17 A. I think that there are some politicians in some 18 circumstances who have been quite open that they would 19 like to curb freedom of expression. I mean, I know on 20 the left -- and indeed, Paul Dacre raised it as well -- 21 there's a question about whether journalists should have 22 to be registered to have access to public media, whether 23 it's print or whatever. So that, I suppose, is a fear.</p> <p>24 LORD JUSTICE LEVESON: I think Paul Dacre raised it as 25 a possibility.</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

1 **A. Exactly. I would be very hostile to that.**
 2 LORD JUSTICE LEVESON: Well, what it smacks to me of is
 3 licensing people to be journalists, and the whole point
 4 about a journalist is that he is a person exercising the
 5 right of free speech that we all have; he just has
 6 a larger -- well, he used to have a rather larger
 7 megaphone to do it. It's not quite the same with modern
 8 modes of communication.
 9 **A. I would entirely agree with you on that point.**
 10 **I remember the days of the NUJ closed shop, which**
 11 **I don't think were particularly happy because I think**
 12 **you need access to -- a lot voices should have access to**
 13 **the media.**
 14 LORD JUSTICE LEVESON: But I wouldn't want you to
 15 misunderstand me. Whereas I entirely agree with you on
 16 that, I'm not at all sure about the mechanisms that
 17 should be brought to play to regulate the way in which
 18 those who publish news or views by way of a business
 19 should take place. I'm just not sure that we've got
 20 there.
 21 **A. No, I'm not entirely sure. I suggest in my witness**
 22 **statement later on that belonging to a regulatory**
 23 **organisation -- self-regulating, possibly backed up by**
 24 **statute -- is something which, for newspapers and**
 25 **magazines, I think would be desirable, and I think there**
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1 **should be, if possible, some consequences for major news**
 2 **organisations that don't participate in that, such as**
 3 **commercial registration, whether they can have an A, B,**
 4 **C listing, those sort of things, because, as we know,**
 5 **there is certainly one newspaper group at the moment**
 6 **which is not subscribing.**
 7 LORD JUSTICE LEVESON: Yes. All right.
 8 MR BARR: Perhaps we can agree on two propositions. I'll
 9 take them one at a time. First of all, the last thing
 10 that needs curbing is freedom of the press. You would
 11 agree with that very readily, I imagine?
 12 **A. Yeah, although I would call it freedom of speech.**
 13 Q. However, what does need urgent improvement are cultural
 14 standards, practices and ethics in the press?
 15 **A. Yes, I agree with that, although I think part of that**
 16 **process is inevitably under way, given the disaster of**
 17 **the last year.**
 18 Q. You describe transparency, where possible, as being
 19 desirable. Could I suggest to you that in fact
 20 transparency, where possible, is in fact essential?
 21 **A. I think there are obviously degrees of transparency and**
 22 **who you are transparent to, whether you're transparent**
 23 **to the public or whether you're transparent to, in our**
 24 **case, in broadcasting's case, to the regulator, and**
 25 **there may well be a role for that in whatever replaces**
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1 **the PCC for newspapers, on a private basis, to be**
 2 **accountable to the regulator for some of their**
 3 **activities.**
 4 Q. You say that it would be unfair to say that the PCC had
 5 failed, and I understand that behind that is -- you're
 6 picking up on the evidence that in some areas, at least,
 7 the PCC was succeeding, but equally it wouldn't be right
 8 to say that it had succeeded as a body either, would it?
 9 **A. Well, yes, indeed. I was referring to the evidence from**
 10 **Christopher Meyer, the former chairman of the PCC,**
 11 **amongst others, that -- my understanding is that the**
 12 **number of complaints from ordinary citizens about the**
 13 **way they've been treated which were dealt with by the**
 14 **PCC had gone up quite dramatically. Clearly, in the**
 15 **role of invigilating the behaviour of -- internal**
 16 **behaviour of major newspapers or replacing the need for**
 17 **prominent people to go to the courts to get**
 18 **satisfaction -- clearly there the PCC wasn't fulfilling**
 19 **that function. I think certainly in the case of dealing**
 20 **with phone hacking, the argument the PCC makes is that**
 21 **it was never its role to deal with that sort of thing.**
 22 Q. Moving now to paragraphs 68 and 69, where you explain
 23 the powerful point that Andrew Gilligan made in a debate
 24 against you by reading out the long list of campaigns
 25 and demands by tabloids which in fact had never been
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1 acceded to, and making the point again that media power
 2 lies in agenda-setting and acting as a conduit for
 3 public discourse, does it amount to this: that the
 4 media's power vis-a-vis politicians is a matter of
 5 influence rather than control?
 6 **A. Yes, but it's not always on a particular issue. The**
 7 **media may raise an issue, but, if you like, the public**
 8 **view on that issue may not necessarily go in the**
 9 **direction that the media necessarily thought. To give**
 10 **an example drawn from my own experience, when I and we**
 11 **on Sky News were the first people to report the Prescott**
 12 **punch, I generally felt at the time that this was**
 13 **a career-threatening incident for the Deputy**
 14 **Prime Minister to go around punching members of the**
 15 **public. Now, the public clearly saw it in a different**
 16 **way. It wasn't my intention to get John Prescott sacked**
 17 **but I did think it was a very serious issue. The public**
 18 **took a rather lighter view.**
 19 Q. If the press has influence rather than control over
 20 politicians, would you agree that the degree of
 21 influence which the media, some parts of the media at
 22 least, have had over politicians in recent years has
 23 been a high degree of influence?
 24 **A. Could you give me an example?**
 25 Q. I'm thinking in terms of the efforts that have been made
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<p>1 by political parties in recent years to curry favour 2 with media figures, to get support of their newspapers 3 and so on. Has that phenomenon resulted in the press 4 having a high degree of influence over politicians? 5 A. I'm not sure -- certainly, you know, politicians like to 6 have the press supporting them behind them, and they go 7 out of some way -- some way to court them, but whether 8 it actually has led to transforming their behaviour 9 otherwise than perhaps getting them to do things rather 10 more quickly than they might have done otherwise -- such 11 as, for example, the Sarah Payne campaign on 12 paedophiles -- I rather doubt, and conversely the other 13 way -- you know, I note the point made by 14 Alastair Campbell about the wide range of issues on the 15 News Corporation agenda which, even during that period 16 of alleged closeness, did not come to pass. 17 Q. One can certainly find examples against, but the 18 examples for are there too, are they not? For example, 19 the parties' stances on European matters, policies on 20 media regulation and so forth have often moved so that 21 they have not been offensive to the newspapers being 22 courted by a political party. 23 A. I certainly think you could say that on the European 24 question there have been times when newspapers have 25 helped keep scepticism alive, if you like, but if you Page 85</p>	<p>1 But what I think is already apparent is that things 2 are never going to be the same again for a lot of the 3 key actors caught up in this affair, and to that extent, 4 effectively the scandal itself has been self-policing, 5 if you like. 6 Q. My final question this afternoon arises from 7 paragraph 79 of your witness statement, page 17 8 following the internal pagination. At the top of 9 page 17, you say: 10 "In recent times relations may have got too close, 11 as David Cameron now admits." 12 I don't want to limit this question just to the 13 current government, but to cover recent years and both 14 the current coalition government and the previous Labour 15 administrations. Does "may have got to close" qualify 16 the position too much? What is your opinion, as an 17 experienced political editor? Did relations get too 18 close? 19 A. I say "may have got too close" because I think if it 20 comes to the relationship between a proprietor and 21 a Prime Minister, it's for them to judge, and both of 22 them -- both Tony Blair in the thing we cited and also 23 David Cameron have used that expression. You know, if 24 you ask me for an honest opinion -- 25 Q. We prefer those. Page 87</p>
<p>1 look at present circumstances, I don't think you can 2 necessarily say that scepticism about Europe now is 3 fuelled by anything the newspapers are saying. 4 Q. You say that it may be that the present cooling-off of 5 the courtship between press and politicians will restore 6 some sense of balance naturally, and of course we all 7 hope for that, but that begs a question is: do you think 8 it's going to be sufficient on its own or is more 9 required? 10 A. Well, we've discussed already questions around 11 a strengthened or a beefed-up PCC, and clearly I think 12 that would be an important matter. I suspect that the 13 whole question of media cross-ownership and media 14 ownership and how government deals with that question 15 will be revisited as a result of the fallout of the 16 proposed merger between News Corporation and BSkyB. 17 My general feeling -- and, I suspect, most 18 journalists' general feeling -- is caution about 19 excessive regulation, and as I talk in a fairly -- 20 doubtless legally illiterate section in the lectures, 21 I'm cautious about the idea of a privacy law even if 22 balanced against a public interest defence, because 23 I think it would be very difficult to establish 24 a meaningful sense of public interest and freedom of 25 speech in our legal system. Page 86</p>	<p>1 A. Yeah. I don't blame the people on the media side 2 excessively, because I think one of the things about the 3 media is seeking access, and I think if you're pushing 4 at an open door, it's quite difficult to know when you 5 should -- 6 LORD JUSTICE LEVESON: It may be that the press aren't at 7 all to blame. 8 A. -- when you should pull back. Well, I think you can be 9 blamed with hindsight if a lot of people think it looks 10 wrong, and -- you know, the famous Wendi Deng pyjama 11 party, for example. I remember a then member of the 12 cabinet telling me about that at the time and I just 13 thought: "This is completely bonkers that this sort of 14 intimacy is being indulged in between the Prime Minister 15 and the Prime Minister's wife and a senior proprietor's 16 wife", and I thought at the time, you know, it will end 17 in tears. But we all find ourselves in social 18 circumstances or awkward social circumstances which we 19 perhaps have been recruited for, which we didn't seek 20 out but we've ended up in. 21 But, yeah, I think -- was there a carelessness? Did 22 it become too excessive? Yes. When -- you know, last 23 summer, I was at the News Corporation party and one saw 24 the leader of the opposition, the Prime Minister and all 25 the other people turning up, as it were, to pay court. Page 88</p>

22 (Pages 85 to 88)

<p>1 I see nothing wrong in holding a party or inviting 2 people to it. I was a little surprised that they all 3 felt the need to turn up. I'll put it like that. And 4 people looking from the outside would draw their own 5 conclusions. 6 MR BARR: Thank you. 7 LORD JUSTICE LEVESON: Could I ask two questions? You've 8 made a couple of speeches on the subject, which I've 9 read with interest. I'm going to quote two parts of 10 them. 11 A. Oh dear. 12 LORD JUSTICE LEVESON: "In this talk, I want to argue that 13 it is not the time for fresh restrictions on the British 14 media. In my view, the status quo ante Leveson was 15 working. Rather than curbed, we should, if anything, be 16 wondering how we make the media more free so the quality 17 of the national discourse can be enriched." 18 Do you think that sentence clearly squares with some 19 of the discussion we've had this afternoon? 20 A. In terms of -- obviously I've qualified it, because I've 21 been talking at greater length and that was -- you know, 22 I was making a point around -- that's the one about 23 Milton, isn't it? 24 LORD JUSTICE LEVESON: Oh, there's plenty of Milton in this. 25 A. Okay. I was stretching it perhaps a little bit.</p> <p style="text-align: center;">Page 89</p>	<p>1 LORD JUSTICE LEVESON: You say: 2 "Why do we need it? Certainly there was some spite. 3 As the former chairman of the PCC Sir Christopher Meyer 4 has eloquently explained, the facts of more complaints 5 than ever being satisfactorily settled certainly do not 6 support the cross-party near universal assertion that 7 the Press Complaints Commission has failed." 8 Are you therefore expressing merely or repeating 9 what Sir Christopher Meyer says, or are you identifying 10 that you yourself have a firm view that the Press 11 Complaints Commission has not failed, not least because 12 I think I'm right in saying that Sir Christopher is the 13 only witness in the months of evidence that I have heard 14 that has so categorically asserted that fact. 15 A. Well, I did feel, as I've already explained, that to 16 a certain extent the Press Complaints Commission was 17 somewhat railroaded, and I was surprised when it became 18 a truism, that from the Prime Minister down, people were 19 saying the Press Complaints Commission had failed, 20 whereas, as I think I made clear in the extract you've 21 read out, I think in significant areas of its 22 responsibility -- exactly the same areas, as it happens, 23 that Hugh Grant and others said they were most concerned 24 about -- I think there is evidence that the Press 25 Complaints Commission, you know, was doing its job.</p> <p style="text-align: center;">Page 91</p>
<p>1 I mean, I think my point is that yes, as I've agreed 2 with you, I think there is room for -- 3 LORD JUSTICE LEVESON: All right. I just wanted to make -- 4 A. -- improved regulation of the press. I think my worry 5 at the time, and as that speech is about, as I say, 6 these areas of privacy and statutory curbs on media -- 7 LORD JUSTICE LEVESON: This speech was only less than two 8 months ago. 9 A. Oh, that's the Greenwich one? 10 LORD JUSTICE LEVESON: Yes. 11 A. Yeah, okay. I did have -- I did have some concerns, and 12 I'll be honest, I -- I -- you know, Module 1 of your 13 investigations, I didn't feel it quite got to the 14 bargain, if you like, between celebrities and sections 15 of the press. 16 LORD JUSTICE LEVESON: I understand the point. It's been 17 made very clear to me and you make it in this speech 18 too. 19 The second quote, which actually comes both in that 20 speech and in -- 21 A. There's a degree of recycling, I admit. 22 LORD JUSTICE LEVESON: No, no, that's entirely 23 understandable. You say this, about the Inquiry -- and 24 I'm not being sensitive about this at all. 25 A. Yeah.</p> <p style="text-align: center;">Page 90</p>	<p>1 LORD JUSTICE LEVESON: Well -- 2 A. What I'm really saying is: was what went wrong at 3 News International, which I agree is as yet not fully 4 proven, the responsibility of the Press Complaints 5 Commission? It may have failed to detect it, but if it 6 wasn't its function to detect it, is it fair to accuse 7 it of failing? 8 LORD JUSTICE LEVESON: If then goes on to make 9 pronouncements on the subject without investigating it, 10 then those pronouncements may indeed attract concern if 11 they're proved to be without foundation, as indeed was 12 the case. So, for example, it was the Guardian that was 13 criticised after September 2009 by the Press Complaints 14 Commission. That doesn't look very satisfactory, does 15 it? 16 A. No, it's not satisfactory, and if the explanation 17 I would take from Christopher Meyer, that it wasn't his 18 area of responsibility, I would also agree that it 19 should not have pronounced in that area. 20 LORD JUSTICE LEVESON: But Sir Christopher himself was 21 approached by the Information Commissioner after 22 Motorman and didn't disabuse the Information 23 Commissioner that he was acting as a regulator. 24 A. As I said earlier -- I mean, look, I -- 25 LORD JUSTICE LEVESON: All right.</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

<p>1 A. I'm no great expert on the PCC, but as I said 2 afterwards, it seems to me, in fairness, the point has 3 to stand that if the PCC did not have an investigatory 4 function, it can't be accused of not having conducted an 5 investigation. But likewise, it shouldn't have 6 pronounced on an investigation. 7 LORD JUSTICE LEVESON: Of course. 8 A. I will entirely concede that. 9 LORD JUSTICE LEVESON: And if they were set up in response 10 to Calcutt, which was concerned about all sorts of 11 things, and it wasn't doing what it was thought that it 12 was doing, then there's something wrong there. 13 A. Well, I mean, Calcutt didn't really go anywhere very 14 much, did it? 15 LORD JUSTICE LEVESON: No, because the government 16 accepted -- 17 A. But that was really pursuing the privacy law. 18 LORD JUSTICE LEVESON: Not just that. The Press Complaints 19 Commission was thought to be doing a sufficient job. 20 If I give you another example, do you think that 21 it's appropriate -- I'm not having a go at you, 22 Mr Boulton. I'm really not. What I'm really doing is 23 testing whether you are, as it were, recycling 24 Sir Christopher's view or whether this is an independent 25 freestanding view.</p> <p style="text-align: center;">Page 93</p>	<p>1 was not true. 2 LORD JUSTICE LEVESON: I have never quite said that. You've 3 redefined the question, and if you redefine it in your 4 words, I might not disagree with you. I truly am not 5 trying to take easy pot shots at you. 6 A. Yeah, no, I don't imagine -- 7 LORD JUSTICE LEVESON: But had there been something else, 8 then I would have wanted to explore it because I want to 9 be fair to them too. 10 A. Yes. 11 LORD JUSTICE LEVESON: I've understood the position. 12 A. That's basically the position I take, and I think the 13 reason why I was trying to make it is that although -- 14 and again, I'm not an expert on this -- I can see the 15 need for a statutory basis, I can see the need possibly 16 to bring in people from outside of the industry and 17 there is the problem of getting everyone to comply with 18 it, I don't see self-regulation or -- as a first step, 19 as being something which should automatically be thrown 20 aside because "the Press Complaints Commission failed". 21 It made mistakes, got things wrong, couldn't do things, 22 but it may be a model that could be built on. 23 LORD JUSTICE LEVESON: Let's say that we would agree that 24 independent regulation, independent of government -- 25 A. Yes.</p> <p style="text-align: center;">Page 95</p>
<p>1 Let me give you one other example. There has been 2 much evidence, which I mentioned this morning to Lord 3 Wakeham, about the decision that unless you are yourself 4 the subject of the complaint, no complaint will be 5 considered. So if there is a general complaint that, 6 for example, Muslims are being unfairly treated in an 7 article, the Press Complaints Commission won't even 8 think about whether that's right unless you are a Muslim 9 who is named in the article and about whom complaint can 10 be made. Or other groups. 11 A. Yes. Look, perhaps I would agree -- I would concede 12 I was overstating it in -- 13 LORD JUSTICE LEVESON: All right. 14 A. -- in the lecture, and I was overstating it for effect, 15 partly because, you know, it's become a truism that the 16 Press Complaints Commission had "failed". I agree it 17 didn't do some things. I agree it was -- I do -- I was 18 recycling what Christopher Meyer said to a certain 19 extent, but I would have to say, in the case of Lord 20 Wakeham or indeed -- I think he's now Lord Black or 21 indeed those people I know involved in the running of 22 newspapers and in the writing of newspapers, the notion 23 that the Press Complaints Commission -- it was 24 a complete straw man and nobody cared about the Press 25 Complaints Commission and it was treated with contempt</p> <p style="text-align: center;">Page 94</p>	<p>1 LORD JUSTICE LEVESON: -- is absolutely critical. 2 A. Yes, I think we both agree on that. 3 LORD JUSTICE LEVESON: Right. Mr Boulton, thank you very 4 much indeed. 5 A. Thank you. 6 LORD JUSTICE LEVESON: I'm sorry to have kept you waiting at 7 the beginning of the afternoon. 8 A. That's all right. It's interesting. 9 LORD JUSTICE LEVESON: Right, 10 o'clock. 10 (4.43 pm) 11 (The hearing adjourned until 10 o'clock the following day) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 96</p>

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