

<p>1 2 (2.00 pm) 3 LORD JUSTICE LEVESON: Yes, Mr Jay. 4 MR JAY: Sir, this afternoon's witness is the Right 5 Honourable Alex Salmond, please. 6 MR ALEXANDER ELLIOT ANDERSON SALMOND (sworn) 7 Questions by MR JAY 8 MR JAY: Your full name, please, Mr Salmond? 9 A. Alexander Elliot Anderson Salmond. 10 Q. You've kindly provided us with a witness statement dated 11 10 May of this year with 121 exhibits. There's 12 a statement of truth at the end of your statement. Is 13 this the evidence that you are content to tender to our 14 Inquiry? 15 A. Yes, it is. 16 LORD JUSTICE LEVESON: First Minister, as I've said to many 17 others who have given evidence, I'm very grateful to you 18 for the obvious care which you have devoted to the 19 evidence that you've provided and the collection of 20 material that you've put before the Inquiry. I'm 21 grateful to you. 22 MR JAY: You are, of course, First Minister of Scotland, 23 have been since 16 May 2007, and were re-elected in 24 2011; is that correct? 25 A. That's correct.</p> <p style="text-align: center;">Page 1</p>	<p>1 accepted, although it's fairly recent, it's only in the 2 last year that senior politicians have been publishing 3 their meetings with senior newspaper executives, but 4 I think everybody will now accept, for opposition, for 5 government, that transparency is a good thing. 6 I think there could be a risk to the public interest 7 where there is an entrenched viewpoint, ability to 8 pursue something regardless of the facts from sections 9 of the media, that could be a risk to the public 10 interest. 11 Q. I think you may be referring there to the perennial 12 problem of the fusion of news and comment; is that 13 right? Or at least -- 14 A. Yes. I think that was in my mind when I wrote the 15 witness statement. I mean, it's much easier to say it's 16 an undesirable thing to merge news and comment than to 17 work out what to do about it. I think there's two big 18 problems. I mean, I suppose all politicians, perhaps 19 all people, would like to live in a world where news and 20 comment were carefully separated, where you could trust 21 what was in the news and the comment was consigned to 22 the editorial columns. We don't live in that world, we 23 never shall. 24 But there's another point. It's not just 25 a practicality of trying to separate the two, which</p> <p style="text-align: center;">Page 3</p>
<p>1 Q. Some general points first, Mr Salmond, at page 13979, 2 where you refer to professional business relationships 3 between senior politicians and the media. Would you 4 associate yourself with the term we heard yesterday from 5 Sir John Major, namely constructive tension being the 6 term which might best characterise a good and healthy 7 relationship between politicians and the media? 8 A. I think that's a fair term. I think sometimes there's 9 more tension than constructive, but that's a fair 10 summary, yes. 11 Q. And sometimes is there more cosiness than tension, 12 perhaps? 13 A. It could work both ways. Some relationships could be 14 constructive, some could be tense. But constructive 15 tension seems like a good summary. I think the way 16 Sir John Major was expressing it was that it was 17 actually a good thing to have constructive tension, and 18 he's probably right. 19 Q. The risk to the public interest you capture at 13980 20 towards the top of the page, where you refer to "lack of 21 transparency", but can I ask you also to expand on what 22 you mean on "where particular relationships result in 23 a lack of balance or partial reporting"? 24 A. I think the -- well, the first point, transparency in 25 the public interest, I think that's now generally</p> <p style="text-align: center;">Page 2</p>	<p>1 I think would be impossible. There's actually a point 2 of principle. I think that newspapers have the right, 3 within the law, to pursue as they wish their individual 4 newspaper opinions or indeed prejudices, and many do. 5 Q. That's notwithstanding clause 1 of the code, which does 6 clearly differentiate between conjecture, fact and 7 opinion? 8 A. Yes, that's what the code does, and we'll see if people 9 think it's observed or -- but people have the right not 10 to observe it. I mean, there is a point of principle 11 that if a newspaper has an entrenched opinion, if it 12 chooses in that famous phrase to give the public their 13 "daily hate", if that's what they wish to do within the 14 context of the law, then they have the right to do it in 15 terms of the free expression of opinion, and so I don't 16 think just the separation of news and comment would be 17 desirable, as the code indicates, I don't think it's 18 practical in terms of supervision and I think there's 19 a point of principle that people have the right within 20 the law to pursue their opinions, even if they disguise 21 them as news occasionally. Or more than occasionally. 22 Q. I'm just interested in that last point, the point of 23 principle, because the code surely embodies a principle, 24 an ethical standard, which ought to be upheld, but yet 25 you're saying there's almost a point of principle that</p> <p style="text-align: center;">Page 4</p>

<p>1 editors should be allowed to depart from it. Have 2 I correctly understood your evidence? 3 A. I think freedom of speech is a very important principle 4 and freedom of speech encompasses the freedom for people 5 speaking that you don't like. I think that one of your 6 previous witnesses was Mr Blair, the former 7 Prime Minister, somebody incidentally who I briefed 8 against incessantly, it should be said, but Mr Blair in 9 his evidence particularly talked about the Daily Mail in 10 this context as being a paper which many people believe 11 looks at all news stories from certain angles, and 12 I think he's right in that, I think it does, and I have 13 a similar opinion about it that he does. 14 I just think that allowing the Daily Mail to do that 15 if it so wishes is a price we have to pay for ensuring 16 the freedom of the press, which is essential for 17 a democratic society. 18 LORD JUSTICE LEVESON: Are there any counterbalancing public 19 interests? 20 A. Well, the supreme counterbalancing public interest is 21 upholding the criminal law, and I think it's at least 22 arguable that that hasn't been done over the last few 23 years, and now should be done, both in England as it 24 will be in Scotland, so that is the -- a supreme 25 counterbalance.</p> <p style="text-align: center;">Page 5</p>	<p>1 think, although it may be observed that there seem to 2 have been possibly many, many, many breaches of the Data 3 Protection Act which for one reason or another were not 4 pursued. 5 LORD JUSTICE LEVESON: Yes. But one can think of breaches 6 of privacy which are not breaches of the Data Protection 7 Act. 8 A. Correct, yes. 9 LORD JUSTICE LEVESON: So you would put that into the 10 balance? 11 A. It's in the balance. Again, I wouldn't argue and 12 haven't argued for privacy law, as such, again because 13 I think the downside of that extent of active 14 legislative intervention would be a downside which would 15 inhibit freedom of speech and lead to unhealthy 16 democratic consequences. People have to be held to 17 account. 18 MR JAY: We may come back to those matters towards the end 19 of your evidence. May we seek, though, to establish 20 some jurisdictional ground rules in relation to 21 Scotland, what's reserved and what's devolved, because 22 this will be important in relation to any 23 recommendations in the report. But the basic principles 24 are these: the Scottish government has no responsibility 25 for decisions regarding broadcast media regulation, is</p> <p style="text-align: center;">Page 7</p>
<p>1 There are other laws which stop people inciting 2 hatred, for example. We've just passed legislation, 3 sir, in Scotland on the Internet, on offensive 4 behaviour, which restricts -- to qualify to be 5 prosecuted, you don't just have to be offensive, you 6 have to incite hatred or threatening behaviour. That 7 legislation was controversial but I'm sure it will be 8 successful, so that's another counterbalancing public 9 interest. 10 General media ownership of which the Scottish 11 Parliament doesn't have legislative responsibility, of 12 course, but nonetheless people would regard media 13 ownership and concentration as they would regard in 14 other areas of life, for example banking concentration 15 and ownership, as a matter where the public interest 16 might intervene as well. 17 LORD JUSTICE LEVESON: I was actually still talking about 18 what the press might publish, and one topic that might 19 be thought to have some weight in a counterbalancing 20 factor is the right to privacy. 21 A. That would be a -- 22 LORD JUSTICE LEVESON: Which, of course, is not a criminal, 23 necessarily. 24 A. Well, necessarily, but I mean the breach of the Data 25 Protection Act would be a criminal offence, one would</p> <p style="text-align: center;">Page 6</p>	<p>1 that your understanding? 2 A. That's correct, yes. 3 Q. But press regulation, in inverted commas, is a devolved 4 matter. In other words, the Scottish Parliament, if so 5 advised, could legislate for press regulation; is that 6 correct? 7 A. That's also correct, which is why we'll be looking with 8 great interest to the findings of your Inquiry, sir. 9 Q. But the status quo in the PCC code is that that code 10 applies equally to Scotland as it does to the rest of 11 the United Kingdom, but that's only because the Scottish 12 press has voluntarily agreed to submit to it, is that 13 your understanding? 14 A. That's correct. As indeed some press journals down here 15 have voluntarily decided not to submit to it. 16 Q. The other two sort of basic points are that data 17 protection law is reserved, and insofar as one talks 18 about privacy through the portal of the Human Rights 19 Act, the Human Rights Act applies to Scotland as it does 20 to England and Wales? 21 A. That's also correct. Data protection is reserved. The 22 Human Rights Act applies mostly, you might argue, to 23 Scotland, because it's embodied in the Act which 24 established the Scottish Parliament, which means that 25 the Parliament and indeed ministers have to act at all</p> <p style="text-align: center;">Page 8</p>

<p>1 times in accordance with the Human Rights Act. It is, 2 if you like, a form of written constitution in that 3 sense. 4 Q. I suppose the fundamental question I have is: are you 5 looking for a, as it were, unitary UK-wide solution from 6 this Inquiry, or are you asking the Inquiry to consider 7 a Scottish-specific solution? 8 A. Well, I think that rather depends on what the Inquiry 9 comes up with, Mr Jay. If the Inquiry comes up with 10 a proposition which accords with public support, which 11 is eminently sensible and points the way to a better 12 future, then I think the Scottish Parliament would be 13 very foolish not to pay close attention to it. If on 14 the other hand, which I don't believe for a minute will 15 happen, it came up with a solution which was either 16 overprescriptive, restricted press liberty, then I think 17 the Scottish Parliament might wish not to apply that. 18 So I think that rather depends on the proposition that 19 emerges from this Inquiry. I wish you well in the 20 deliberations and I assure you we're looking with 21 enormous interest. 22 LORD JUSTICE LEVESON: But does that mean -- thank you very 23 much, and of course the same is so for the English 24 Parliament. They can adopt it or not, as they wish. 25 A. I like the term English Parliament, sir. I approve of</p> <p style="text-align: center;">Page 9</p>	<p>1 let's just say for the sake of argument that you move 2 into legislative areas of some kind, then we would be 3 perfectly capable, I think, of looking at your aims, 4 intent and suggestions and applying them to Scottish 5 conditions. 6 Equally, sir, if you wish to make specific 7 recommendations which touch on the distinctiveness of 8 the Scottish legal system or otherwise, we would very 9 much welcome your views on that. 10 There are some key aspects. Basically, the 11 structure of law, as I understand it -- and I'm not 12 a lawyer -- is broadly similar but there are certain 13 differences in terms of defamation law, for example. We 14 are not currently as a Parliament considering the 15 defamation changes which are being considered by the 16 House of Commons at the present moment. People may 17 argue that the defamation situation in Scotland is in 18 better shape in terms that there's less complaint about 19 either the size of the awards or the frequency of cases. 20 There is one change to defamation we're making at 21 the present moment, which may be of interest, which is 22 that -- well, proposing to make, I should say, which is 23 that previously it's not been possible to defame a dead 24 person. In Scotland, we've had a tragic case recently 25 where a young boy seems to have committed suicide as</p> <p style="text-align: center;">Page 11</p>
<p>1 that. 2 LORD JUSTICE LEVESON: Thank you very much, Mr Salmond. My 3 point is slightly different. My point is that are you 4 content that I approach my report without distinguishing 5 between the devolved and the non-devolved areas on the 6 basis that you are more than able to see in the 7 non-devolved areas whether the solution commends itself 8 to you, without my seeking to differentiate the 9 position? 10 A. Mm. 11 LORD JUSTICE LEVESON: The one area that Mr Jay didn't 12 mention, but which I know about, criminal law is 13 devolved and to start to analyse the criminal law in 14 Scotland would add, obviously, to what I'm doing in 15 relation to England and Wales -- there I am correctly 16 using the term -- and so I'm keen to know what would 17 best assist you, and then I'll see whether I can do it. 18 Do you see the question? 19 A. Thank you, sir. I think we are capable of looking at 20 the report and seeing the framework which you're 21 suggesting and applying it to Scottish conditions if 22 necessary. It may be, of course, as at the present 23 moment, that the framework needs no legislative base at 24 all for applying to Scotland, it could be voluntary in 25 the same way that the current code is voluntary. But</p> <p style="text-align: center;">Page 10</p>	<p>1 a result of things which had been said about his dead 2 sister. 3 LORD JUSTICE LEVESON: You're talking about Mr and 4 Mrs Watson who gave evidence to the Inquiry? 5 A. That's correct, I am indeed, sir. And that has led to 6 a consideration, at least, of whether that aspect of 7 defamation should be changed. I'm not aware, I don't 8 think that's been considered in England and Wales. 9 So broadly the shape of the legal approach to these 10 things is similar. 11 Could I say, sir, there is one aspect which would be 12 worth saying right now, that one of the aspects of this 13 whole area which concerns me greatly is that the -- 14 although there was in the possession of the Metropolitan 15 Police for some period of years, certainly since 2006 16 and before, perhaps, information which might have led 17 the prosecution authorities to the conclusion that the 18 criminal law had been breached in Scotland, until over 19 the last few months that information was not made 20 available to Strathclyde police or the Crown Office in 21 Scotland, which strikes me as remarkable and very 22 unsatisfactory indeed. 23 I would have expected, the Crown office would have 24 expected, that if such information had been held by the 25 Metropolitan Police affecting Scottish citizens, then</p> <p style="text-align: center;">Page 12</p>

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<p>1 that information would have been passed to the 2 prosecution authorities and the police in Scotland for 3 proper investigation. 4 As a result, on issues such as phone hacking, it's 5 only in the last few months that Strathclyde police have 6 examined all of that information and informed the 7 potential victims of the possibility of criminal acts 8 against them. That seems to me a highly undesirable 9 situation and something similar applies to possible 10 breaches of data protection legislation as well. 11 LORD JUSTICE LEVESON: I understand the point, and you're 12 probably aware and those who assist you could certainly 13 see the way in which the Inquiry has analysed what 14 happened in relation to Motorman, which is the second of 15 your two examples, and the seizure of material from 16 Mr Mulcaire, which is the first of your examples. 17 A. Exactly. 18 LORD JUSTICE LEVESON: You're probably aware it's been the 19 subject of quite considerable debate in this Inquiry, 20 and will certainly be covered -- 21 A. I'm just making the point, sir, that it's one thing, for 22 whatever reason, for the police or prosecution 23 authorities not to -- to decide not to proceed on 24 information for a variety of reasons, which no doubt 25 you're examining, among many other things. It seems to Page 13</p>	<p>1 regional press, let's call them that. There's no 2 evidence, for example, if we take the list of possible 3 breaches of data protection in Operation Motorman, 4 there's no evidence whatsoever that the regional press, 5 either the Scottish press or for that matter the English 6 regional press have been engaged in these activities, 7 either because they have better ethics or perhaps they 8 have less money, I don't know which would be the case, 9 Mr Jay, but nonetheless there's little evidence of that, 10 but there is now a number of Scottish citizens who have 11 been informed by Strathclyde police that they have been 12 potential victims of illegality, and over the last year 13 I've asked, within the proper confines of my office as 14 First Minister, I've asked the Lord Advocate, the chief 15 law officer for Scotland, for assurances that the 16 matters which are coming to the attention of Strathclyde 17 police under Operation Rubicon in Scotland will be 18 properly, thoroughly investigated by a well-resourced 19 investigation, that they'll go where the evidence leads 20 without fear or favour, and that these matters and the 21 criminal law be upheld in Scotland, and I have received 22 these assurances. 23 But there are -- if you can take from the evidence 24 that's in the public domain, there are differences, and 25 by and large the regional press and much of the Scottish Page 15</p>
<p>1 be an extension of that not to make another prosecution 2 authority or police force in another jurisdiction aware 3 that there were aspects of that which could pertain to 4 prosecutions in Scotland. It seems to me highly 5 undesirable. 6 LORD JUSTICE LEVESON: I understand the point entirely. 7 MR JAY: Mr Salmond, we know that many English or UK titles 8 have Scottish editions and there's a regional press in 9 Scotland, but we hadn't had much evidence which is 10 specifically related to Scotland apart from evidence 11 we've heard from the Watsons. Are there in your view 12 any differences in the culture, practices and ethics of 13 the press in Scotland which you would like to draw to 14 our attention? 15 A. I think until very recently you might have considered 16 this to be if not exclusively then largely a Fleet 17 Street English issue in terms of potential breaches of 18 the law. I think there are other aspects of press 19 behaviour which are very similar north and south of the 20 border. But more recently I think we'd have to accept, 21 given the information which has now been into the hands 22 of the police in Scotland, there are significant, 23 perhaps proportionately less but significant Scottish 24 examples of possible criminality. 25 Now, from what I can see, I would absolve the Page 14</p>	<p>1 indigenous press would be absolved from the matter. 2 That doesn't necessarily apply to other titles operating 3 in Scotland. 4 Q. Have you seen any evidence, Mr Salmond, that your own 5 phone has been hacked? 6 A. I have no evidence that my own phone has been hacked, 7 and given that my understanding is that Strathclyde 8 Police have now completed the informing of potential 9 victims, then I have no evidence, I haven't been 10 contacted by Strathclyde Police, and clearly I'm not 11 familiar properly with the operational matters here 12 because I'm First Minister, not the Chief Constable, but 13 what I can say is that I believe that my bank account 14 was accessed by the Observer newspaper some time ago, in 15 1999, and my reason for believing that is I was informed 16 by a former Observer journalist, who gave me a fairly 17 exact account of what was in my bank account that could 18 only be known to somebody who had seen it. 19 For example, I had bought some toys for my then at 20 that time young nieces in a toy shop in Linlithgow High 21 Street which was called Fun and Games, and the person 22 who informed me told me that this caused great 23 anticipation and hope in the Observer investigation unit 24 because they believed that perhaps Fun and Games was 25 more than a conventional toy shop. And enormous Page 16</p>

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<p>1 disappointment when it turned out to be just a toy shop. 2 I have to say, on Linlithgow High Street it seemed to me 3 unlikely that it would be anything else, but anyway, the 4 point I'm making is the person concerned had detail 5 which could only have been known by somebody who had 6 full access to my bank account at that stage. He told 7 me about a year later, incidentally. This happened, 8 I believe, during the run-up to the 1999 election in 9 Scotland.</p> <p>10 It has tended to colour my view of things in the 11 sense that, given that personal experience and given the 12 evidence produced by Operation Motorman and given the 13 more recent evidence of hacking activities, I believe 14 that there's a substantial case that illegality was rife 15 across many newspaper titles, and that very, very little 16 was done to uphold the criminal law, just some faltering 17 prosecutions, and I'm sure that both in England and 18 certainly in Scotland that will now be rectified, and 19 the criminal law will now be upheld.</p> <p>20 LORD JUSTICE LEVESON: It shouldn't just be a matter for 21 criminal law, because we can't put a policeman on 22 everybody's shoulder. Don't we have to put some 23 responsibility on journalists, editors, proprietors, to 24 maintain standards while of course respecting the 25 freedom of the press?</p> <p style="text-align: center;">Page 17</p>	<p>1 too much harm. It's a pretty dramatic Sun-style front 2 page.</p> <p>3 Q. But then in 2011, the Scottish Sun were occupying 4 a different position. This time they were pro-SNP. 5 This is AS103 tab 105 page 14142. It's "Play it again", 6 I suppose that's "Salm"?</p> <p>7 A. I think on balance, Mr Jay, I prefer this one to the 8 previous one.</p> <p>9 Q. So this was for the May 2011 election?</p> <p>10 A. Yes.</p> <p>11 Q. The Daily Record, which is, I suppose, the Scottish 12 Sun's main competitor, part of the Mirror Group, 13 confusingly its Sunday title is called the Sunday Mail?</p> <p>14 A. That's correct, yes.</p> <p>15 Q. But it was anti-SNP in 2007, see tab 104. Page 14141. 16 Plainly it was pro-Labour, it always has been, and that 17 was their same position in 2011. That's our tab 106.</p> <p>18 A. There's a lot of words on that front page I'm seeing 19 there. I'm not sure that's the most effective one I've 20 ever seen, but you're quite right, the Daily Record has 21 been consistent in its hostility.</p> <p>22 Q. They've chosen a less than wholly flattering photograph 23 of you to inhabit their front page on 5 May 2011. We 24 can see that at page 14143.</p> <p>25 A. Yes, I don't think any politician should ever complain Page 19</p>
<p>1 A. Yes, I think we do, sir, and perhaps -- because I've 2 been watching the evidence, usually towards the end of 3 the testimony --</p> <p>4 LORD JUSTICE LEVESON: Oh, yes, yes.</p> <p>5 A. I'm going to offer you the First Ministerial solution to 6 all these matters, a proposition, that yes, there has to 7 be a responsibility beyond the criminal law, but it 8 equally applies if the criminal law is not being upheld 9 how can any voluntary code or any other understanding or 10 observation be maintained under these circumstances? It 11 seems to me absolutely paramount that the criminal law 12 be upheld, and it most certainly will be upheld in 13 Scotland.</p> <p>14 LORD JUSTICE LEVESON: I understand, and we certainly will 15 come back to discuss the future. Yes, Mr Jay.</p> <p>16 MR JAY: Mr Salmond, before we look at your schedule of 17 contacts with the media, may we establish some political 18 facts in relation to the Scottish Sun and the Daily 19 Record? In the 2007 election, the Scottish Sun was 20 anti-SNP, and we can see the front page at your exhibit 21 AS101, our page 14140, tab 103 in the bundle we have 22 there for you. This is the head in the noose.</p> <p>23 A. Yes. It hasn't come up yet, but I remember the front 24 page. A lot of people thought it was an SNP symbol, 25 incidentally. There it is, yes. I'm not sure it did us Page 18</p>	<p>1 about any front-page photograph. Again, it's a bit like 2 the noose in the Sun. I'm not certain that putting your 3 opponent's picture on the front page is the wisest, but 4 I'm not a journalist, I don't really know about these 5 things, but I wasn't crying in my porridge when I saw 6 that on election morning.</p> <p>7 Q. In 2007, as you rightly point out in your statement, 8 both of these papers were anti-SNP, so that clearly 9 didn't impact on the outcome, but do you think it 10 impacted on the size of your vote and -- I don't think 11 you had a majority in that election, but at least the 12 number of seats you managed to attain?</p> <p>13 A. Yes. I mean, we operate on a proportional system. If 14 we'd been having this interview a year or so ago, most 15 people would have said, certainly all psychologists 16 would have said it was impossible to have an absolute 17 majority in a proportional Parliament, but the outcome 18 of last year's election, the SNP burst the system in 19 terms of the level of support we had.</p> <p>20 I don't think it's either a necessary or sufficient 21 condition. It's not necessary because we still won the 22 2007 election. We got the most seats without the 23 support of either major tabloid. It's not a sufficient 24 condition because the Sun supported the SNP in the 1992 25 election and the SNP didn't win that election by a long Page 20</p>

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<p>1 way. So it's neither necessary nor sufficient, and I'm 2 not even certain that the support during election 3 campaigns is as significant as some in the press or in 4 politics believe.</p> <p>5 What I do think you should try to avoid as 6 a practising politician, if you can, is the media 7 hunting as a pack, having a universal opinion which is 8 hostile to your cause. I think that over time would 9 have an effect on public opinion.</p> <p>10 If you take the current situation, for example, 11 there isn't a single mainstream newspaper in Scotland 12 that supports Scottish independence, although a third to 13 a half in opinion polls of the general public do, and 14 therefore that's something I have to try and change, 15 because it's undesirable -- I mean, I should say that 16 a number of papers, including the Sun and the 17 DC Thomson's titles, for example, don't have a position 18 on Scottish independence, they're neutral, if you like. 19 Many, many, many other titles are avowedly hostile.</p> <p>20 So in terms of practising politics, it's a good idea 21 not to have the entire press go hunting as a pack 22 against you. If you can achieve at least an element of 23 diversity, as we did in 2011 with one major tabloid 24 campaigning for us and one major tabloid campaigning 25 against us, then that seems to me a happier position</p> <p style="text-align: center;">Page 21</p>	<p>1 end of the day?</p> <p>2 A. No. Once they decided the editorial line, it wasn't 3 a surprise to me they pursued it vigorously. The Sun is 4 not known for half-measures in these matters.</p> <p>5 I had a meeting with the then Sun editor in Scotland 6 and Rebekah Brooks in the run-up to the 2007 election, 7 basically putting forward the argument of why a change 8 would be a good thing for Scotland and the Sun should 9 support it. I'd have to say I don't think from her 10 evidence Rebekah Brooks remembers the meeting, but 11 I remember. I think it was less than successful.</p> <p>12 I did get the impression, and I've had it before and 13 I've had knowledge of it before, that I was having more 14 success with the Sun editor in Scotland, who I believe 15 would have wanted to pursue a more even-handed approach, 16 perhaps not as supportive of the SNP approach, but 17 nonetheless more even-handed, but I think there was 18 a writ laid down that that wasn't appropriate. So it 19 was a less than successful meeting with Rebekah Brooks.</p> <p>20 Q. Okay. May we look, please, at your list of meetings 21 with proprietors, editors and media executives, which is 22 AS100 at tab 101, starting at our page 14135, which is 23 the list you published on 4 August 2011 pursuant to the 24 policy of greater transparency.</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 23</p>
<p>1 than being the hound or the hare while the hounds are 2 converging.</p> <p>3 Q. Was it your assessment in 2007 that the Scottish Sun was 4 a floating voter, which you might be able to win over by 5 courting or assuaging them, or did you assess that they 6 were a lost cause in that election?</p> <p>7 A. Well, I tend to have very few lost causes. There's no 8 such thing as a lost cause, as far as I'm concerned. 9 I've even tried to persuade the Daily Telegraph, with 10 manifestly less success, it has to be said, to take 11 a more sympathetic attitude to the SNP or to Scottish 12 independence.</p> <p>13 I've been -- about Daily Mail, I haven't spent much 14 time trying to persuade the Daily Mail. It might well 15 be, as far as this is concerned, a lost cause.</p> <p>16 I certainly attempted to persuade the Sun in the 17 run-up to 2007 that the SNP or Scottish independence 18 would be a good bet. I tried to persuade the 19 Daily Record that they should treat the SNP better, and 20 so I tend not to regard the newspapers as lost causes. 21 Things change, times change and events change, and 22 newspaper editorial lines change, and so I think it's 23 very unwise to consign people to being a lost cause.</p> <p>24 Q. But notwithstanding your attempts in 2007, the Scottish 25 Sun was anti-SNP and was that a surprise to you at the</p> <p style="text-align: center;">Page 22</p>	<p>1 Q. It's going to come up on the screen, but it may be if 2 you could kindly turn it up, Mr Salmond, because we're 3 going to look at it --</p> <p>4 A. I have it here.</p> <p>5 Q. As with everyone else, you see a whole range of 6 proprietors. You see quite a lot of Scottish regional 7 press, as one could naturally understand and expect. 8 There aren't any discernible patterns. Is that a fair 9 summary?</p> <p>10 A. Yes. I think the only people I miss out are Associated 11 Newspapers, for the reasons that we -- they're the 12 exception to my no lost cause rule, but I think that 13 might have been a waste of both of our times.</p> <p>14 Q. That's right. There's no meeting, I think, listed with 15 Mr Dacre or anybody in his paper.</p> <p>16 A. That apart, I think everything would be -- yes, it is 17 a fairly good cross-section. I see Life and Work 18 Magazine, that's the magazine of the Church of Scotland, 19 and the Catholic Observer, which speaks for itself. So 20 it's a very good cross-section of Scottish society and 21 press.</p> <p>22 Q. Not many interactions with the Daily Record, I think 23 it's fair to say. Perhaps not entirely a lost cause, 24 but --</p> <p>25 A. No, I'm surprised at that. I meet the Daily Record</p> <p style="text-align: center;">Page 24</p>

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<p>1 quite frequently, or maybe I -- I mean, I certainly 2 contact their editor frequently. There are some, I see 3 some with the Sunday Mail on the second page, and 4 I attend Daily Record events, but I make -- maybe it's 5 just a year of -- or the years that are here, but -- or 6 maybe it's the case of more phone calls than meetings, 7 I don't know, but certainly I contact the Daily Record 8 pretty regularly.</p> <p>9 Q. There's the occasional meeting, if we look at the year 10 2008, which is 14136, David Dinsmore, who was then 11 editor of the Sun in Scotland, but he moved over, 12 I think, to be chief executive in 2011, but we'll come 13 to that.</p> <p>14 A. That's correct. I think he moved over at the beginning 15 of 2011, I think.</p> <p>16 Q. There's one meeting with Rebekah Wade in July 2008. Can 17 you remember anything about that occasion?</p> <p>18 A. Yes, I do. I mean, that was, as I said, I'd met Rebekah 19 Wade before I was First Minister in 2007, and that was 20 a less than successful meeting. In fact, it was very 21 unsuccessful. I think she actually asked me at one 22 point if I could name somebody who would be the best 23 person to pursue a case against the SNP and 24 independence, which I thought was an unusual question to 25 be asked, but I remember it being asked.</p> <p style="text-align: center;">Page 25</p>	<p>1 campaigns, things that are important to that newspaper 2 or important to the government, and a range of these 3 meetings would be covered by that category.</p> <p>4 But I think particularly recently I seldom have 5 meetings with any member of the public where the subject 6 of Scottish independence doesn't crop up. I don't know 7 if you get much time off this Inquiry, Mr Jay, and get 8 a chance for golf. I wouldn't be surprised if your 9 golfing partners mentioned the Leveson Inquiry in the 10 course of the round. With me, I conduct very few 11 conversations these days where the subject of Scottish 12 independence does not emerge.</p> <p>13 LORD JUSTICE LEVESON: But is that contact that you have 14 with journalists always only to pursue your legitimate 15 interests? You observed slightly earlier that you 16 briefed incessantly against Mr Blair. Now -- you said 17 it. I'm just trying to work out how you believe it is 18 appropriate for politicians to use the press.</p> <p>19 A. Well, I was having a slight joke at Mr Brown's expense.</p> <p>20 LORD JUSTICE LEVESON: All right, all right.</p> <p>21 A. But it is quite proper incidentally for politicians in 22 opposing parties to brief against the Prime Minister. 23 It might even be said to be the constitutional duty of 24 an opposition party. The tactics and techniques would 25 be another matter, but in terms of briefing, of</p> <p style="text-align: center;">Page 27</p>
<p>1 The July 2008 meeting, I think that was after the 2 SNP victory in the Glasgow East byelection, and I wanted 3 to see her again to see if there had been any shift in 4 opinion at that stage, but if there had been, I didn't 5 detect any.</p> <p>6 Q. You say generally, Mr Salmond, regarding these 7 interactions, this is paragraph 9 of your witness 8 statement, page 13982, that:</p> <p>9 "Discussion is mainly determined by the primary 10 purpose of the occasion. However, it's not unusual for 11 general discussion to also touch on the editorial or 12 reporting stance being adopted by the newspaper."</p> <p>13 So are we to understand by that that you will seek 14 to persuade newspapers to modify their editorial or 15 reporting stance to reflect the interests of either 16 yourself or your party?</p> <p>17 A. Oh yes. I mean, I don't know of any politician I've 18 ever come across who -- well, if anybody doesn't answer 19 yes to that question, they certainly shouldn't be under 20 oath at an Inquiry. All politicians try quite 21 legitimately and properly to influence newspapers to 22 treat them or their party, or in the case of myself, 23 their cause of Scottish independence, more favourably. 24 That's not the only reason for meeting editors. 25 Often there are meetings about specific issues, specific</p> <p style="text-align: center;">Page 26</p>	<p>1 criticising Mr Blair, both in contacts with the press, 2 in the House of Commons, I did actually try to impeach 3 him, if I remember correctly, so we had substantial 4 political differences.</p> <p>5 But, yes, I think it's perfectly -- I think it's 6 maybe a different matter when it's people within your 7 own party. I think that throws up a whole range of 8 other issues. But of course there are techniques and 9 things which are proper and improper to do, and 10 political differences, in my view, should be pursued 11 politically.</p> <p>12 MR JAY: The discussions you have with editors or 13 proprietors about editorial reporting stance which 14 include support, are there any discussions along the 15 lines, well, we will support you if you do X, Y and Z?</p> <p>16 A. No.</p> <p>17 Q. Do editors and proprietors make it clear to you, though, 18 which aspects of your policy they disfavour?</p> <p>19 A. Oh yes. I mean, yes, I would say absolutely. I think 20 actually more normally, they tend to advocate things. 21 I think possibly every newspaper every day advocates 22 some change in government or policy on MPs' behaviour or 23 MSPs' behaviour. So any meetings are about things 24 they're arguing for that they want the government to 25 listen to, but that's perfectly proper and fair in</p> <p style="text-align: center;">Page 28</p>

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<p>1 a democratic society. That's absolutely legitimate.</p> <p>2 Q. So turning it around, editors and proprietors will make</p> <p>3 it clear to you which aspects of your policy they</p> <p>4 favour, or moreover which aspects of your policy they</p> <p>5 would wish you to change so that they might favour them.</p> <p>6 Is that also correct?</p> <p>7 A. Yes. I mean, I think they tend not to -- my experience</p> <p>8 has been that they will certainly say which aspects of</p> <p>9 policy they favour and which they would criticise.</p> <p>10 I don't think they often say that if you change your</p> <p>11 policy, we'll have a dramatic conversion. That doesn't</p> <p>12 happen. What they say, they'll criticise you twice</p> <p>13 a week instead of six times a week or something.</p> <p>14 But editors, proprietors bring forward their views</p> <p>15 on what the government should and shouldn't be doing,</p> <p>16 and they're absolutely entitled to do that, and, you</p> <p>17 know, if you're wise, then you do two things. If people</p> <p>18 have good ideas, even newspapers, if they have good</p> <p>19 ideas, you should do it. And you should look for good</p> <p>20 propositions. But you can't have a quid pro quo</p> <p>21 relationship and say, "Your newspaper supports us and</p> <p>22 we'll legislate to make your newspaper the only one on</p> <p>23 sale", or something, and that's an absurd example, but</p> <p>24 you know what I'm driving at.</p> <p>25 Q. I'm not putting to you an express quid pro quo or deal,</p> <p style="text-align: center;">Page 29</p>	<p>1 some examples of the Scottish government supporting</p> <p>2 media campaigns which have aligned with your objectives.</p> <p>3 Most of those campaigns are uncontroversial in the sense</p> <p>4 that they don't have a political dimension, save perhaps</p> <p>5 for the last one, which was Mark's Law. Can you tell</p> <p>6 us, please, when that scheme, the Keeping Children Safe</p> <p>7 scheme was introduced?</p> <p>8 A. I can tell you approximately. It was in our first term</p> <p>9 of office. The discussions on this were taking place,</p> <p>10 I think, in 2008. It was a campaign that was supported</p> <p>11 very heavily or led very heavily by the News of the</p> <p>12 World newspaper, and they were arguing and the campaign</p> <p>13 was led by Margaret Ann Cummings, whose son Mark had</p> <p>14 been killed by a known sex offender in 2004.</p> <p>15 The argument was about what areas of information</p> <p>16 could be released to people in an area where a convicted</p> <p>17 sex offender had been released into the community, and</p> <p>18 we decided after discussion to pilot a study in Dundee,</p> <p>19 which proved very successful, and in our view managed to</p> <p>20 get the correct balance between information to allow</p> <p>21 communities to feel reassured and safe, and on the other</p> <p>22 hand the avoidance of what might be termed vigilante</p> <p>23 behaviour, and that's a balance which had to be struck,</p> <p>24 and I think the introduction of the information that was</p> <p>25 released with the first pilot scheme in Dundee, which</p> <p style="text-align: center;">Page 31</p>
<p>1 but each of you know what the other might want. Is that</p> <p>2 fair?</p> <p>3 A. Well, I think very few newspaper editors or proprietors</p> <p>4 leave you in much doubt of what their feelings are</p> <p>5 across a range of issues. I should say that most of</p> <p>6 these conversations I find, even with newspapers which</p> <p>7 are very hostile, you know, they're conducted in a very</p> <p>8 reasonable way. And of course what you're trying to do</p> <p>9 is to say, "Well, here's this policy which we're</p> <p>10 pursuing, which has resulted in all these good things",</p> <p>11 or alternatively what you're trying to do is, "Are you</p> <p>12 being altogether fair to what is a very good policy and</p> <p>13 positive?" and often what you try and do is appeal</p> <p>14 beyond the natural instincts of the paper or the</p> <p>15 previously entrenched political positions, and say,</p> <p>16 "Look, regardless of your view ..." for example, with</p> <p>17 the Daily Record, the fact the Daily Record campaigns</p> <p>18 against Scottish independence and often at election</p> <p>19 times against the SNP doesn't necessarily mean that on</p> <p>20 every single issue that they won't agree to give the</p> <p>21 policies of the government, the SNP government, a decent</p> <p>22 shout.</p> <p>23 So in that sense, I go back to my point that there</p> <p>24 are very few lost causes.</p> <p>25 Q. In paragraph 12 of your statement, page 13983, you give</p> <p style="text-align: center;">Page 30</p>	<p>1 has now been rolled out across the country, has general</p> <p>2 support among child protection organisations and the</p> <p>3 police and other authorities. It is, I think, an</p> <p>4 example of a high profile campaign resulting in a change</p> <p>5 in policy, which although not perfect, I think</p> <p>6 nonetheless has resulted in an improvement in the</p> <p>7 situation. I think that's generally acknowledged.</p> <p>8 It wasn't necessary, of course, the exact nature of</p> <p>9 the original campaign, the policy that's been</p> <p>10 introduced. I mean, the disclosure is a controlled</p> <p>11 disclosure and a responsible one, but one which I think</p> <p>12 most people would say has resulted in an improved</p> <p>13 situation.</p> <p>14 Q. Mr Salmond, before we look at your interactions with</p> <p>15 News International, in order to put it in context, you</p> <p>16 provided us with a mass of other exhibits which reveal</p> <p>17 your interactions with other media groups. Can we just</p> <p>18 dip into those?</p> <p>19 A. Of course.</p> <p>20 Q. To see the picture. First of all, interaction with the</p> <p>21 BBC Trust. This is at AS8, tab 9. We can deal with</p> <p>22 this quite economically, I'm sure. But it related to</p> <p>23 the future of a Gaelic station in Scotland called BBC</p> <p>24 ALBA, I think that's how that's pronounced?</p> <p>25 A. That's not bad at all. I think the Gaelic viewers</p> <p style="text-align: center;">Page 32</p>

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<p>1 watching this will be very impressed indeed. BBC ALBA.</p> <p>2 Q. The concern was that it wasn't being carried on</p> <p>3 Freeview. You wrote to the BBC Trust in September 2008</p> <p>4 pointing out that concern. There was then some</p> <p>5 correspondence and after a period, Sir Michael Lyons --</p> <p>6 this was in December 2010, so it was a two-year</p> <p>7 period -- informed you that the Trust has approved BBC</p> <p>8 ALBA for carriage on Freeview.</p> <p>9 Is this an example of I suppose a form of lobbying,</p> <p>10 you would no doubt say in the public interest, which was</p> <p>11 successful, is that fair?</p> <p>12 A. Yes. It took a wee bit of time, but we got there in the</p> <p>13 end. BBC ALBA has a number of great aspects to it. One</p> <p>14 is that its viewership is significantly greater than the</p> <p>15 Gaelic-speaking population of Scotland, although it</p> <p>16 should be said that they are one of the few stations to</p> <p>17 show football matches, all 90 minutes of them, which</p> <p>18 might explain some of that but not all of it. Obviously</p> <p>19 being on the Freeview platform has allowed them even</p> <p>20 greater success.</p> <p>21 It's also one of the areas which although</p> <p>22 broadcasting is a reserve function, the Scottish</p> <p>23 Parliament votes funds for BBC ALBA and the Scottish</p> <p>24 Government are consulted on appointments to BBC ALBA, so</p> <p>25 it's a -- not exception but it's a slight difference in</p> <p style="text-align: center;">Page 33</p>	<p>1 The Homecoming was given the maximum coverage across the</p> <p>2 media.</p> <p>3 It had something like 400 events around Scotland.</p> <p>4 The aim was to attract people from around the world with</p> <p>5 Scottish ancestry to come back, the Homecoming aspect,</p> <p>6 to Scotland for that special year and sort of relate</p> <p>7 back to their home country. Although our definition of</p> <p>8 Scottish includes people with Scottish ancestry and</p> <p>9 everybody with an affinity to Scotland. You have to opt</p> <p>10 out if you don't want to be Scottish in our definition.</p> <p>11 So we tried to interest the maximum number of people</p> <p>12 who were interested in Scotland in 2000. There were 400</p> <p>13 plus events around the country. It was a substantial</p> <p>14 over the piece success. Not every event was successful</p> <p>15 but over the piece it was successful and we're repeating</p> <p>16 it in 2014.</p> <p>17 Q. Look at tab 17, which is AS16, a letter you wrote to the</p> <p>18 chief executive of STV at 14011. You point out that you</p> <p>19 were delighted that STV was keen to be involved in</p> <p>20 Homecoming and you said you were meeting with</p> <p>21 Ed Richards, who was then, still is, the chief executive</p> <p>22 of Ofcom. First of all, did that meeting take place,</p> <p>23 and secondly, did you put forward in any way the virtues</p> <p>24 of STV at that meeting with Mr Richards?</p> <p>25 A. I think the meeting did take place. I can't have an</p> <p style="text-align: center;">Page 35</p>
<p>1 the other range of broadcasting.</p> <p>2 But yes, that was a campaign which was supported not</p> <p>3 just by the Scottish government but across the range of</p> <p>4 political parties and which resulted in success.</p> <p>5 Q. There's a similar exchange of correspondence on</p> <p>6 a different issue. This concerns STV. The background</p> <p>7 here on my understanding was that Ofcom were conducting</p> <p>8 a review of public service broadcasting and STV was</p> <p>9 concerned for its future. Is that broadly speaking</p> <p>10 right?</p> <p>11 A. Yes, that would be a fair comment.</p> <p>12 Q. There was a meeting, if you look at tab 16 at AS15,</p> <p>13 Mr Salmond, page 14010, there was a meeting on 8 January</p> <p>14 2009 with the chief executive of STV and others. This</p> <p>15 concerned The Homecoming, I think. Could you briefly</p> <p>16 tell us about that?</p> <p>17 A. Well, The Homecoming was an initiative that the Scottish</p> <p>18 government were supporting in 2009. It was the</p> <p>19 anniversary of the birth of Robert Burns, our national</p> <p>20 poet. We decided to designate it as a Year of</p> <p>21 Homecoming. If you remember, it was immediately after</p> <p>22 the financial crash and the impact of the recession and</p> <p>23 it was obviously a helpful move in terms of Scottish</p> <p>24 tourism, although it had been designed long before the</p> <p>25 financial crash, and we were anxious to make sure that</p> <p style="text-align: center;">Page 34</p>	<p>1 exact memory of that, Mr Jay, but I think it did.</p> <p>2 I think there was a particular issue at the time which</p> <p>3 has now been resolved, and that was a potential legal</p> <p>4 action between STV and the other ITV owners about the</p> <p>5 variety of programmes which had to be broadcast on STV</p> <p>6 network programmes by contract and STV's opinion on that</p> <p>7 and ITV's opinion on that, and there was a very</p> <p>8 acrimonious dispute that was threatening to become</p> <p>9 a very long, long legal action, and it was -- I was</p> <p>10 hoping that as it says there a better relationship</p> <p>11 between the licence holders could be successful.</p> <p>12 It's turned out in quite recent times that a better</p> <p>13 relationship has been established, so that was a very</p> <p>14 particular reason, but, you know, as we discussed</p> <p>15 earlier, broadcasting is not part of my statutory remit.</p> <p>16 I don't have competence over broadcasting. But on this</p> <p>17 and many other issues where we don't have competence, we</p> <p>18 do do our best to further the Scottish interest in terms</p> <p>19 of jobs, investment and culture. Scottish Broadcasting</p> <p>20 and STV produce programmes that are very much in</p> <p>21 Scotland's interest.</p> <p>22 Q. So that message would clearly have been imparted to</p> <p>23 Mr Richard, is that the point?</p> <p>24 A. Yes, sir.</p> <p>25 Q. One other matter you draw to our attention, AS62,</p> <p style="text-align: center;">Page 36</p>

<p>1 tab 63, page 14079. This is rather different. It's 2 a letter you wrote to the editor of the Herald 3 newspaper, and I think you also wrote to one other 4 newspaper on the identical theme. It's dated 5 23 December 2009. You had a meeting recently with the 6 Scottish Council of Jewish Communities, and the concern 7 there related to comments posted on newspaper websites 8 by members of the public which you felt were offensive 9 and prejudiced. Could you tell us about that, 10 Mr Salmond?</p> <p>11 A. Yes. I had a meeting with the Scottish Council of 12 Jewish Communities, we have regular meetings, and at one 13 of the meetings they gave me examples of offensive 14 comments that had been placed on newspaper websites, 15 that is reacting to articles in the newspapers. They 16 weren't -- I should say, they weren't comments from the 17 journalist, they were comments from members of the 18 public who were commenting on the article, which seemed 19 to the Scottish Council of Jewish Communities and to me 20 to be anti-Semitic in their nature. They asked and 21 I readily agreed that I should write to the -- I mean 22 the Herald and the Scotsman are the two indigenous 23 quality newspapers, they are not the only ones 24 incidentally but they're very important newspapers in 25 Scotland, and so I wrote to the editor of the Herald,</p> <p style="text-align: center;">Page 37</p>	<p>1 what you've said.</p> <p>2 A. Yes. The legislation is not designed to render illegal 3 offensive comments. People have the right to be 4 offensive. The legislation specifically looks at 5 comments which are threatening. People do not have the 6 right through the Internet, through the electronic media 7 to threaten people, no more than they do in other 8 examples of life. Or to incite hatred. Obviously, as 9 you'd expect, the legislation has been carefully 10 designed not to prevent freedom of speech. Even people 11 who wish to be offensive, it becomes illegal if people 12 are inciting hatred or the behaviour is threatening. As 13 you know, we had some very well publicised examples 14 which were a contributing factor to the adoption of that 15 legislation in Scotland.</p> <p>16 There is another aspect. Whether the website is 17 governed by a political party or a newspaper, beyond 18 what is illegal and legal, there's a question of 19 responsibility. There are some comments which may not 20 be illegal, but nonetheless you wouldn't want to see on 21 your website, and I have sympathy incidentally for 22 newspapers and for political parties in this regard, 23 that context of moderation is -- in the context of the 24 Internet and websites requires fairly constant vigilance 25 and sometimes things will slip through the net. In this</p> <p style="text-align: center;">Page 39</p>
<p>1 editor of the Scotsman, pointing this out and saying, 2 "Look, the newspaper has to have responsibility to 3 moderate the comments onto the website and it's not 4 acceptable for that to happen." It might not be legal 5 under certain circumstances now, particularly with the 6 new legislation, but certainly not acceptable, whether 7 it's legal or not.</p> <p>8 I think the editor of the Herald sent a very 9 forthcoming letter very quickly. The editor of the 10 Scotsman at that time was perhaps a bit less 11 forthcoming, but nonetheless the denouement was 12 considered to be satisfactory by myself and the Scottish 13 Council of Jewish Communities. In terms of the papers 14 accepting responsibility for what is posted, if it's of 15 a potentially offensive prejudice or is designed to 16 incite hatred in terms of the legislation, it basically 17 refers back to a point you were making earlier, it's 18 about responsibility.</p> <p>19 LORD JUSTICE LEVESON: This is an example, but actually 20 there are lots and lots of potential complainants about 21 comments that appear on newspaper sites that give space 22 for comments that need moderating.</p> <p>23 A. Mm.</p> <p>24 LORD JUSTICE LEVESON: And that's precisely what your 25 legislation is designed to achieve, as I've understood</p> <p style="text-align: center;">Page 38</p>	<p>1 case, the Scottish Council of Jewish Communities 2 regarded as more than comments which have snuck through 3 the net. They were comments which they believed should 4 have been moderated out.</p> <p>5 LORD JUSTICE LEVESON: That's the space that something 6 between the criminal law -- something short of the 7 criminal law needs to occupy, it seems to me, and 8 I think that's precisely the purport of your letter.</p> <p>9 A. Correct.</p> <p>10 LORD JUSTICE LEVESON: There is a room for the exercise of 11 restraint to remove what is offensive, being careful to 12 ensure that freedom of speech is preserved.</p> <p>13 A. Yes, I think that's fair comment, sir. It did obviously 14 depend on the editors of these two newspapers agreeing, 15 which, to be fair, they did.</p> <p>16 LORD JUSTICE LEVESON: I understand. But it's actually 17 a problem that's wider than that. I have certainly had 18 experience of a newspaper comment website being opened 19 for comments and comment being made which could 20 prejudice a trial, which requires moderation to remove 21 the comment, so there is a space there that does require 22 the press, even if they're operating electronically 23 rather than on paper, to exercise a degree of control 24 over their space. Would you agree?</p> <p>25 A. Again, I think that's fair. I am sensitive also, as I'm</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 sure you are sir, to the question of freedom of 2 expression. I do think people have the right to be 3 offensive within the terms of the law and as long as 4 they are not, as in this case, causing hurt and upset to 5 individuals, or groups for that matter, or in your 6 example prejudicing a potential criminal case. And 7 there's many things in the press that I find offensive 8 on a daily basis which I'm sure are not going to be and 9 should not be restricted by anything that this Inquiry 10 produces.</p> <p>11 LORD JUSTICE LEVESON: No, I'm sure that you and I will 12 agree with that. Yes.</p> <p>13 MR JAY: There's one other letter on a completely different 14 theme, Mr Salmond, if I could ask you to address. 15 Tab 80, page 01401. You wrote to the chairman of 16 DC Thomson who publishes the Courier in Scotland, it 17 related to a piece they wrote on 5 May, the day before 18 the General Election, and your complaint was that it 19 made glaring factual errors about you, in particular 20 what was described as an anti-England stance.</p> <p>21 In the light of your robust views about freedom of 22 speech, what was the point of writing this letter?</p> <p>23 A. Well, I wasn't proposing that they be stopped from 24 publishing material which -- but I did think I was 25 entitled to correct what I regarded as factual errors in</p> <p style="text-align: center;">Page 41</p>	<p>1 A. That's correct. To be fair, they wrote back and said, 2 "Look, this was not a news piece, this was an opinion 3 piece by one of the columnists", which -- okay, and 4 I think the end game was -- I'm not sure about this, but 5 I think the end game perhaps was a letter in the 6 correspondence columns from me saying I'm not as nasty 7 as all that, really.</p> <p>8 LORD JUSTICE LEVESON: My question wasn't directed to the 9 particular example, but I'm going back to the question 10 of fact and comment.</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: Where there is a distinction. 13 Obviously you can master facts, you can collect facts 14 together in such a way that they make a comment, but if 15 you're going to be wrong about your facts, then you are 16 actually committing a slightly different vice.</p> <p>17 A. Yes. Again I think that's fair comment. The issue is 18 people will make factual inaccuracies, everybody does. 19 The question is are people prepared to accept and to 20 offer some form of redress, whatever it might be? 21 Politicians, I'm no exception, I keep hearing at 22 this Inquiry and elsewhere politicians say they don't 23 bother about what's written about them in the press. 24 I find that very difficult to believe. The politicians, 25 like everyone else, care about these things and should</p> <p style="text-align: center;">Page 43</p>
<p>1 the newspaper. I think to be fair, the comment about 2 the anti-English was a Press and Journal rather than a 3 Courier, looking at the letter.</p> <p>4 Q. Sorry, yes, you're right.</p> <p>5 A. On that aspect, I mean right through my political career 6 I've been very sensitive to suggestions that in any way 7 I have an anti-English bone in my body. I don't. And 8 therefore any careless suggestion in the press that that 9 might be the case I've often responded to rather more 10 vigorously than I would respond to being called a range 11 of other things simply because it's not true and it's 12 damaging to suggest, and especially in the frivolous 13 terms which that paper had produced.</p> <p>14 But that would be very unusual incidentally for the 15 press in general, which would be many people's model.</p> <p>16 If we go back to your point about papers which 17 separate comment in an editorial from factual reporting, 18 many people would point to the Press and Journal and the 19 Courier as papers which mostly do that, and avowedly do 20 that. That's part of their policy.</p> <p>21 LORD JUSTICE LEVESON: Here is quite a good example of fact 22 and comment, because you're not making any criticism of 23 a comment they make; you're criticising the facts upon 24 which they rely. You're saying, "You've just got your 25 facts wrong". So it's an accuracy point.</p> <p style="text-align: center;">Page 42</p>	<p>1 care about these things, incidentally.</p> <p>2 I remember this one in particular, and you look back 3 and you say should you bother? But I think there was an 4 allusion to my Parliamentary expenses, and given that 5 I'm one of the comparatively few Members of Parliament 6 who never had to repay anything in Parliamentary 7 expenses, despite the range of inquiries that went into 8 all MPs, I took exception to that sort of careless 9 suggestion.</p> <p>10 But look, all politicians, I think, care about 11 what's written about them. I think all politicians, 12 like all citizens, have the right to correct, if they 13 choose to do so, factual inaccuracies by one means or 14 another, and I think responsible newspapers accept that 15 in the spirit it's given, and I would say -- I mean, I'm 16 not any old complainer, as it happens, but there's been 17 a variety of newspapers in which I've made corrections 18 and I think that's entirely satisfactory.</p> <p>19 The argument here that it was actually a columnist 20 who was saying these things. I'm not certain that's 21 a watertight argument from the newspaper. Again, to be 22 fair, the courier has made a point always of saying, "We 23 have our editorial, we have our columnists and we have 24 our news pages", and to be fair to them, that's an 25 admirable way to look at the world.</p> <p style="text-align: center;">Page 44</p>

<p>1 MR JAY: May we look now at News International, and one way 2 into this is to look at tab 128, which is an exhibit 3 Mr Rupert Murdoch prepared for the purposes of this 4 Inquiry. It's in the PROP section of Lextranet at 5 page 01904. 6 He has down, if you look at a seven-year period 7 ending in October 2007, one phone call, possibly, he 8 says, on 17 November 2000. Do you see that? 9 A. Yes. 10 Q. You're not going to remember at this distance whether 11 that call took place or not, I imagine? 12 A. No. I think -- it's no criticism, but there's a number 13 of inaccuracies from certainly our record in this. 14 I think the phone call that's referred to was actually 15 a meeting in New York around that date, probably on that 16 date, and correspondingly also there are two meetings 17 later on which never actually happened. The lunch, 18 which is updated, is actually the lunch of 29 February, 19 and the meeting suggested for the December 2011 never 20 took place. 21 Q. I'm going to make all those corrections, I'm just 22 trying -- 23 A. But I think that was a meeting in New York, and the 24 reason I know -- well, I know it was a meeting in 25 New York and the reason I believe it was a meeting is</p> <p style="text-align: center;">Page 45</p>	<p>1 or Mr Cameron, but nonetheless, that's five times in 2 five years, which is regular contact. 3 I saw Mr Murdoch's evidence. I don't demur from 4 that at all. He said he didn't know me well, and that's 5 fair, because five meetings in five years. At the same 6 time he said the conversations we had were friendly in 7 tone. Warm, I think the word -- I think it was perhaps 8 your word, Mr Jay. That's correct as well. Often we 9 were discussing Scotland and his Scottish ancestry. The 10 fact his grandfather was the Church of Scotland minister 11 in my old constituency of Banff and Buchan in Cruden 12 Bay, for example. So there were a range of things for 13 discussion, but with these corrections, that's 14 a reasonable summary of the meetings I've had with 15 Mr Rupert Murdoch. 16 Q. The correction we need to make is that meeting which he 17 has down for 11 December 2011 didn't take place; is that 18 correct? 19 A. That's correct. And also the undated lunch is actually 20 the lunch that did take place on 29 February. It's not 21 two lunches, just one. 22 Q. Thank you. That gives the picture of the dates. In 23 terms of what was discussed, well, his best recollection 24 is in the right-hand column, as we can see. 25 A. That's correct.</p> <p style="text-align: center;">Page 47</p>
<p>1 I remember, if I'm correct, that at the time of the 2 meeting the whole debate about the chads, if you 3 remember the hanging chads in the Florida election was 4 ongoing. There was the whole question as to whether it 5 was going to be President Gore or President Bush was 6 hanging in the balance in Florida at that time. 7 I remember that being very much part of the discussion. 8 Q. Fair enough. But then there's absolutely nothing in 9 terms of interaction with Rupert Murdoch. You certainly 10 don't meet with him before the General Election of May 11 2007, but he has down a telephone call for 12 October 12 2007. We believe that that was another meeting you had 13 in New York on that day, so -- 14 A. That's correct. 15 Q. -- he's erred on that? 16 A. Yes. That in my view was a meeting as well. I mean, 17 I should say in that gap I wasn't leader for much of 18 that time of the SNP. I ceased to be leader in 2000 and 19 came back some four years later, so I think partly that 20 might be explained by the fact I wasn't leader of the 21 Scottish National Party, so just looking at that gap. 22 But in total, I think I've met Mr Murdoch five times 23 over the last five years, that's one a year, which, you 24 know, I think that's perfectly reasonable. It's not in 25 the same league, if I may say, as Mr Blair or Mr Brown</p> <p style="text-align: center;">Page 46</p>	<p>1 Q. I'm going to come back to those matters. 2 But can we look, please, at some documents which 3 list your interactions by meeting and by correspondence? 4 A. Sure. 5 Q. Starting at tab 87. We saw these, I think, with 6 Mr Rupert Murdoch or possibly James Murdoch, but I think 7 it was Rupert Murdoch. The first page is 14118. I'm 8 going to cover these quite quickly, if I may. Mr Hinton 9 writes to you on 11 September 2007: 10 "Dear Alex ..." 11 He invites you to be guest of honour for the formal 12 opening of News International's Eurocentral printing 13 plant on 30 October 2007. Is that right? 14 A. Mm-hm. 15 Q. You then meet with Mr Murdoch in New York, page 14119, 16 so that's the meeting which takes place on 12 October 17 2007, and you speak to him -- at the meeting you speak 18 to him about the Globalscot network and he'd agreed to 19 become a member and you describe there what the 20 Globalscot network is. 21 A. Correct. I remember this very well. He gave me -- 22 I hadn't seen it before then -- sent me a copy of 23 Senator Jim Webb's book, "Born Fighting", which is 24 a book about -- it's a great book, actually. It's 25 a book about the Scots and Scots/Irish influence on</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 American politics, public life, military over the years, 2 and puts forward a view that -- it starts actually at 3 the Battle of Bannockburn and works onwards. It's 4 a very interesting book, I commend it to you, but 5 I hadn't seen it before Mr Murdoch mentioned it in that 6 meeting, and I was very interested for a number of 7 reasons. Firstly, it's an excellent book, but secondly 8 because Jim Webb, of course, was elected on an anti-Iraq 9 war ticket to the Senate in Virginia, despite his 10 military background, and I was interested in a way that 11 Mr Murdoch was keen on that book from a politician who 12 was at odds with him, as it were, on the issue of the 13 war in Iraq, but it is an excellent book.</p> <p>14 Q. Thank you. Now moving on to tab 89, AS88, page 14121, 15 this was the day after, I think, you had opened 16 Eurocentral in Scotland, but you invite him to attend 17 a play called "Black Watch" which was currently playing 18 in New York and his evidence was that he didn't think he 19 went in the end.</p> <p>20 There's then correspondence --</p> <p>21 A. Can I just say two things about that. Firstly, when 22 I opened the News International offices in October 2007, 23 a big investment in Scotland, the Sun newspaper were 24 still strongly supporting the Labour Party and were 25 still anti-SNP. I mean, I opened the offices because it</p> <p style="text-align: center;">Page 49</p>	<p>1 possibility of Sky covering the pageant as an exclusive 2 programming opportunity, do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Mr Murdoch passed on your letter to Sky, we see that 5 from AS93, page 14127, but in the event we know from 6 your witness statement that Sky wasn't interested, is 7 that fair?</p> <p>8 A. I don't think it's fair to say wasn't interested. 9 I should say that I think I have to confess I offered an 10 exclusive broadcasting opportunity on The Gathering or 11 the pageant to the BBC and to STV as well as Sky. 12 Obviously only one of them could have availed themselves 13 of the opportunity. The end result was that actually 14 none of them availed themselves of the opportunity, 15 however all of them, Sky, BBC and STV, covered the event 16 as a news story. In fact, it got extraordinarily wide 17 coverage as a news story. There were many, many 18 international cameras there as well as national ones, 19 but it would greatly have helped the organisers of the 20 event, which was one of, as I say, the 400 events in the 21 Homecoming year, if they'd had a broadcaster covering 22 the pageant. It would have helped them with sales and 23 all sorts of things. So I was trying to interest 24 a number of broadcasting companies in that opportunity. 25 But although they didn't avail themselves of the</p> <p style="text-align: center;">Page 51</p>
<p>1 was a significant investment in the Scottish economy. 2 And the Black Watch rather follows on from the point 3 I was making about Jim Webb's book. The Black Watch is 4 a very, very good anti-war, basically, anti-Iraq war 5 play which the National Theatre for Scotland had 6 produced and we had supported touring internationally, 7 and I must say I did have a thought that it might be 8 a play which Mr Murdoch wouldn't agree with but 9 nonetheless would find of some interest, but put forward 10 a different perspective on the war in Iraq, very much 11 a squaddie's perspective, so he said he didn't manage to 12 go, which I'm sorry about, but nonetheless, if you get 13 the chance, Mr Jay, see the Black Watch.</p> <p>14 Q. Thank you. There's then some correspondence about the 15 Ryder Cup, which we're going to pass over, we've seen it 16 before. We're going to look at tab 93 which is exhibit 17 AS92, page 14125. We're now in February 2009, 18 Mr Salmond. You write to him: 19 "Dear Rupert, many thanks for taking the time to 20 speak with me earlier this week." 21 So that must have been a phone call, would you 22 agree?</p> <p>23 A. That was a phone call, yes.</p> <p>24 Q. You invite him to be guest of honour for The Gathering 25 celebrations in July and you also discuss the</p> <p style="text-align: center;">Page 50</p>	<p>1 opportunity, they did cover it -- they covered it in the 2 news coverage.</p> <p>3 Q. Thank you. Moving through the correspondence to a later 4 date, we're now in January 2011. This is AS96, tab 97, 5 page 14130. This refers to a meeting you had in London 6 the week before with Mr James Murdoch. He invited you 7 for lunch. Do you recall that?</p> <p>8 A. Yes, indeed. I met James Murdoch in London in January 9 2011, and this was a letter which basically confirms 10 some of the elements of the discussion at that meeting, 11 some issues which I wanted to put on the record because 12 they were both very interesting and of great use for 13 Scotland.</p> <p>14 Q. Before we go into the detail of the letter, was that the 15 first occasion you met with Mr James Murdoch?</p> <p>16 A. That was the first meeting I'd had with James Murdoch.</p> <p>17 Q. Your witness statement refers to two meetings. We've 18 obviously found this one. Can you remember when the 19 second meeting was?</p> <p>20 A. The second meeting was much later in the year, towards 21 the end of last year, on the same issue. There's two 22 basic issues. One was a discussion about the impact the 23 consolidation of BSkyB ownership would have in terms of 24 investments in Scotland, and the meeting later in the 25 year was something that was actually raised at the first</p> <p style="text-align: center;">Page 52</p>

<p>1 meeting, was about the impact of outsourcing changes to 2 BSKyB's outsourcing in Scotland, which initially we felt 3 had the danger of being a bad result for Scotland, but 4 actually -- perhaps even a loss of up to 2,000 jobs, but 5 ended up being a jobs gain. 6 BSKyB for security reasons were reducing the number 7 of outsourcers from I think six to two. In the event, 8 a company called Hero won one of the two contracts and 9 the end result was a jobs gain. 10 When I said to James Murdoch, "I was pleased with 11 your comments confirming your observation that Scotland 12 is the gold standard in business outsourcing", that's 13 basically what that refers to. 14 It should be understood, I mean, BSKyB is a huge 15 employer in Scotland. We're talking about more than 16 6,000 full-time jobs in addition to the 2,000 17 outsourcing jobs and temporary jobs. It's vital in 18 Dunfirmline, Livingston, Uddingston. Some 36 per cent 19 of BSKyB's total global employment is in Scotland. They 20 are in the top 10 of Scottish private sector employers. 21 So it's a matter of great importance and the argument 22 being put forward by Mr Murdoch was that an expansion of 23 the digital platform on a European-wide basis would 24 result in additional investment and that Scotland would 25 be well placed in that context to benefit, given the</p> <p style="text-align: center;">Page 53</p>	<p>1 for jobs and investment in Scotland. That is my 2 statutory responsibility. Indeed, it's reflected not 3 just in the fact it's my responsibility, it's actually 4 reflected in our Ministerial Code in Scotland that it is 5 one of the responsibilities that you must pursue. 6 So I would tend to put an emphasis on the jobs and 7 investment aspects of this. It was for others to 8 consider other matters. And specifically what I was 9 prepared to do and said I was prepared to do would have 10 been to speak to the relevant Secretary of State to say 11 jobs and investment are going to be a consideration 12 along with other things that they had to consider when 13 these matters were brought to decision at the 14 appropriate time. 15 As circumstances turned out, that appropriate time 16 never arose, but I was certainly prepared to argue for 17 that and I would certainly say that's entirely 18 a legitimate preoccupation and argument that the First 19 Minister of Scotland or any Scottish minister should put 20 forward. 21 MR JAY: I think we're going to pause now for our short 22 break, but there will be some further questions arising 23 out of this. 24 A. Thank you. 25 (3.23 pm)</p> <p style="text-align: center;">Page 55</p>
<p>1 strength of the Scottish offer in terms of 2 competitiveness, to benefit from that additional 3 investment. 4 Q. You refer, though, to the impact of consolidation of 5 BSKyB ownership, so plainly you had in contemplation at 6 that stage the BSKyB bid; is that right? 7 A. That's correct. Prior to this, it had been indicated 8 I think in a phone call -- I'm sure in a phone call, 9 actually, because I wanted to meet Mr Murdoch to discuss 10 this in particular. This was one of the key things 11 I wanted to discuss, to understand better the argument 12 that the consolidation of ownership would result in 13 additional investment and that Scotland was well placed. 14 To be fair -- well, I'm going to be more than fair, they 15 can speak with a great deal of authority, if a company 16 has 36 per cent of its global workforce in Scotland, 17 then they speak from a position of some credibility. 18 Q. I think it's fairly clear from what you've just said, 19 Mr Salmond, that certainly from the date of this meeting 20 with Mr James Murdoch you were in favour of the bid. Is 21 that right? 22 A. Yes. I was in favour of what benefited the Scottish 23 economy. Remember, I have no responsibility for 24 broadcasting policy, I have no responsibility for 25 plurality in the press, but I do have a responsibility</p> <p style="text-align: center;">Page 54</p>	<p>1 (A short break) 2 (3.32 pm) 3 MR JAY: Mr Salmond, before January 2011, were you 4 a supporter of the BSKyB bid or not? 5 A. What I'd said was that I'd be prepared to argue to the 6 Secretary of State, initially Vince Cable, or advance to 7 the Secretary of State the argument that jobs and 8 investment should be taken into account along with other 9 factors, which were their responsibility. I never got 10 the opportunity with Mr Cable, because he disappeared 11 from the scene for reasons you know about, and as it 12 happens, I didn't get the opportunity with Mr Hunt 13 either, but I was certainly of a mind that I wanted to 14 put forward the position that jobs and investment was an 15 important criteria which should be taken into account, 16 and the meeting with Mr Murdoch in January which 17 followed on a phone call in November, I don't have 18 a date for it, was because I wanted to hear in more 19 detail the connection between the European digital 20 platform investment argument and what the consequences 21 might be for Scotland in that respect. 22 So I was prepared to make that argument and if the 23 circumstances had arisen, then I would have made it. 24 Q. Did you make it clear to James Murdoch that you were 25 prepared to make that argument, as you put it, to the</p> <p style="text-align: center;">Page 56</p>

<p>1 relevant Secretary of State?</p> <p>2 A. Yes, I did.</p> <p>3 Q. Did you have discussions with Mr James Murdoch or anyone</p> <p>4 else on behalf of News Corporation or BSKyB about</p> <p>5 corporation tax rates in Scotland?</p> <p>6 A. I don't think I ever discussed the issue of corporation</p> <p>7 tax rates of Scotland with Mr James Murdoch. I mean,</p> <p>8 reducing corporation tax in independent Scotland has</p> <p>9 been an SNP policy for more than ten years. It often</p> <p>10 crops up in business meetings and I advance it, but in</p> <p>11 my memory, the meeting with Mr James Murdoch was about</p> <p>12 the impact on the Scottish economy of the plans of BSKyB</p> <p>13 and the European digital platform as opposed to a wider</p> <p>14 discussion, but I argue in many circumstances that that</p> <p>15 is one of a range of highly beneficial SNP policies for</p> <p>16 Scotland.</p> <p>17 Q. We know from Mr Rupert Murdoch's list that the issue of</p> <p>18 Scottish independence was discussed on two occasions.</p> <p>19 Actually, the undated lunch didn't take place, but</p> <p>20 certainly in June 2011. But was that issue discussed</p> <p>21 with James Murdoch, do you think?</p> <p>22 A. Yes. I mean, I refer back to the point I made earlier.</p> <p>23 I mean, I have not had many meetings with many people in</p> <p>24 recent years where the issue of Scottish independence</p> <p>25 wasn't raised at some point during the meeting. But</p> <p style="text-align: center;">Page 57</p>	<p>1 certainly was Rupert Murdoch's practice, and I can't</p> <p>2 even remember, it may have cropped up in a James Murdoch</p> <p>3 meeting, but if so, he would say, "Go to the editors",</p> <p>4 and go to the editors I did, as I say, sometimes</p> <p>5 successfully and sometimes not.</p> <p>6 Q. But that answer presupposes that you made a direct</p> <p>7 request statement to James Murdoch or Rupert Murdoch,</p> <p>8 "Would your papers support me?" and their answer is</p> <p>9 always, "Go and speak to the editors"; is that right?</p> <p>10 A. No, I don't think I've ever done it explicitly like</p> <p>11 that. It would be something like, "I take it I have to</p> <p>12 go and speak to the editors to get support for my point</p> <p>13 of view". Much more like that. It's chicken and egg.</p> <p>14 That's been the position certainly throughout -- not</p> <p>15 just in the meetings I've had with Rupert Murdoch more</p> <p>16 recently in the last five years, but even if we go back</p> <p>17 to 2000, 2001.</p> <p>18 I mean, I can't speak for other people's experience,</p> <p>19 but that's been consistently what he says, so you just</p> <p>20 accept that's what he's going to say and therefore you</p> <p>21 anticipate that, so you don't actually -- I don't think</p> <p>22 I've ever explicitly asked him for support for the party</p> <p>23 because the answer would be, "Go to the editors and</p> <p>24 argue the position."</p> <p>25 Q. In your witness statement, the way you formulate it at</p> <p style="text-align: center;">Page 59</p>
<p>1 again the focus of that meeting was specifically, as</p> <p>2 indeed the letter helpfully written immediately</p> <p>3 afterwards indicates, the letter from me to</p> <p>4 James Murdoch, that the focus was very much on what</p> <p>5 BSkyB's plans could mean for Scotland, both in terms of</p> <p>6 the opportunity for job expansion and, of course, it has</p> <p>7 to be said and as emerged later in the year, because of</p> <p>8 the consolidation of outsourcing, the seeking to avoid</p> <p>9 job diminution, which as it turned out was successfully</p> <p>10 achieved, but these were very much the preoccupation of</p> <p>11 the meeting.</p> <p>12 Q. Did you ever discuss with Rupert Murdoch or</p> <p>13 James Murdoch support by their newspapers in Scotland</p> <p>14 for your party?</p> <p>15 A. I find certainly with Rupert Murdoch and with</p> <p>16 James Murdoch as well that if you do that, what they'd</p> <p>17 say was, "Go to the editors", and that's what they say,</p> <p>18 so you just assume that's what's going to be said, and</p> <p>19 they're perfectly right to say that and therefore that's</p> <p>20 what I've done.</p> <p>21 Q. Can we be clear on how many occasions then you have</p> <p>22 raised the issue with Rupert Murdoch and James Murdoch?</p> <p>23 Are you able to assist us?</p> <p>24 A. I wouldn't explicitly raise it at meetings necessarily,</p> <p>25 because they'd always say, "Go to the editors". That</p> <p style="text-align: center;">Page 58</p>	<p>1 13987, eight lines from the top of the page, you say</p> <p>2 quite generally:</p> <p>3 "In relation to questions about support from</p> <p>4 particular titles, any such discussion with Rupert or</p> <p>5 James Murdoch was always met with a request to talk</p> <p>6 directly to the relevant editorial team."</p> <p>7 So you're making it clear there that if -- or rather</p> <p>8 when you raised such a request with Rupert or</p> <p>9 James Murdoch, they told you to go and speak to the</p> <p>10 editors?</p> <p>11 A. I refer back to what I said a couple of minutes ago.</p> <p>12 I think probably the way I put it was "I take it</p> <p>13 I should go and see the sub-editor or go and see the</p> <p>14 Times editor or go and see the Sunday Times editor."</p> <p>15 I mean, you should remember the Sun supported the</p> <p>16 SNP in last year's Scottish election, but the Times</p> <p>17 newspaper has an avowedly unionist editor in Scotland,</p> <p>18 and is highly critical of Scottish independence.</p> <p>19 It's less often remembered, this, where the Sun were</p> <p>20 arguing vigorously against the SNP, very vigorously,</p> <p>21 I think I'm right in saying the Sunday Times actually</p> <p>22 argued in the last editorial before the election that</p> <p>23 the SNP were the best vote, so actually supported --</p> <p>24 I think they may have said we were the best of a bad</p> <p>25 lot, but nonetheless that was the conclusion.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 It is the case that you can point to many examples 2 of papers within the -- within News International taking 3 different political lines. I can certainly point to -- 4 and I've certainly approached every editor, as I've done 5 for other titles, to try and secure support for the 6 SNP's position. 7 Q. But in relation to the Scottish Sun, their editorial 8 direction, you were well aware, came ultimately from 9 Rupert Murdoch, didn't it? 10 A. Not according to Mr Murdoch. Mr Murdoch would say he 11 was maybe part of discussions, but it was up to the 12 editors. He would always say that. And I was not so 13 much incidentally concerned about that. My concern from 14 my experience, not just experience with Rebekah Wade in 15 2007, which I referred to earlier, but experience going 16 way back to the 1997 example where, if you look at the 17 record, you'll see that when the Sun famously went 18 Labour in England, I think there was a 24-hour or 48 19 pause before the Sun supported the Labour Party in 20 Scotland, and I think that -- I understand -- well, 21 I know that was because the Scottish editor was vainly 22 trying to say, "Look, we've been supporting Scottish 23 independents for a while", but had received instructions 24 from the London editor. 25 So I was much more concerned -- had been concerned Page 61</p>	<p>1 Q. There was a change of editor of the Sun in Scotland. We 2 know that David Dinsmore at some stage in early 2011 3 became general manager of News International Newspapers 4 Scotland Limited, and the editor of the Sun in 5 Scotland -- his name has passed my mind. 6 A. Andy Harris. 7 Q. When did he take over? 8 A. I'm not sure exactly, but it would be in the early part 9 of 2011. He certainly was editor by March, I think 10 around that time. 11 Q. So following your meeting with James Murdoch in January 12 2011, did you have a discussion with the new editor? 13 A. I did. I had, I think, two discussions with him. 14 Certainly in around March -- I had two discussions, one 15 seeing his impression on what the build-up to the 16 Scottish elections were, and then there was 17 a substantive discussion where I was putting forward the 18 arguments why the paper should change its editorial 19 stance and support the SNP. 20 Q. When did he indicate that his paper was going to support 21 the SNP? 22 A. The early part of March 2011, but he then had to make 23 his -- as he put it, his pitch to the London editorial 24 team, as I understood it. You know, I know it's to the 25 editorial team. What other influence people have in Page 63</p>
<p>1 that the opinion of the Scottish editor would not be 2 countermanded, would be taken out of -- the editorial 3 team in Scotland would have their own ability to make up 4 their minds without instructions from elsewhere. My 5 experience informed me that was a good precaution to 6 take. 7 Q. But I think the message from that piece of evidence was 8 that in 1997, ultimately the direction came from London 9 to Scotland. The same applied in 2007, because you 10 referred to the influence of Rebekah Wade, as she then 11 was. That was the position which was likely to apply in 12 2011, wasn't it? 13 A. Well, I don't think -- I mean, the editors had changed 14 in 2011. They'd changed in Scotland, there was a new 15 editor in Scotland, and there was a new editor in the 16 Sun in London as well. So as it turned out, 17 circumstances were more propitious for the editor in 18 Scotland, who -- I'm not saying this was something 19 I did, because I think the new editor wanted to set 20 a different direction for the paper. I'm not saying it 21 was my silver tongue that persuaded him. I think he had 22 had that in mind already, and wanted a change in the 23 editorial direction of Scotland. But it's certainly 24 true that he wasn't then countermanded by the Sun in 25 London. Page 62</p>	<p>1 these decisions, I don't know. I know what is said to 2 me and what I did. 3 Q. As part of your pitch to the new editor, did you raise 4 the issue of BSkyB, and in particular jobs for Scotland, 5 as you saw it? 6 A. No. I didn't think the editor of the Sun in Scotland 7 was operating in that area. I think I spent most of my 8 time -- well, I did spend my time explaining why we were 9 going to win the election, and I thought enthusiastic 10 support from the Sun would assist in that great cause. 11 In trying to bring forward arguments -- I mean, you 12 asked me earlier did we win the election with a large 13 majority because we had the support of the Sun? No, we 14 won the election because we had a substantive platform 15 of a record, a team and a vision for the future of the 16 country. 17 So when you're explaining to the people, whether it 18 be the editor of the Sun or any other editor or any 19 member of the general public or any influential person, 20 as to what you think should happen then you try to 21 explain that and why you think it to be true and argue 22 that their support would be useful in that cause. 23 Q. Did you feel in any way, Mr Salmond, that your offer of 24 support to James Murdoch at the meeting you had in 25 January 2011 was likely to make it easier for you to Page 64</p>

<p>1 persuade the editor of the Sun to support your party?</p> <p>2 A. No.</p> <p>3 Q. And why not?</p> <p>4 A. Because if -- I made it clear at the meeting that my</p> <p>5 prerogative was Scottish jobs and investment. If, for</p> <p>6 example, I'd believed that the merger or the</p> <p>7 consolidation of ownership of BSkyB would have resulted</p> <p>8 in the diminution of Scottish jobs, then I would have</p> <p>9 been perfectly prepared to argue against it. So the</p> <p>10 priority that we would argue for is Scottish jobs and</p> <p>11 investment and that's what I put forward.</p> <p>12 Q. But may we --</p> <p>13 A. And --</p> <p>14 Q. Sorry?</p> <p>15 A. Rather like the opening of the News International plant</p> <p>16 in October 2007, you know, when the Sun was vigorously</p> <p>17 campaigning for the Labour Party, I didn't not open the</p> <p>18 plant because the Sun were taking a different political</p> <p>19 direction, I opened the plant because it was</p> <p>20 a substantial investment in Scotland.</p> <p>21 Q. Can we just look at a limited amount of material in KRM</p> <p>22 18. This is under tab 127. These are the various</p> <p>23 emails, as you probably recall, from Mr Michel, usually</p> <p>24 back up to James Murdoch. See where we are with these.</p> <p>25 The first relevant one is in PROP, page 01659.</p> <p style="text-align: center;">Page 65</p>	<p>1 But I'm not broadly disagreeing with this, except</p> <p>2 that, to be honest, Fred Michel was possibly</p> <p>3 anticipating as opposed to -- but I'm not basically</p> <p>4 quarrelling with the onus of what's in that email.</p> <p>5 I mean, after speaking to Mr Murdoch on the phone and</p> <p>6 then having the meeting subsequently, I was prepared to</p> <p>7 argue to the relevant Secretary of State, whether it be</p> <p>8 Vince Cable or whether it be Jeremy Hunt, that jobs and</p> <p>9 investment were the criteria which should be taken into</p> <p>10 account along with their responsibilities.</p> <p>11 Q. In the events which happened, I think in line with what</p> <p>12 you told us earlier there was no such discussion with</p> <p>13 Dr Cable; is that correct?</p> <p>14 A. No, that's correct. He gave evidence to that effect and</p> <p>15 his evidence was correct. I had discussions with</p> <p>16 Dr Cable around that time, but they were about -- not</p> <p>17 a related issue at all but have some similarities in</p> <p>18 some senses about competition in the banking sector and</p> <p>19 the impact of what became Project Merlin and the inquiry</p> <p>20 into the financial sector, but again it's another</p> <p>21 example of me speaking to a Secretary of State over an</p> <p>22 area where I didn't have statutory responsibility but</p> <p>23 seeking to advance what I believed and the government</p> <p>24 believed to be the Scottish dimension to things in terms</p> <p>25 of the impact on the Scottish economy. Vince Cable's</p> <p style="text-align: center;">Page 67</p>
<p>1 We're going back to time to 1 November 2010. It's</p> <p>2 whether you have been correctly cited here. We see at</p> <p>3 the bottom of the email:</p> <p>4 "Alex Salmond is very keen to also put these issues</p> <p>5 across to Cable and have a call with you tomorrow or</p> <p>6 Wednesday. His team will also brief the Scottish press</p> <p>7 on the economic importance of News Corp for Scotland."</p> <p>8 Is that broadly speaking right or not?</p> <p>9 A. Well, broadly speaking, yes. If you look at the first</p> <p>10 paragraph, that's what it's referring to, this Lib</p> <p>11 Dem -- I think it was an MSP, actually, I think it was</p> <p>12 Jim Tolson, the then MSP for Dunfermline, but whether or</p> <p>13 not, the points I made here about the economic</p> <p>14 investment point of view, the issues which I wanted to</p> <p>15 get across, but of course this -- subsequent to this</p> <p>16 email, I had a conversation -- I don't know the date of</p> <p>17 it, but I had a conversation with James Murdoch where he</p> <p>18 expanded on some of these issues at greater depth, and</p> <p>19 I also wanted to have a meeting with him to discuss the</p> <p>20 issues in greater depth, more than we could in a phone</p> <p>21 call. Obviously I wanted to know that the connection</p> <p>22 between the consolidation of ownership and investment</p> <p>23 platform was a strong one. I also wanted to know more</p> <p>24 about the outsourcing argument, and that's what</p> <p>25 transpired.</p> <p style="text-align: center;">Page 66</p>	<p>1 evidence was correct.</p> <p>2 Q. Were you advised that Dr Cable was occupying</p> <p>3 a quasi-judicial role and that he had to make the</p> <p>4 decision insulated from the sort of considerations you</p> <p>5 might have wished to bend his ear about?</p> <p>6 A. Yes. He was; I wasn't. Interestingly, as I said</p> <p>7 earlier, I don't have responsibility for competition,</p> <p>8 I don't have responsibility for plurality in the media.</p> <p>9 I do have responsibility for jobs and investment in</p> <p>10 Scotland, and the ministerial code, which we may discuss</p> <p>11 later in terms of politicians and their interreaction</p> <p>12 with businesses in Scotland.</p> <p>13 9.29 of the Ministerial Code of Scotland actually</p> <p>14 makes the point exactly:</p> <p>15 "However, nothing in this code should be taken as</p> <p>16 preventing ministers from fulfilling their proper</p> <p>17 function of encouraging investment and economic activity</p> <p>18 for the benefit and prosperity of the people of</p> <p>19 Scotland."</p> <p>20 Because within the terms of our remit and</p> <p>21 responsibilities, what is my responsibility, the</p> <p>22 government's responsibility obviously takes</p> <p>23 pre-eminence. And across a whole range of issues,</p> <p>24 whether it be banking reform or oil taxation would be</p> <p>25 another issue where we don't currently at least have</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 competence, we nonetheless make an argument from the 2 Scottish interest, and while Mr Cable or Mr Hunt, 3 however they understood it, and I'm sure they did, were 4 in a quasi-judicial capacity, I wasn't. My capacity was 5 quite clear and my ability to represent was also quite 6 clear.</p> <p>7 Q. I hadn't considered that provision in the Scottish 8 Ministerial Code before but I question, Mr Salmond, 9 whether a very general provision of that nature would 10 entitle you, if I may say so, to interfere with 11 a quasi-judicial function which fell to the duty of the 12 Secretary of State in London to discharge.</p> <p>13 A. Well, in that case, can I give you a different example 14 entirely where -- a very controversial well-known 15 example, where my colleague Mr MacAskill, the Justice 16 Secretary of Scotland, was taking a quasi-judicial 17 decision on the compassionate release of Mr al-Megrahi, 18 and indeed on the application for prisoner transfer, 19 where although he was in a quasi-judicial role he 20 invited opinion and evidence, including opinion and 21 evidence from the United Kingdom government.</p> <p>22 In the event, they for their own reasons decided not 23 to submit it, but our understanding certainly in 24 Scotland, and I'm actually pretty certain it's the same 25 here, is that people are able within their</p> <p style="text-align: center;">Page 69</p>	<p>1 Q. You make it clear that the opportunity in the event did 2 not mature, but we'll come to that in a moment.</p> <p>3 The next point that's made under number 1: 4 "He [that's the adviser speaking for you] noticed 5 a major change in the Sun's coverage recently." 6 Does that reflect an underlying reality that the Sun 7 was more favourably disposed to you and your party at 8 about this time?"</p> <p>9 A. I don't know. Certainly they weren't -- I think the new 10 editor had probably come in by this time. The Sun had 11 not declared for the SNP at that time.</p> <p>12 I should say that Geoff Aberdein is a special 13 adviser, he's not a civil servant. The reason we have 14 special advisers is they're allowed to talk about 15 political things, so he's not doing anything wrong 16 there. Whether that's a reasonable encapsulation of 17 what he said or not, I think you would have to ask 18 Mr Aberdein, but he's perfectly entitled to talk about 19 logical things.</p> <p>20 Mr Aberdein has been the subject of a complaint from 21 an MSP and I should just perhaps reference a point that 22 that will be published today after this evidence 23 actually. The response asked the Permanent Secretary to 24 investigate it and Mr Aberdein has been exonerated and 25 cleared of any wrongdoing in this matter.</p> <p style="text-align: center;">Page 71</p>
<p>1 responsibilities to make representation. It is for the 2 Secretary of State or the politician concerned who is 3 operating in that capacity to make sure that they stay 4 within the bounds of their responsibilities.</p> <p>5 Q. Thank you. May I move forward to February 2011. 6 A couple of pages further on in this tab at page 01719. 7 It refers to a meeting Mr Michel claims to have had with 8 your adviser that day. Would that have been Mr 9 Geoff Aberdein?</p> <p>10 A. Yes we pronounce it Geoff Aberdein, although it looks 11 like Aberdein, but that's correct.</p> <p>12 Q. It's whether you accept the second sentence: 13 "He will call Hunt whenever we need him to." 14 Is that broadly speaking right or not?</p> <p>15 A. My position was -- again, this is an email from 16 Fred Michel to James Murdoch. It's an encapsulation of 17 what was in a conversation, but I had already 18 established the point that I was prepared to make 19 recommendations to the Secretary of State to say that 20 jobs and investment were matters that should be properly 21 considered when the time was right to do that, when that 22 was a matter to be properly considered, so, yeah, that's 23 an encapsulation. That again talks about me being 24 prepared to call the Secretary of State and that's what 25 I would have done, if the opportunity had arisen.</p> <p style="text-align: center;">Page 70</p>	<p>1 Q. I think the gist of your evidence is you wouldn't 2 disassociate yourself from the perception at least 3 Mr Aberdein had about the Sun's coverage; is that right?</p> <p>4 A. I think we did feel that the new editor was treating 5 things a bit differently, but certainly at that stage 6 there was no commitment from the editor to support the 7 SNP in the election, because that I'm sure came later. 8 In fact, it came in March.</p> <p>9 Q. You tell us it came in early March, but the question is 10 whether the runes were changing, as it were?</p> <p>11 A. Well, I hadn't detected it. Perhaps I'm much less -- or 12 more sensitive than Geoff is about these things.</p> <p>13 Q. What about the second point, the first ministerial 14 debate which you were going to have with your main 15 opponent, so described here, Mr Gray, the Labour leader: 16 "He would be very keen for Sky News to organise it 17 with Adam." 18 Can you help us on that?</p> <p>19 A. Yes, I've had a longstanding campaign -- I mean, BSKyB's 20 economic footprint in Scotland is massive, as we've 21 previously discussed, but the news imprint in Scotland 22 is actually not huge, the news coverage, and I was very 23 keen on the idea of First Ministerial debates, as there 24 were Prime Ministerial debates in the General Election 25 in 2010, and we had these on STV and BBC, and I was keen</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

1 on the possibility of as much coverage as possible. By
 2 definition, of course, that means coverage for the
 3 Labour Party -- perhaps I should have a word with
 4 Mr Aberdein as to why he's been advancing the
 5 possibility of more coverage for the Labour Party -- but
 6 nonetheless I wanted debates on Sky News. In the event,
 7 I'm pretty certain there was no election or even
 8 pre-election debate which has been argued for here that
 9 took place and I think that's regrettable. I think it
 10 would be very helpful if there were as many debates as
 11 possible across the range of broadcasting outlets.

12 Q. We move forward then to the next email, dated 2 March
 13 2011, page 01741. Has it come up on your screen?

14 A. Yes.

15 Q. The reference to "Alex Salmond calling" must be
 16 a message to Mr Aberdein?

17 A. No, that was me. That was an occasion where these
 18 emails -- it says "Alex Salmond called"; that was me.

19 Q. You called Mr Michel; is that right?

20 A. I did, yes, uh-huh.

21 Q. First of all, so we understand the context, what had
 22 been your previous dealings, if any, with Mr Michel?

23 A. Well, I'd met him for the first time at the meeting with
 24 Mr Murdoch in January. I think that's -- I know that's
 25 the only meeting I'd had with him, so -- but I'd met him

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1 then and he seemed very able in terms of what his job
 2 is, and convivial, and of course, as we discussed
 3 earlier, the "go and see the editor" had been the
 4 automatic theme of that part of the discussion of these
 5 meetings. So I'd been to see the editor. I don't think
 6 it was a dinner, incidentally, I'm pretty certain it
 7 wasn't, it was a meeting because there was
 8 a presentation involved, I can't be so sure about that
 9 but I'm pretty certain, and Andy Harris had said that
 10 his team in Glasgow were keen to back the SNP at the
 11 election and they then had to make the pitch to the
 12 editorial team in London, and I was hopeful and anxious
 13 that there wouldn't be a London veto exercised over the
 14 opinion of the Scottish editorial team.

15 Q. Can we take that in stages, Mr Salmond. It's not
 16 likely, is it, that it was one very good dinner or one
 17 very good meeting which secured the support of the
 18 Scottish Sun. This must have been a process. Do you
 19 agree?

20 A. Yes, I remember two meetings. I think I referred to
 21 that earlier. I remember two meetings with the editor
 22 of the Sun around this time, and that was the meeting at
 23 which he said that the editorial team in Glasgow --
 24 which, you know, he very much and I think certainly he
 25 gave me the impression, I think, honestly and truly this

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1 was very much his wish as an incoming editor, he wanted
 2 to put his mark on the direction of the newspaper, so
 3 this wasn't -- people say I don't underestimate my own
 4 persuasive powers, but I think this was very much an
 5 open door in terms of -- well, I know that the editor
 6 argued and had done a great deal of research, I believe,
 7 among the Sun readership as to what an editorial change
 8 would involve. And of course he believed that we had
 9 a fair amount to offer, otherwise I don't think it would
 10 have been particularly effective in terms of an
 11 editorial change. You have to mean what you say.

12 Q. According to this, you wanted to see whether we -- the
 13 "we" is a reference to James Murdoch and
 14 Frederic Michel -- would help smooth the way for the
 15 process, and the process is the Scottish Sun supporting
 16 you and the editorial pitch Scottish Sun's editor would
 17 have to make to London, are we agreed?

18 A. Well, the process -- these are not my words, obviously,
 19 but the process coming out of there is of trying to
 20 avoid the London veto, which I felt had been there on
 21 previous occasions. I was hoping that this was
 22 a decision that would be respected that the editorial
 23 team in Scotland were making.

24 I think --

25 Q. But isn't it more than that? It's not just a question

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1 of veto, but there was positive assistance which you
 2 could foresee, correctly, it might be suggested, that
 3 Mr James Murdoch and Mr Michel might be able to offer
 4 you. Doesn't it boil down to that?

5 A. No, all it required was avoiding a veto because
 6 Mr Harris was enthusiastic, in fact more than
 7 enthusiastic about -- and his team about the editorial
 8 change in direction. I think in earlier evidence,
 9 I hope I'm not quoting him out of context, I think
 10 Mr Rupert Murdoch said he would have had a revolt in the
 11 Scottish editorial team if he'd tried to impose
 12 a different line. I think I'm right in saying that.
 13 And I can say that the Sun editorial team were
 14 enthusiastic. It didn't require anything else other
 15 than the avoidance of a veto.

16 Q. Your perception was that James Murdoch and
 17 Frederic Michel at the very least would be able to oil
 18 the wheels a bit, is that fair?

19 A. My expectation of when we -- you know, the subject come
 20 up about editorial -- go and see the editor, right,
 21 obviously I said, well, and if the editor says that's
 22 what he want to do, then that means it will happen, and
 23 so my expectation is they wouldn't be unfriendly to
 24 allowing their editors to decide because they, in my
 25 experience, and my experience with Mr Rupert Murdoch,

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<p>1 had always rested on the editors at the site, so it 2 seemed to me to be entirely consistent to expect the 3 editorial team in Glasgow's wish to be respected. 4 Q. But other witnesses sitting there, Mr Salmond, have told 5 us consistently they knew full well that the ultimate 6 decision in relation to the Sun's editorial stance and 7 the position it would adopt at a General Election would 8 reside with Rupert Murdoch, possibly James Murdoch. 9 Weren't you, with your 20 years' experience at the very 10 top of Scottish politics, if I may say so, well aware of 11 that reality? 12 A. Well, you say it's a reality. I can only say what 13 people have said to me directly. Your other witnesses, 14 you know, no doubt were speaking the truth as they saw 15 it, but I can tell you absolutely what is said when that 16 arises. 17 I think Mr Murdoch has said and would say that he's 18 part of the process or would be consulted and things 19 like that, but as far as witnesses estimate, I can tell 20 you what is said, and what is said that it's the 21 editor's wish. 22 There is some evidence that that's the case, because 23 while you've had witnesses who say that the press and 24 News International operate as a block, that's not within 25 our experience in Scotland. Our experience in Scotland</p> <p style="text-align: center;">Page 77</p>	<p>1 hostile to independence. So the idea of the papers, 2 News International's, that were hunting as a pack 3 doesn't accord with the experience we've had, but other 4 witnesses I have no doubt can defend their own opinions. 5 I can report to you what has been said. 6 Incidentally, can I suggest that this email suggests 7 that rightly or wrongly, naively or otherwise, I took 8 very seriously the argument that you should approach the 9 editors and make your position and see if you could 10 convince them, and in this Fred Michel email what I was 11 trying to get across was I didn't want to see a London 12 veto on a Glasgow editorial decision. 13 MR JAY: So you weren't assuming in any way that influence 14 would be put on the Scottish editor from the top, in 15 other words from James Murdoch; is that right? 16 A. All I wanted was a lack of influence. I wanted -- the 17 editorial team were well up for the cup. 18 Q. Also, if you look at the end of this email, Mr Salmond, 19 Mr Michel says: 20 "On the Sky bid, he will make himself available to 21 support the debate if consultation is launched." 22 That's the day before the undertakings in lieu are 23 announced to Parliament by the Secretary of State, so 24 we're pre-figuring that, but is that an accurate 25 statement of what you made clear to Mr Michel?</p> <p style="text-align: center;">Page 79</p>
<p>1 is that they simultaneously between the Times, the 2 Sunday Times and the Sun argue for different positions, 3 which I think would be largely explained by editorial 4 freedom to pursue the different -- 5 LORD JUSTICE LEVESON: I think the difference may be between 6 the Times and the Sunday Times on the one hand because 7 of the agreement made when Mr Murdoch acquired those 8 papers, and the Sun, and it was Mr Murdoch himself who 9 I think said that, "If you want to read my view, read 10 the editorial in the Sun". That's what he said anyway, 11 I think. 12 A. I can only report, sir, on what he's said to me. But it 13 is the case that whether there was -- I've seen 14 suggested elsewhere that whatever is said in various 15 agreements, that if the editor of the Times or the 16 Sunday Times knew the wishes of the proprietor, they 17 would tend to -- 18 LORD JUSTICE LEVESON: Yes, but this is not all black and 19 white. 20 A. I very much agree, sir. I'm merely stating that there 21 have been times in the recent past in Scotland where the 22 Sun has been vehemently anti-SNP as in 2007 and the 23 Sunday Times gave us editorial support, and there are 24 times like now where the Sun is pro-SNP although neutral 25 on independence, whereas the Times in Scotland is very</p> <p style="text-align: center;">Page 78</p>	<p>1 A. I would repeat the point that I was prepared to 2 represent to the Secretary of State I thought jobs and 3 investment should be a criteria. I didn't know what the 4 Secretary of State was going to do in the next day. In 5 fact, I was rather surprised by it. My view was it 6 might go to the Competition Commission or whatever, 7 where representations would be made. So I didn't know 8 what the Secretary of State was going to do the next 9 day. I didn't even at that stage on the 2nd know he was 10 going to do it on that day, at least not to my 11 knowledge. 12 But in repeating the point that I was prepared to 13 argue that the jobs and investment in Scotland issue 14 should be considered as a valid issue to be considered, 15 then I was perfectly prepared to do that whenever the 16 time was appropriate. As we know, it was overtaken by 17 events. 18 Q. Isn't there -- 19 A. But then, of course I wouldn't have said that if I knew 20 it was going to be overtaken by events. 21 Q. Isn't one interpretation of this email that although the 22 point is not made expressly, in a sort of tactless and 23 brazen way, it is being made subtly that in exchange for 24 you offering such support as you can in relation to the 25 BSKyB bid, you are asking the powers that be, namely</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 James Murdoch, Fred Michel, to assist or smooth a way 2 for the process which ultimately will yield political 3 support for you from the Scottish Sun? Isn't that 4 a reasonable interpretation?</p> <p>5 A. No, it's not, because remember, this is an internal 6 email from Fred Michel to James Murdoch. At that time 7 presumably they had no knowledge or expectation that 8 these emails would ever be the subject of investigation 9 at this Inquiry or elsewhere. They wouldn't expect that 10 to have happened. Therefore, if they want to be direct 11 and brazen in an internal email, presumably they would 12 have done it. They would have no purpose in being, as 13 you put it, subtle and alluding to things.</p> <p>14 Within the terms of this being an email, the 15 subtlety is because there was subtlety, that I --</p> <p>16 Q. The subtlety is coming from you, not from Mr Michel. 17 I'm not saying that you are --</p> <p>18 A. I thought it came from you, but --</p> <p>19 Q. No. In a deft sort of way, you're making it clear to Mr 20 Michel and Mr Murdoch that you'll support their bid to 21 the extent to which you can, but you're expecting them 22 to support you to facilitate the process which I've 23 suggested to you ultimately the decision would reside 24 with the Murdochs. Isn't that the fair interpretation?</p> <p>25 A. No, because there was no quid pro quo. We know that for</p> <p style="text-align: center;">Page 81</p>	<p>1 A. No, I have to say I was quite surprised by the turn of 2 events that took place the next day. I wasn't and 3 I know there have been occasions in the past where -- 4 well, the Lloyds bid for HBOS Bank of Scotland, for 5 example, where things were at the Competition Commission 6 but we wanted to argue for the jobs and investment 7 criteria, but I'm not saying I was fully conversant with 8 every aspect of the particularities of the reference to 9 the Competition Commission against what the Secretary of 10 State decided to do the next day. I wasn't necessarily 11 expecting that. That came as a bit of a surprise.</p> <p>12 LORD JUSTICE LEVESON: All right.</p> <p>13 A. But I did think at some point in this process it was 14 perfectly valid to argue that jobs and investment should 15 be some sort of criteria. Kind of important to the 16 6,000 plus people in Scotland whose livelihoods depended 17 on it.</p> <p>18 MR JAY: I take it that you never got legal advice as to 19 whether that factor was a relevant one for the purposes 20 of the statutory test in the Enterprise Act; is that 21 right?</p> <p>22 A. I didn't -- well, the fact, the existence of content of 23 legal advice I'm not meant to tell people, I think is 24 the position, but I had some understanding because 25 I knew the -- over the years, I've known the position of</p> <p style="text-align: center;">Page 83</p>
<p>1 two reasons. One, that the support for the argument 2 that the representation to the Secretary of State was 3 never actually made, so there was no quid therefore 4 there was no pro, but the two things weren't connected 5 in that way. There was no quid pro quo.</p> <p>6 I was making representations to the editor of the 7 Sun successfully, although I think he had a great deal 8 of enthusiasm. I was trying to make sure that his view 9 and his editorial team's view wasn't countermanded by 10 London. We then go on to the fisheries policy and my 11 position had remained the same over the previous weeks 12 that when the time was right, when it was appropriate to 13 do so, I was prepared to make the case that jobs and 14 investment should be considered as a valid factor. 15 That's what I think the reasonable interpretation of 16 this email is. If there had been some other thing going 17 on in an internal email, then presumably Mr Michel 18 wouldn't have had any compunction about saying it to 19 Mr Murdoch. The fact it's represented like this I think 20 supports what I've just said to you.</p> <p>21 LORD JUSTICE LEVESON: Mr Salmond, you've just said that you 22 thought the bid would be referred to the Competition 23 Commission. Does that mean you did understand the legal 24 framework within which the Secretary of State was 25 operating?</p> <p style="text-align: center;">Page 82</p>	<p>1 the MMC and the Competition Commission and there were 2 precedents set in terms of representations that we had 3 made, for example so far as the Lloyds takeover of HBOS 4 was concerned.</p> <p>5 Q. After the election, where of course you were successful, 6 there was a meeting with Mr Rupert Murdoch on 20 June 7 2011.</p> <p>8 A. Correct.</p> <p>9 Q. According to his table, which is tab 128, KRM 28, 10 page 01904, the topic of discussion was Mr Salmond's 11 interest in Scottish independence, which arguably is 12 guilty of a little bit of understatement.</p> <p>13 A. Well, yes, I agree. I think it's a slight 14 understatement.</p> <p>15 Q. Was the BSKyB bid discussed on that occasion, to your 16 recollection?</p> <p>17 A. I don't think it was, actually. This was very much 18 about the impact of the -- because this was immediately 19 after the election in Scotland. This was very much 20 about Scottish independence. And I think it is a -- 21 don't accuse me of subtlety here, but it wasn't just my 22 interest in Scottish independence, it was 23 Mr Rupert Murdoch's interest. He had a lively interest 24 in the subject, and I'm pretty certain the bid wasn't 25 discussed, actually. This was about Scottish</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 independence and a variety of aspects of it.</p> <p>2 I think Mr Rupert Murdoch was coming, as it were,</p> <p>3 anew to a subject in a sense. I think he finds it</p> <p>4 intriguing and that was very much the content of what</p> <p>5 happens now, basically.</p> <p>6 Q. Had he discussed his intrigue in Scottish independence</p> <p>7 on any previous occasion with you?</p> <p>8 A. We'd discussed it at the meetings certainly in 2007 and</p> <p>9 again I think in 2008, but it should be said that</p> <p>10 perhaps these discussions didn't have the same immediacy</p> <p>11 as discussions now would have.</p> <p>12 Q. I understand that, Mr Salmond, because arguably it was</p> <p>13 more theoretical before and now it was acquiring, as you</p> <p>14 say, a greater immediacy, but was Mr Murdoch warning to</p> <p>15 the idea, then?</p> <p>16 A. I think it seems to me -- I may be reading too much into</p> <p>17 this, of course, because, as I say, although that -- in</p> <p>18 his evidence he says he doesn't know me well and that's</p> <p>19 factually correct because of the limited number of times</p> <p>20 I've met him, but when you discuss certainly Scotland</p> <p>21 and Scotland's prospects with Mr Murdoch, there is</p> <p>22 a warmth in the term and he has a great interest and</p> <p>23 loyalty to his Scottish ancestry. He's very interested</p> <p>24 in Scotland. I think he was becoming increasingly</p> <p>25 interested and warm to the subject. He wasn't -- he was</p> <p style="text-align: center;">Page 85</p>	<p>1 The concentration, we'd spoken about BSKyB's</p> <p>2 investments in Scotland but this was much more about</p> <p>3 News International and aspects, and we also mentioned</p> <p>4 this Inquiry, of course. I brought that up. And the</p> <p>5 comments on it are there for all to see. That might be</p> <p>6 unusual as well. I don't think that's been done before.</p> <p>7 Q. The expression of Mr Murdoch's view that Scotland was an</p> <p>8 attractive place for inward investment, that might have</p> <p>9 covered the issue of corporation tax, mightn't it?</p> <p>10 A. It's certainly known -- and I've advanced this to</p> <p>11 a range of businesses and business organisations that</p> <p>12 the SNP has a longstanding policy of reducing</p> <p>13 corporation tax in an independent Scotland as a means of</p> <p>14 attracting additional investment. I think it's a key</p> <p>15 policy which a smaller economy should deploy. It</p> <p>16 results in higher revenues and higher investment and</p> <p>17 more jobs. So certainly in any business meeting the</p> <p>18 competitive framework of Scotland would be discussed and</p> <p>19 that applies to meetings with Mr Murdoch, it applies to</p> <p>20 meetings across the range of business leaders, not just</p> <p>21 incidentally on corporation tax, on other examples of</p> <p>22 how to increase competitiveness in the modern world.</p> <p>23 Q. Would it be fair to say that overall, if we look in</p> <p>24 particular at period June 2011 to February of this year</p> <p>25 and perhaps continuing, that Mr Murdoch is warning to</p> <p style="text-align: center;">Page 87</p>
<p>1 sceptical, but he wasn't unfriendly to the idea of</p> <p>2 Scottish independence.</p> <p>3 Q. Maybe he was warning to you as well; is that right?</p> <p>4 A. Well, the conversations, limited though they were, that</p> <p>5 we'd had, had certainly been cordial conversations and</p> <p>6 the subject matter tended to indicate that.</p> <p>7 Q. How long did that meeting take, approximately? Can you</p> <p>8 help us?</p> <p>9 A. I can't remember. It was quite brief. And it was in</p> <p>10 London. He wanted to know a great deal about what our</p> <p>11 potential plans were in terms of when the debate and the</p> <p>12 issue would be tested. Obviously it's known that it</p> <p>13 will be tested and decided in a referendum.</p> <p>14 Q. Then there's a meeting of February this year. It was</p> <p>15 lunch on this occasion. Frederic Michel and your</p> <p>16 special adviser were there. There is a note of the</p> <p>17 meeting at tab 102, but this time it was limited to News</p> <p>18 Corporation's investments in Scotland; is that correct?</p> <p>19 A. Yeah, that's correct. This was actually a statement</p> <p>20 which was issued within an hour or so of the meeting.</p> <p>21 I understand that's an unusual practice in meetings with</p> <p>22 Mr Murdoch, but I think that's a good practice, so</p> <p>23 I think it's very helpful to get -- I mean, there was</p> <p>24 a debate on Scotland's constitutional future, but it was</p> <p>25 really in the context of investment.</p> <p style="text-align: center;">Page 86</p>	<p>1 you and to the idea of Scottish independence, isn't he?</p> <p>2 A. I think yes, I think -- let's put it this way. If I was</p> <p>3 canvassing, I think he would still be in the don't know</p> <p>4 category rather than the certain to vote category, but</p> <p>5 certainly I think that's a fair description. He's</p> <p>6 interested in the idea, I think he himself said in</p> <p>7 evidence he had a certain warmth to the idea, but he has</p> <p>8 questions and scepticism, as people are entitled to do.</p> <p>9 I think what was important about this meeting, and</p> <p>10 very helpful, was the statement that the current debate</p> <p>11 on Scotland's constitutional future which he was keen to</p> <p>12 emphasise continued to make Scotland an attractive place</p> <p>13 for inward investment. Some newspapers, including one</p> <p>14 of the News International newspapers, perhaps had been</p> <p>15 suggesting that might not be the case, so it was quite</p> <p>16 important to get a reinforcement of that. Recently</p> <p>17 that's been said, for example, by leading executives in</p> <p>18 Lloyds, for example. So it's a view and also validated</p> <p>19 by a number of surveys which shows that Scotland is the</p> <p>20 most attractive place for inward investment at the</p> <p>21 present moment and the most successful place for inward</p> <p>22 investment in these islands, but it was quite useful to</p> <p>23 have that view from Mr Murdoch at the meeting.</p> <p>24 Q. He told us not to place too much reliance on his tweet</p> <p>25 messages, but there is one in February:</p> <p style="text-align: center;">Page 88</p>

<p>1 "You're clearly the most brilliant politician in the 2 UK, you are loved by Scots." 3 A. Is that Mr Murdoch or is that mine? I'm familiar with 4 the tweet messages. As I said, I didn't put too much 5 reliance on -- I didn't think I said Mr Murdoch's tweet 6 messages, I would say tweets in general are not 7 something necessary to put too much ... 8 Q. He gave us -- 9 A. I think within the crystallisation perhaps something is 10 lost. 11 Q. He gave us the health warning in relation to his own 12 tweets, and that's what I was seeking to communicate to 13 you, but is this not evidence of a process of a warming 14 relationship which starts really with your commitment to 15 the BSKyB bid? 16 A. No. Well, that's certainly not the case because I would 17 regard the two meetings I had with him in 2007 and 2008 18 as convivial meetings. 19 As I say again, in relation to other politicians who 20 have been before you, my number of meetings with 21 Mr Murdoch are very few in comparison. But I hope and 22 believe that these meetings have been conducted on 23 a cordial basis and discussions, certainly one we had on 24 his family roots was a very warm discussion. I hadn't 25 fully appreciated, for example, that Cruden Bay, which Page 89</p>	<p>1 A. Well, can I say that that date is not the date of the 2 referendum. That's not the preferred date. It's 3 a possible date, certainly. And if I could explain why 4 it would be my interpretation -- your straight answer, 5 do I know, the answer's no, but my interpretation: it's 6 public knowledge that we have -- we're going to hold the 7 referendum in the autumn of 2014. It's also 8 a reasonable assumption that you wouldn't hold it after 9 the clocks change at the end of October, by tradition 10 and just because you don't like to hold elections or 11 referendums with less daylight. 12 It's also public knowledge that it was said that 13 we're not going to intrude on the great sporting events 14 of the Commonwealth Games and the Ryder Cup during the 15 campaign, the Ryder Cup finishes at the end of 16 September, and there's also a reasonable assumption that 17 you could make that the consultation which is ongoing 18 and will -- after we consider the results of the 19 consultation we will set the date of the referendum, but 20 that consultation gives a strong steer that we're 21 actively considering a Saturday date as opposed to the 22 Thursday date, because of the aim of increasing turnout. 23 If you do all that, you end up with only two or 24 possibly three Saturday dates, so I think it's serious 25 question of a good piece of detective work, but as we Page 91</p>
<p>1 was in my Banff and Buchan constituency, I knew his 2 grandfather had been a minister there -- I'm open to 3 correction here but I think he told me that one of the 4 companies in News Corp is Cruden Investments or 5 something, but named after the parish where his 6 grandfather was minister. To me that's an interesting 7 thing. I mean, I tend to -- I tend to admire people who 8 keep an affinity for Scotland. 9 Q. I know you don't accept that there was any implied deal 10 here, but do you accept that looking at these emails at 11 the very least there's a perception of cosiness? 12 A. I don't just not accept there's no implied deal, there 13 wasn't a deal here. In terms of -- no, I hope and 14 believe that these emails suggest that I can deal with 15 people in a proper businesslike and cordial manner and 16 that's what I seek to do. It doesn't always work, but 17 sometimes it does and that's the best way in which to 18 deal with people. 19 Q. Did you leak the date of the planned independence 20 referendum in Scotland to the Sun in Scotland? 21 A. No. 22 Q. Do you know how the relevant article in the Sun, tab 142 23 in this bundle, which gave the date, apparently the date 24 with destiny as described in the Sun as 18 October 2014, 25 do you know how that date came to their notice or not? Page 90</p>	<p>1 said immediately following the article, this is not the 2 date. It is a possible date, it's not a preferred date, 3 and the date will be decided in due course when the 4 referendum consultation is analysed. 5 Q. Put it a different way then, Mr Salmond. Is it your 6 evidence that a possible date in October 2014 was not 7 leaked by you to the Scottish Sun? 8 A. A possible date can't be leaked. I mean, I've confirmed 9 that is a possible date, but there are other dates. 10 It's not the date, it's not the preferred date, it's not 11 the definite date, and that will be announced in due 12 course. You can't leak a possibility. 13 Q. You can, I think, Mr Salmond. You could just tell them 14 that that's a possible date and then they publish that. 15 Did that happen or not? 16 A. No. Any date in the autumn of 2014 is a possible date, 17 Mr Jay. But once we find out what the date is, once 18 that's announced, then I'll come back and we'll be able 19 to judge whether the possibility was a probability or 20 a definite, shall we? 21 LORD JUSTICE LEVESON: I don't think we'll be coming back, 22 Mr Salmond. 23 A. Well, I don't know, sir. Are you definite on that? 24 Well, I thought perhaps for the Scottish dimension to 25 your inquiry, perhaps an adjunct would be helpful. Page 92</p>

23 (Pages 89 to 92)

<p>1 MR JAY: There are two other sort of chapters of your 2 evidence which I'd like to cover, and I'm looking at the 3 time. I'd like to cover them within the next half an 4 hour at greatest, really.</p> <p>5 The first of this chapters is your contribution to 6 the terms of reference of this inquiry about which there 7 is some correspondence.</p> <p>8 A. Yes, sure.</p> <p>9 Q. And then perhaps most importantly your ideas for the 10 future. Can we deal quite briefly with chapter 1, your 11 contribution. There's a letter of 13 July 2011, AS108, 12 tab 110, page 014153, where you were asked for your 13 views on the draft terms of reference. Do you remember 14 that?</p> <p>15 A. Mm.</p> <p>16 Q. Secretary of State Mr Hunt sought your views. You wrote 17 on 17 July directly to the Secretary of State, 18 page 14155, making a point about the timescale but the 19 main point you made is that there should be explicit 20 inclusion in the terms of reference to investigating the 21 Information Commissioner's Operation Motorman report of 22 December 2006.</p> <p>23 To the extent to which you haven't covered that 24 issue already in your earlier evidence, why were you 25 particularly concerned with that issue?</p> <p style="text-align: center;">Page 93</p>	<p>1 terms of reference and fair enough. But nonetheless --</p> <p>2 LORD JUSTICE LEVESON: I hope you feel -- I know there's 3 argument about the extent to which we should be looking 4 at the material, but I hope you feel that there has been 5 an analysis of Operation Motorman and discussions with 6 Mr Thomas and others about what happened to that.</p> <p>7 A. Yes, I do, sir, but this, of course, was before --</p> <p>8 LORD JUSTICE LEVESON: No, I understand.</p> <p>9 A. -- you were established in your present position.</p> <p>10 LORD JUSTICE LEVESON: I understand, yes.</p> <p>11 MR JAY: The other point arising out of this correspondence 12 is that in the next letter you wrote to Mr Hunt, I think 13 on 18 July, although not that clear, page 14156, tab 14 112, you say there that you believe that the Inquiry 15 "must explicitly cover all illegal and improper 16 practice". You place quite a lot of emphasis, 17 Mr Salmond, on the issue of illegal practice, but some 18 would say, quite rightly, that you're also drawing 19 attention to improper practice there. First of all, is 20 that a correct interpretation and secondly what did you 21 have in mind by "improper practice"?</p> <p>22 A. I don't think -- I suspect there's a Civil Service 23 drafting that perhaps could have been clearer, perhaps 24 I should have made it clearer. I was really thinking of 25 illegal practices. I think it's possible to consider --</p> <p style="text-align: center;">Page 95</p>
<p>1 A. Well, I am concerned with it because I think there's 2 a connecting thread which is that what seemed to me to 3 be substantive evidence of illegality or illegal 4 practices which was contained in the Information 5 Commissioner -- the English and Welsh Information 6 Commissioner's report, Richard Thomas, I think, of 7 December 2006 had been not left unlooked at because 8 there had been a limited number of prosecutions, but 9 even, for example, his proposal that breaches of data 10 protection should be an indictable offence, as we call 11 it in Scotland, and it's the same in England, you know, 12 had been left, and most recently the revelations on 13 hacking, I mean the connection is obviously that there 14 was a substantial body of evidence that there had been 15 a sequence of perhaps systematic illegal practices going 16 on, and the response of the law and those who have 17 responsibility for pursuing these things, whether the 18 police or the prosecution services, had not been 19 adequate, and therefore I suggested to the Secretary of 20 State that an explicit reference in the terms of 21 reference to Operation Motorman would be helpful in 22 making it clear that this was one key aspect, I hoped, 23 of the Inquiry's consideration, and now as it happens, 24 as you know, it was argued to me that it didn't have to 25 be explicit because it was already implicit within the</p> <p style="text-align: center;">Page 94</p>	<p>1 clearly this Inquiry is considering practices which are 2 improper but not necessarily illegal. I mean, there are 3 ways to access people's data which are not illegal and 4 it might be argued that's a perfectly proper way to do 5 things. You might -- but I wouldn't put my senses on 6 that. I was really driving at the illegality as opposed 7 to the propriety.</p> <p>8 LORD JUSTICE LEVESON: Another example might be the invasion 9 of privacy or in relation to children, that sort of 10 material about which we've heard from one of your 11 Scottish constituents.</p> <p>12 A. Yes, and that would be a legitimate aspect. I think the 13 point I was pretty well convinced from the terms of 14 reference that the Inquiry was going to look into that. 15 I was merely looking for reassurance that this was not 16 an inquiry limited into allegations of hacking, 17 important and substantial though these are, because 18 there was a lot more to this and it seemed to me there 19 was a thread behind the possible breaches or probable 20 breaches of data protection and the hacking which was 21 that, for one reason or another, the implementation of 22 the law hadn't been up to scratch.</p> <p>23 LORD JUSTICE LEVESON: I don't think you'll find us 24 disagreeing that there's a lot more to it.</p> <p>25 MR JAY: It's just a question of whether you're placing some</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 sort of implied constraint on this. Your focus seems to 2 be more about illegal practices or practices which are 3 close to being illegal practices, breaches of data 4 protection, for example, whereas why not include a whole 5 gamut of unethical practice, which is embraced by the 6 term "improper" or otherwise by the terms of reference 7 of the Inquiry, which is into the culture, practices and 8 ethics of the press, which must therefore by definition 9 include unethical behaviour.</p> <p>10 A. Yes, but I wasn't discontented at all with that aspect 11 of the terms of reference. This was pursuing whether -- 12 I was asking for clarification on an aspect. To me, 13 that aspect was covered appropriately in the terms of 14 reference that had been proposed to me. And it should 15 be said that out of this came the assurance that I was 16 looking for. And, of course, as has been said, sir, 17 that the Inquiry has covered these things, so I was 18 looking to make sure it did and it has happened and 19 that's all to the good, is it not?</p> <p>20 Q. This segues into the discussion of the future, because 21 I know you have a philosophical position on the 22 hierarchy of norms, which you're going to tell us about, 23 but it might be indicative of a slightly minimalist 24 approach but I'll let you develop it in your own way. 25 There are four priorities for you; is that correct?</p> <p style="text-align: center;">Page 97</p>	<p>1 enforced or enforceable if the criminal law is not being 2 enforced and enforceable so I think it's absolutely 3 invites that that's first in my hierarchy.</p> <p>4 Secondly -- and maybe this is maybe why you think 5 I'm a minimalist in this matter -- I think the freedom 6 of the press is important not just as a matter of 7 practice but as a matter of principle. And while 8 I salute and applaud those newspapers like, for example, 9 the ones I mentioned in DC Thomson and there are others, 10 who make an absolute virtue of saying, look, comments 11 are in our editorial or in our columnists, fact is in 12 our news columns. That's great, but it may be desirable 13 but not only is the impossible to implement, in my 14 opinion, this division between fact and comment, 15 I actually do think there is a freedom for people within 16 the law, the laws of not inciting hatred, to conduct 17 themselves in a biased manner.</p> <p>18 It was Lord Northcliffe, wasn't it, who the phrase 19 the "daily hate" was attributed to, but whether it's 20 hate or bias, whatever you want to call it, I think 21 that's a price we have to pay for the essential freedom 22 of the press and you cannot have a free press which does 23 what you want it to do, which always behaves itself. It 24 has to behave itself within the law and within certain 25 norms, which I'm going to come onto in a few seconds.</p> <p style="text-align: center;">Page 99</p>
<p>1 A. Okay. I think I managed to produce five, but let's take 2 the -- I have tried to put them as a hierarchy but this 3 is meant to be helpful and --</p> <p>4 LORD JUSTICE LEVESON: I'm very grateful.</p> <p>5 A. I do this because, sir, you've asked and I thought, if 6 you were going to ask, I may as well be prepared.</p> <p>7 LORD JUSTICE LEVESON: I was going to ask and I do ask.</p> <p>8 A. Thank you, sir.</p> <p>9 First, and I would give primacy to this, is to 10 uphold the law. I think it's -- my view is it's 11 extraordinary of the various aspects of this that I've 12 spoken about that an assumed illegality can have been 13 taking place on a huge scale and nothing substantial 14 done about it.</p> <p>15 I made the point earlier about the lack of 16 information that had been given to the Scottish 17 authorities, which I feel very angry about. I can give 18 you the assurance that's been given to me by the Lord 19 Advocate that the criminal law will be upheld in 20 Scotland without fear and favour, and I'm sure, given 21 the circumstances in which this Inquiry has come into 22 being, that will now be the case everywhere, but it has 23 to be the case because, unless that's the case, nothing 24 else that's suggested -- I go back to the point -- 25 a voluntary or even a statutory code is not going to be</p> <p style="text-align: center;">Page 98</p>	<p>1 Thirdly, in terms of redress from -- well, the 2 redress for illegal behaviour is clear enough, that 3 should be a matter for criminal law to enforce that, but 4 from other behaviour which might not be illegal but be 5 wrong, then certainly on that, the redress must be open 6 to all. There has to be the ability of individuals or 7 groups, in my opinion, to seek redress in an effective 8 manner they can have confidence in. Rich people and 9 powerful people will always have the civil courts and 10 actions that they can pursue, but to be proper, the 11 redress must be open to all.</p> <p>12 Fourthly, politicians. I think the move towards 13 transparency is a good thing for both government and 14 opposition politicians. I think the abidance by the 15 Ministerial Code is -- the Ministerial Codes are there 16 for a reason and the reason I cited you to Scottish 17 Ministerial Code is because we pay it close attention 18 and so politicians and relationships should be guided by 19 transparency in terms of what is now being done by 20 everyone --</p> <p>21 LORD JUSTICE LEVESON: Is the Scottish Code in your 22 exhibits?</p> <p>23 A. I cited it earlier on, sir. If we haven't made it an 24 exhibit, then I shall make sure it is done.</p> <p>25 LORD JUSTICE LEVESON: I'd be grateful if you could send me</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 a copy.</p> <p>2 A. And obviously the differences would tend to be it</p> <p>3 stresses areas where the Scottish ministers have</p> <p>4 particular competence, like the one on jobs and</p> <p>5 investment that I read out to you. But following the</p> <p>6 Ministerial Code is my fourth point.</p> <p>7 And fifth, and I'm not saying this is a perfect</p> <p>8 example and I know it's been led in evidence, but I've</p> <p>9 been surprised by how little attention has been given to</p> <p>10 the Irish position at the present moment. You said</p> <p>11 earlier on whether we would want you to look</p> <p>12 particularly for a Scottish aspect or solution to these</p> <p>13 things, but perhaps we should all at least pay a glance</p> <p>14 to the system --</p> <p>15 LORD JUSTICE LEVESON: Mr Salmond, you're pushing at an open</p> <p>16 door. I can assure you, we have been looking very</p> <p>17 carefully at the Irish model, and the next module of the</p> <p>18 Inquiry, which will be the future, will include</p> <p>19 consideration specifically of what can be learnt from</p> <p>20 the way in which the press are regulated in Ireland.</p> <p>21 A. Sir, in that case, I'll be very brief, because you're</p> <p>22 obviously, as you say, on the case already as far as</p> <p>23 this is concerned.</p> <p>24 It's fairly recently established. It does have</p> <p>25 certain aspects which strike me as very useful. The</p> <p style="text-align: center;">Page 101</p>	<p>1 for people to follow the code, because it can be offered</p> <p>2 as a partial defence in a Defamation Act, although</p> <p>3 defamation would still be defamation, you're far better</p> <p>4 able to understand that than I --</p> <p>5 LORD JUSTICE LEVESON: What you're doing is identifying the</p> <p>6 need for carrots.</p> <p>7 A. Yes.</p> <p>8 LORD JUSTICE LEVESON: As well as sticks.</p> <p>9 A. Succinctly and very well put, sir, and yes, I am. And</p> <p>10 above all, this is at its very heart when it was</p> <p>11 established, it was with the aim and intent of resolving</p> <p>12 complaints quickly, fairly and free of charge, which</p> <p>13 covers my accessibility point.</p> <p>14 Now, I dare say, and you'll take the detailed</p> <p>15 evidence, that there'll be aspects of it which are less</p> <p>16 than perfect. I dare say there will be drawbacks and</p> <p>17 all the rest of it, but I'm glad to hear that you</p> <p>18 believe it worthy of consideration.</p> <p>19 LORD JUSTICE LEVESON: There's no question. What that does</p> <p>20 is provide a statutory framework within which the press</p> <p>21 is independently regulated. It's nothing to do with</p> <p>22 government. The government doesn't regulate the press.</p> <p>23 The politicians have nothing to do with regulation of</p> <p>24 the press, but it prescribes the conditions within which</p> <p>25 the relevant body operates, and I think all the minister</p> <p style="text-align: center;">Page 103</p>
<p>1 ombudsman aspect gives that degree of independence</p> <p>2 that -- I like using the word -- independence that</p> <p>3 perhaps the grouping of editors doesn't convey in</p> <p>4 a system as well as putting it on a proper basis.</p> <p>5 Secondly, the London titles of the Irish papers,</p> <p>6 even the Irish Star, which as I understand it is the</p> <p>7 Irish version of the Daily Star here, which doesn't</p> <p>8 ascribe to the PCC code, as I again understand it, but</p> <p>9 is a voluntary member of the Irish code. Given that the</p> <p>10 Irish title or Irish editions of the London press follow</p> <p>11 this code in Ireland, and I've seen nothing to suggest</p> <p>12 that the Irish press is not free and able to pursue</p> <p>13 things -- in fact, for those of us who know the Irish</p> <p>14 press, it is an extremely vigorous press indeed, plenty</p> <p>15 to be vigorous about recently, I suspect they would say,</p> <p>16 but they are an extremely vigorous press and therefore</p> <p>17 there can't be a suggestion that somehow papers which</p> <p>18 are operating under this code in Ireland would find</p> <p>19 a similar code unacceptable more generally.</p> <p>20 Thirdly, and it's more controversial, I'm interested</p> <p>21 in the more recent move which has been to make abidance</p> <p>22 by the code in Ireland a partial defence on a defamation</p> <p>23 action. I'm not again a lawyer, but it does strike me</p> <p>24 as an interesting concept, which is I understand very</p> <p>25 recent in Ireland, but obviously it gives an incentive</p> <p style="text-align: center;">Page 102</p>	<p>1 has done is said, "Well, this body, which has been set</p> <p>2 up, satisfies the requirements of the legislation and</p> <p>3 therefore I recognise it". Have I understood that</p> <p>4 correctly?</p> <p>5 A. That's as I understand it as well, sir, but it is</p> <p>6 voluntary, still. People have to decide to abide by the</p> <p>7 code. As you rightly say, the incentive to abide by the</p> <p>8 code perhaps is the carrot in terms of a defamation</p> <p>9 action, and secondly, given that all these titles -- the</p> <p>10 Irish Daily Mail, which I'm sure is a wonderful paper,</p> <p>11 the Irish Daily Mirror, the Irish Daily Star and the</p> <p>12 Irish Sun, as well as the Sunday Times in Ireland --</p> <p>13 abide by the codes now, and I haven't seen anything to</p> <p>14 suggest that they believe that this code is an</p> <p>15 unreasonable restriction on the freedom of the press,</p> <p>16 which is the second in my list of hierarchies.</p> <p>17 It is at least worthy of consideration. I'm glad to</p> <p>18 hear that the Inquiry is looking at it, and if you could</p> <p>19 add on a wee Scottish aspect after you've looked at the</p> <p>20 Irish aspect, then I'd be very grateful, sir.</p> <p>21 LORD JUSTICE LEVESON: I'll try and do that, Mr Salmond.</p> <p>22 A. Thank you.</p> <p>23 MR JAY: I think, Mr Salmond, that covers your ideas for the</p> <p>24 future. Is there anything else, however, that you'd</p> <p>25 wish to add that we may have overlooked or skated over?</p> <p style="text-align: center;">Page 104</p>

1 **A. No, I'm perfectly content with that. Thank you, Mr Jay.**
2 LORD JUSTICE LEVESON: Mr Salmond, thank you very much
3 indeed.
4 **A. Thank you, sir.**
5 **(4.45 pm)**
6 **(The hearing adjourned until 10 o'clock the following day)**
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