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<th>Day 1 - AM</th>
<th>Leveson Inquiry</th>
<th>14 November 2011</th>
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| 4 | LORD JUSTICE LEVESON: Good morning. I have now moved into the formal phase of part one of in Inquiry, but before calling upon Mr Jay to open, I believe it would be worthwhile to summarise what has happened to date and to identify the direction in which I now intend that we should travel; in other words, what should happen from now. I also need to deal with some matters of housekeeping. From the very start, I made it clear -- and I now repeat -- that I fully consider freedom of expression and the freedom of the press to be fundamental to our democracy, fundamental to our way of life. But that freedom must be exercised with the rights of others in mind. My first public utterance on 13 July of this year included these words: "The Inquiry must balance the desire for a robustly free press with the rights of the individual, while, at the same time, ensuring the critical relationships between the press, Parliament, the government and the police are maintained. The press provides an essential check on all aspects of public life. That is why any failure within the media affects all of us. At the heart of this Inquiry, therefore, may be one simple question: who guards the guardians?"

|   | Second, I conducted three briefing sessions on security of IT and phones, which was in private, but in open session on the legal framework and on the regulatory framework. Nobody has suggested that these factual presentations were inaccurate, and they are on the Inquiry website for anyone to read, if they wish. Third, I held two days of seminars, which generated a wide range of views, and I’m pleased to say also considerable debate and constructive suggestion. Videos of those seminars as well as transcripts and summaries are also on the website. A number of questions posed have been reduced into writing and I continue to invite anyone who has factual material relevant to them to send it in to the Inquiry and it will be considered. I remain very keen to encourage journalists to speak up if they feel that in any regard, organs of the press have taken a wrong turn in relation to their approach to ethical issues.

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<td>heart of this Inquiry, therefore, may be one simple question: who guards the guardians?&quot; That theme and my fundamental beliefs have not changed, but it is critical to bear in mind that this part of the Inquiry requires me to take an overview of the culture, practice and ethics of the press, including specifically the relationship of the press with the police and with politicians and the extent to which the current policy and regulatory framework has failed. Inevitably, the brush will have to be quite broad, for it cannot descend into a detailed analysis that might lead me to applaud one newspaper or criticise another, applaud one editor or editorial team and criticise another. Part 2 will be concerned with specific unlawful or improper conduct within News International, other newspaper or media organisations or those responsible for holding personal data, and is deliberately deferred until after the conclusion of the police investigation and any prosecution. How has this task been approached? First, a large number of those involved were either invited to provide evidence or required to do so. We are still receiving evidence and the result may well be that some material be called out of turn.</td>
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|   | address what are at least perceived to be the shortcomings consequent upon my lack of experience of the way in which different sections of the press work. That brings me to the way in which the future must be considered. In the margins of the seminars I made it clear that there was absolutely no point in my making any recommendation unless it works both for the press in its dealings with those who might be the subject of stories, and with the individuals involved. It must work for the necessarily relationships between the press and the police and the press and politicians, but most of all, each aspect must work for the public. It must have an ethical base to which all adhere. I therefore encouraged editors and those in responsible positions within the press to meet to discuss these issues outside the hearings that I am conducting and to bring forward ideas. These ideas must reflect the fundamental freedoms to which I have referred, but it must also recognise that guarding the guardians is not an optional add-on. Neither is it good enough if it does not take account of legitimate public concern, not only about phone hacking but also other unethical behaviour not justified by what is truly in the public interest. I still encourage the core participant media groups |   |

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could be the subject of criticism. It is critical to place everything in context.

Let me now deal shortly with some of the mechanics of the hearing. I hope that everyone knows that the proceedings will be streamed live both into the marquee in the quad of this building and also onto the Internet. Transcripts will be posted on the Internet daily. That has a number of consequences.

First -- and it will be obvious from the outset -- there's no question of my assessors being present every day or anything like every day. It simply isn't a good use of their time. Evidence that they wish to hear will always be available for them and the advantage of looking at such evidence retrospectively is that they can exercise judgment as to what they wish to read, what they wish to hear and where it is sufficient for them simply to have seen the statements. They have already played a very important part: assisting the legal team, using their expertise to suggest further lines of Inquiry in relation to particular witnesses or counsel. When present, assessors will sit during the hearing alongside counsel, but absolutely no conclusion should be drawn from the fact that one or more is present or absent.

Similarly, as I made clear in my second ruling on the core participant status, core participants should not consider it necessary to attend, whether by counsel or at all, if they do not feel their presence is necessary. If they have questions to suggest and do not perceive the likelihood that they will want to submit that they should question the witness of the day, as I expect to be the norm, they also can catch up visually or by transcript. Absence will not be considered a discourtesy. I am very conscious of the enormous cost of those attending this Inquiry and I do not want to add to it unnecessarily.

The next administrative matter to mention concerns the twin location of the hearing, here in this room or in the large marquee, which is separated into areas for the press and others. Both are designated as hearing rooms. The marquee is merely an extension of this room. I therefore expect the same decorum to be shown in the marquee as will be evident here.

To all, therefore, I give this direction: once you've chosen to watch the proceedings from this room and you are in, then absent unexpected emergency, you will be expected to remain in until a natural break in the proceedings. If you want to move in and out, whether to telephone or for any other reason, then the appropriate place to watch the proceedings from is the appropriate place to watch the proceedings from is the

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MR JAY: As everyone knows and no doubt still remembers, this Inquiry was set up in July this year following an extraordinary series of revelations and events, culminating in the demise of an iconic print title and high profile resignations at the top of the Met police.

The immediate trigger of the setting up of this Inquiry, the tipping point, was the revelation that Bill Cash's voicemail messages back in 2002 might not have been deleted, causing family and friends to cling to the hope that she might still be alive.

Although the individual or individuals who deleted Milly's voicemail messages back in 2002 might not have realised at the time what the consequences might be in terms of raising false hopes, public opinion was rightly sickened by the callousness and cynicism of the perpetrators.

Within two days of these revelations, the Prime Minister announced to Parliament that an Inquiry would be set up. Seven days later came the announcement of your appointment, and here we are today, embarkng on a key stage in the serious and important business of discharging what, on any view, are wide-ranging and challenging terms of reference.

This Inquiry is unprecedentedly demanding in a number of obvious and significant respects. First, the breadth of the terms of reference: an Inquiry into the culture, practices and ethics of the press.

I'll attempt to analyse those concepts in a few minutes' time, but it is obvious that these parameters could scarcely be broader or more open-textured.

You are required to consider and, if necessary, address a broad spectrum of behaviours and practices, embracing no doubt the good at one end of the spectrum to the frankly criminal at the other end, with unethical practices somewhere in between.

Phone hacking is safely located at the spectrum end of worst practice, since it is illegal and can never be justified in terms of the criminal law by a claim that the public interest is being served. To be clear, phone hacking is almost inevitably a gross breach of ethical standards as well, and as it happens, we are not aware of a single example of the recent phone hacking about which complaint has been made that can even start to be justified on public interest grounds.

However, it should be made absolutely clear that the evidence before this Inquiry will not be limited to the issue of phone hacking. There are many other examples of unethical and/or illegal practices which we will investigate.

Secondly, the scale of public expectations. It should not be forgotten that the Inquiry is established under statutory powers that exercises public functions and is paid for by the taxpayer. The public is therefore entitled to expect a return on its investment. These expectations are all entirely reasonable and we will endeavour to meet them all.

However, we are working within extremely tight timescales and the subject matter is truly vast. We will cover the ground as thoroughly as we can, but this is not a situation where we can honestly say that no
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25 individuals who are therefore suspects in their
23 which might incriminate themselves. It is public
22 This Inquiry cannot compel witnesses to answer questions
21 the practicalities in the light of the legal position.
20 emphasise, first so that the public fully understands
19 There are two points here that I would wish to
18 I am, however, able to nip any such concerns in the
17 I am keen to take steps to call it into question, through
16 I come to analyse the terms of reference, I will explain
15 The second point which I'd like to emphasise is that
14 criminal prosecutions means that a detailed forensic
13 the bigger picture and the search for themes, patterns,
12 broken systems and cultures, but the existence of the
11 the Inquiry should really be taking place before part
10 the Inquiry does overlap with the police
9 this Inquiry are asked to continue to bear these
8 of the Inquiry should really be taking place before part
7 self-incrimination and adverse inferences cannot be
6 To repeat, individuals cannot be compelled to answer
5 protections in line with their constitutional rights.
4 the law affords these individuals considerable
3 investigation, and it is possible that they will arrest
2 that approach, we would still be here in three years’
1 the horse. By that, I mean that in an ideal world,

1 25 stone will be left unturned, since if we were to adopt
1 24 for those politicians or subject them to close personal
1 23 The Inquiry's concern that journalists may be fearful of
1 22 investigations are reported, commented on and analysed.
1 21 the judiciary independent of government; it is free
1 20 it clear that the territorial scope of this Inquiry is
1 19 from the sort of pressures which are capable of being
1 18 The Inquiry will continue to discharge its public
1 17 the Inquiry will refrain from entering areas which are also
1 16 the Inquiry has come to analyse the terms of reference, I will explain
1 15 the subject matter of the police investigation. When
1 14 the Inquiry does not mean that the
1 13 this Inquiry will refrain from entering areas which are also
1 12 and the Inquiry will continue to discharge its public
1 11 the Inquiry enjoys cross party support as well as the
1 10 functions regardless of any crossfire.
1 9 the Inquiry's concern that journalists may be fearful of
1 8 The Inquiry will continue to discharge its public
1 7 respect the independence of the judiciary. Not merely
1 6 Under section 3 of
1 5 government must
1 4 not limited to England and Wales. Under section 3 of
1 3 the Inquiry enjoys cross party support as well as the
1 2 it is unprecedently demanding and I'm coming on to my fourth
1 1 I am keen to take steps to call it into question, through

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| 1. courage to speak out. For its part, the Inquiry is willing to consider granting protective measures for whistleblowers with justified concerns. Secondly, the press, both within this Inquiry room and outside it, possess highly articulate voices in favour of its interests. There's nothing wrong in that, save that the Inquiry must be vigilant to ensure that the loud voice of the press does not drown out the voices of other interested parties.
| 1. culture, practices and ethics of the press. It may be helpful to take those three terms together.
| 2. We are looking at practices which may be widespread rather than isolated and sporadic, practices which may be widespread insofar as they are bad practices, may well flow from systems which are broken and/or from attitudes and mores which are dysfunctional. The more we may see patterns of behaviour and practices which are generic and the more widespread they are, the more it may be possible to infer the existence of broken systems, dysfunctional attitudes and mores, and overall the existence of a culture which tends to explain why these problems are occurring in the first place.
| 3. In most institutions, cultural problems of this nature will usually emanate from high up within the organisation, but this will not always be the case. They will not always be the product of a deliberate policy decision made by those with power within the organisation to make them. Sometimes the existence of a culture derives from the operation of more subtle and complex forces, from historical trends, from what is conditioned and not stamped upon, leading to insidious evolution and perpetuation, from complacency leading to arrogance and purblindness. There is clearly a range of possibilities.
| 4. The possibility that on rare occasions we might fail to keep to these very high standards cannot be overlooked, but to the extent that an errant opinion is ever expressed, that will be our opinion and not yours.
| 5. No inferences can be drawn as to what you may be thinking.
| 6. We are here to ensure that all sides of the argument are represented and that the evidence advanced to the Inquiry in due course is presented in a fair and balanced manner. This is not to say that witnesses will not be thoroughly probed as appropriate. They will be. Additionally, we will take up lines of questioning suggested by the core participants and explore avenues suggested to us by your assessors, our own Internet and other researchers or whoever.
| 7. In short, we will call and probe the evidence in seeking out the truth. We're looking to establish both a sufficient and balanced narrative of the culture, practices and ethics of the press as a springboard for helping to devise practical and workable solutions which are proportionate to any problem that has been identified and which are likely to enjoy the confidence of the public.
| 8. These solutions will not necessarily have been the solutions which the press themselves would have devised had they been asked to devise them, but they will have to be workable in the real world and will need to reflect the technical realities both today and in the immediate future, most particularly the challenges posed by the Internet.
| 9. I've said that I will analyse the terms of reference. You are required to inquire into the

For the purposes of this Inquiry, it may neither be possible nor necessary to undertake an examination of these more subtle and complex forces. Let me make the point in this way: if in relation to a particular press institution, you were to reach the provisional conclusion that a practice or a range of practices were widespread, thematic or even endemic, it might not be too difficult to draw the inference that this practice or these practices stemmed from a culture which promoted or permitted their occurrence. Yet it might not matter whether the culture actively promoted the practice on the one hand or merely failed to prevent the practice occurring on the other. On either version, we have a cultural problem. We have systems which have failed and we have an organisational ethos which has contributed to the existence of illegal or and/or unethical practices.

If one sees evidence of institutional attempts to cover up past misdemeanours, it may be possible to draw the inference from such evidence that these past misdemeanours were systemic and the cover-up itself may be a different manifestation of the same cultural problem. On the other hand, as you yourself have pointed out, it is obvious that specific illegal or clearly unethical
conduct could indeed exemplify culture, practices or ethics either in a particular newsroom or more widely and it is an extremely important part of the picture. It is not, however, the only evidence that may be relevant to the background. Increased pressure on newsroom with reducing staff and tight financial constraints, the impact of 24/7 reporting and the immediate availability of news on the Internet, the use of casual or freelance staff and the pressure, whether expressly thrust upon them or impliedly felt by them, to name but a few issues that have been mentioned, may all constitute important elements of the wider picture.

Thus far I am conscious that my analysis is in danger of sounding somewhat abstract. It was deliberately so because in setting out the ground rules, I did not wish to deal with any particular factual situations through fear of appearing to pre-judge the issue.

In referring to the press as I have done, there is a danger of appearing to treat a series of separate organisations as if they were a single monolithic intuition. There may well be different cultures in different newspapers groups or in different sections of the press. Even if the Inquiry were to conclude that a culture existed in a particular newspaper, that would violate an important human right or because it violates unethical not because it is illegal but because it violates a culture. Ethical standards, it may not be necessary to look into the fine detail, because the end result is to seek out systems and patterns of behaviour. In relation to phone hacking, delving into the detail may, as we've seen, clash with the police investigation. The approach, as I have said before, is likely to be macroscopic rather than microscopic. However, what level of magnification we choose to apply in any given instance will depend on our instinct, judgment and overall sense of the direction the Inquiry needs to take.

For reasons of convenience, you have decided to divide part one of the Inquiry into a number of modules. Module one concerns itself with the relationship between the press and the public, module two with the relationship between the pleasant and the police, module three with the relationship between the press and politicians, and in module four, we will be addressing the broader policy questions of what changes should be made to the regulatory system in order to address the findings of modules one to three.

No one is suggesting that these modules form self-contained packages. Clearly they do not, and we are dealing with a number of concentric circles. One constant theme, though, may be this: the alleged subterranean influences operated by the press on the democratic process but without full democratic accountability.

In practical terms, the overlap between the modules may mean that exceptionally, witnesses called in module one may have to return for module three. On the other hand, a number of module three witnesses will also be relevant to module one. The principal focus of these opening submissions will be module one, but I will sketch out the likely scope and the subject matter of modules two and three before I conclude.

As you know, many of the issues likely to inhabit part one of this Inquiry were aired during the course of the three seminars which took place in early October. I will seek to pick up on some of the key themes which emerged as I proceed in my analysis of the issues. One
point which may have struck up, though, is that we were treated to two competing narratives.

According to the first of these -- and I advance them in no particular order -- the press is, generally speaking, a force for great public good. It educates, it entertains, it holds the powerful, including government, to account. Although the press may be working under considerable commercial pressure, the importance of this should not be overstated. These pressures have always existed in one form or another. Most journalists are decent people and the far greater pressure is to produce the best possible story to the highest personal and professional standards.

The public on this narrative have a real interest in the affairs of celebrity, particularly where there is an apparent clash between an affected public persona and private transgression. "Hypocrisy" is the noun which is often deployed in this context and the role of the press is to hunt it down and to expose it. Thus, on this analysis, private transgression becomes a matter for legitimate public comment.

The exponents of this narrative would say that the press is already hidebound by an oppressive series of legal constraints which have a chilling affect on legitimate activity. These legal constraints range from the existing panoply of law, through Draconian libel laws, to the manufacture of a burgeoning and oppressive privacy law by High Court judges who are not democratically accountable and who apply their own highly subjective and relativistic standards. One High Court judge receives particular opprobrium.

Further, the press complain that the system of conditional fee agreements exploited by unscrupulous lawyers inures to their disadvantage because the cost of litigation is so punishingly high that often they have no choice but to settle even defensible cases.

Finally on this narrative, the press may well accept that activities such as phone hacking went beyond one rogue reporter at the News of the World, although they would be keen to exclude their own title from these activities. Whatever the position here, the Augean stables have already been cleaned. This happened some time ago now, and there is no further dung to be found. That's one narrative. The contrary narrative works along these lines: the press in general, and the tabloid press in particular, ruthless exploit unscrupulous methods in pursuit of a story which will boost the circulation figures of their particular title. Very often, the story is preordained by the narrative the journalist instinctively knows the editor will wish to put out and the facts are therefore tailored to meet that narrative. By the same token, the editor has an instinctive understanding of what his or her proprietor might want, even if there is no direct interference from above.

The story on this narrative will often strike a chord with the prejudices of the reader because the whole objective, after all, is to increase circulation and revenues in an increasingly competitive and unprofitable commercial environment.

Those advancing this version of press culture and ethics would say that journalists will not shrink from deploying underhand methods, necessarily illegal methods, provided they believe that they can get away with it. The power of the press and its influence over people's lives is such that it believes itself to be almost above the law.

Moreover, in deciding whether or not the public interest might justify the prima facie invasion of personal privacy, editors are entirely parti pris to the exercise and are guilty of the self-same subjective and relativistic approach which they condemn in High Court judges.

Put simply, the public interest is very often deployed as some sort of trump card. If it is too loosely defined, it ends up with the press delving into the affairs of those who are celebrities and those who are not in a way which unethically penetrates a domain which ought to remain private. The press say that they are holding hypocritical people to account, but those doing the holding are themselves unaccountable and hypocritical.

The proponents of this narrative would also point to the recent revelations of surveillance activities carried out by a private investigator on the instructions of News International. These revisions would suggest that the stables are not necessarily clean of dung.

Now, in putting forward these competing narratives, I'm not necessarily doing justice to those who expound either of them. To that extent it matters little, because we'll be hearing from the relevant people once the Inquiry begins to receive evidence and they can put the case in their own way.

My point at this stage is to set out the parameters of the debate and to recognise that the exponents of the good press position and the bad press position would appear to be quite a long way apart.

At the conclusion of this Inquiry, you may wish to consider which of these narratives is true. Of course,
it's possible that you may decide that neither is true
because the truth lies somewhere in between. Life is
sometimes like that.

More interestingly -- and this point has been made
by some insightful commentators upon your seminars --
you may decide that both narratives are true, in the
sense that everything depends on one's perspective or
everything depends on which side of a complex,
three-dimensional polygon one happens to be viewing,
describing on any specific occasion. Nor, of course,
are we talking about scientific truth. We're talking
about something which is more elusive, namely what is or
may be a matter of opinion.

I'm going to talk about bad practices, some of which
are known in the trade as "the dark arts", but it's
right that I should start with the good. In the words
of one of the contributors to your seminars, most of the
content of the press on most days is unobjectionable and
some of it is of the highest quality. It is not for
this Inquiry to pronounce from on high on anyone's taste
on reading matter or entertainment. I recognise that
the media cater to a whole range of different world
views, that they are perfectly entitled to be
opinionated, irreverent, sceptical, credulous,
facetious, trivial, obsessive, and to encourage others

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to think the same, and to express themselves in the
style appropriate to their subject matter.
But the point I'm making goes still further. One
matter which came out very strongly in your seminars was
that many journalists who write pieces in the more
popular sections of the press are able to encapsulate
often complex ideas in short, pithy, entertaining and
punchy stories which retain the interests of the reader.
The ability to do this takes as much skill as the
ability to write a good leader in a broadsheet.

Individual newspapers must cater for the tastes and
interests of their core readership. Ultimately, as some
judges in the highest courts have expressly recognised,
the press have an obligation to entertain and they need
to sell their product in order to continue to do so.

I have mentioned a range of world views.

I understand that members of the scientific community
may be providing the Inquiry with evidence along the
lines that much real harm is done by certain sections of
the press who, it is said, do not always apply the
scientific method to their reports or commentaries upon
matters of topical scientific interest. It could be
said that reporting which is not evidence-based is
inaccurate within the meaning of the editors' code.

This issue and issues like it are not outside your
terms of reference, and if relevant evidence is
forthcoming, it will be considered. How far this
evidence will take you and what, if anything, the
Inquiry might do about it may be another matter.

There is a higher constitutional point in play,
namely the importance of a free press in a mature
democracy. We simply cannot pay lip service to this
principle, even if a free press is second nature to the
public life of the United Kingdom. A free press
developed incrementally in this country over
a considerable period of time, with landmark events
en route to this destination, such as the litigation in
the 1760s involving John Wilkes and the North Briton.

But even in some European countries today the press is
not free, and elsewhere there are shining examples of
the good and egregious examples of the bad.

The importance of a free press is almost
self-evident. The press holds the powerful to account
and is therefore an important curb on potential abuse of
executive and corporate power. At its best, the press
espouses unpopular causes and gets to the bottom of
scandals which would otherwise be left uninvestigated.

It is essential in a functioning democracy that the
press be permitted to discharge these vital functions
to that extent, it is inevitable that not everybody

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will be happy with what they do all of the time.

It is easy to give some concrete examples of the
good and the cutting edge, but I'll do so nonetheless.

The phone hacking story was the result of assiduous and
tenacious reporting by The Guardian, at one stage in the
face of a critical report by the PCC.

The thalidomide scandal was brought to the forefront
of public concern by the similarly tenacious work of the
Sunday Times, who purchased court documents for a
considerable sum when the paper knew or ought to have
known that they could only be used for the purposes of
litigation between the then plaintiffs and the drug
company.

The MPs' expenses scandal was exposed by the
Daily Telegraph, which, as is well known, paid for
a computer disk or similar electronic device in
circumstances where it might be said that the underlying
data was stolen.

I choose my words carefully, since I'm aware that
the Daily Telegraph has provided the Inquiry with
a witness statement which deals with the legality of
what they did, and one understands the issue about
whether intellectual property can, in principle, be
stolen at all.

I should add that even if one were to conclude, for

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8 (Pages 29 to 32)
the purposes of argument, that the Daily Telegraph was handling stolen goods -- and I'm not submitting at this stage that this is a conclusion you should reach -- public interest arguments would always enter into the equation here, since the CPS would not prosecute a particular case if they assessed that it was not in the public interest to do so.

However, in determining relevant standards, the regulator as opposed to the criminal court will doubtless have regard to the circumstances in which the information in issue was obtained but will not necessarily treat these as conclusive. That said, for the purposes of any coherent regulatory system, the starting point must be this: that news gathering methods which amount to criminal conduct could not begin to be justified without establish be an overwhelming public interest, and even that may not be sufficient.

Another extremely cogent example of good journalistic practice has been provided by the editor of Sunday Times in an article he wrote this year, "Why investigative journalism is a force for good".

Mr Witherow reminds us that in 1984, a Sunday Times journalist, Mr Swain, used old-fashioned blagging techniques to connect Gaddafi's terrorist paymaster with Mr Abbasi, another Libyan-backed terrorist operating out of Doncaster. The journalist blagged that information from a British Telecommunications operator, having received details of a telephone number. He then visited Mr Abbasi, who eventually confirmed that the National Union of Mine Workers was seeking financial support from Gaddafi.

I summarise the story, and for reasons of time omit some necessary detail, but what is interesting here is that if Mr Swain's underhand measures might prima facie have constituted an offence under the Data Protection Act 1984 -- and that would depend on a number of factors, not least on whether that Act was enforceable at the relevant time -- he would surely have had a cast iron public interest defence. If you read Mr Witherow's article in full, it is clear that the journalist was acting on a wing or a prayer, but had very good ground to suspect that the Doncaster phone number was being used by a terrorist.

These are only four examples and there are many more. Nor are these example confined to the broadsheet press. The Inquiry has received a large volume of evidence covering the good work of other sections of the press in espousing good causes, rectifying wrongs and in investigating abuses of power.

It is also true that in carrying out this essential work, the press is constrained by the law, in particular the civil law of defamation, privacy and the confines of the Reynolds fair comment in the public interest defence. Whether privacy in particular is an effective safeguard is an issue we will need to address.

Much investigative journalism relies on covert methods, if not a measure of deception. Very often, the end product can be justified in the public interest.

Speaking more generally, what can be justified in the public interest and how can it be justified lies at the very epicentre of this Inquiry. I will therefore need to examine this issue with more care at a later stage today, but in the meantime, before turning to the issue of bad journalism and the dark arts, I would like to cite a paragraph or two from the Sunday Times article I have already mentioned:

"The expose of how Scargill was seeking financial support from Gaddafi caused an uproar and was a public relations disaster from which the Marxist leader of the NUM never recovered. No two investigations are ever the same, but Swain's story bore certain hallmarks. To get to the truth, he had to lie and deceive. He had to pretend to be someone else and extracting the details from the hapless victim. If he had not done so, the story might never have appeared and the public would have been none the wiser. In other words, the end justified the means. That is the fine line that every editor has to walk when judging what methods to use to gather information. The absolute test must be that the story is in the public interests -- that people have the right to know because they are being deceived. It is a subjective test, and in the end, the public and the courts decide whether the paper has made the right call. The journalists' code ascribes this public interest as exposing 'a serious misdemeanour' and preventing the public from being misled by some statement or action of an individual or organisation. The law on data protection also allows journalists to access private information if it is in the public interest and this is a key plank in any defence on significant stories. At the Sunday Times, the role of investigative journalism is to hold officialdom to account at whatever risk. Yes, we bend the rules, engage in subterfuge, impersonate people and show the 'rat cunning' that Nick Tomalin, a great Sunday Times reporter who died for his trade, said was essential in every successful journalist. Without these techniques, the powerful would be protected. We would not tolerate fishing expeditions in the hope of finding out information."

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(+44) 207 404 1400
Then Mr Witherow proceeds to discuss the News of the World phone hacking issue. The concept of a fishing expedition is no doubt a useful one and can be expanded on. Using subterfuge simply on the off chance of discovering some wrongdoing is not, borrowing directly from phraseology used by the Press Complaints Commission, a sufficient justification for the use of these methods. There should be reasonable grounds for the Inquiry, including an evidence base for those grounds. The time for assessing whether these reasonable grounds exist is before the methods are used, not retrospectively.

In borrowing material from the Sunday Times, I should not be interpreted as necessarily agreeing with Mr Witherow. All I do say is that you may think he has encapsulated the issue rather well. We'll be hearing a lot more about good journalistic practices when the press witnesses come to give their evidence, but I'm also duty-bound to tell you something about bad journalistic practices, about illegal and/or unethical conduct, and at this point in my opening, I propose to do so.

The distinction has already been drawn between means and ends. Ultimately the Inquiry is likely to be most interested in unlawful and/or unethical news gathering methods, although we will not lose sight of evidence to the effect that the article itself may be a gross breach of privacy or an egregious distortion of the truth, even if wholly ethical means were used to obtain the underlying material.

At this stage, therefore, I'll be concentrating on improper news-gathering methods. Here we are talking about a range of techniques and methodologies. Violations of privacy in some shape or form are constant themes here and subterfuge a common theme. We will be considering the following categories of press misbehaviour, always accepting that in some of the examples I will give, it may be argued by some that the behaviour in question is in fact justified in the public interest.

First we will be hearing evidence about a range of electronic surveillance or intrusion, the interception of communications, covert listening device, cinecameras hidden in wardrobes, bugged telephones in private apartments, cameras hidden behind two-way mirrors and the more mundane example of the use of telephoto lenses. Some of these will be covered in the oral evidence you will hear, others are in the public domain. Yet others are summarised in the evidence Mr Matthew Parris has given to the Inquiry. He reminds us that hacking into voicemails is just one example of illegal and/or unethical intrusion; not electronic surveillance or intrusion as such, but using deceptive techniques to gain access to an electronic database.

That said, one must not lose site of the fact that in some of the examples given the practice is undoubtedly illegal. In others, the practice is or may be unethical.

Secondly, we know of examples in the public domain of stealing information to gain access to personal data. These examples range from rifling through dustbins -- the patois for this is "binnology" -- to more prosaic cases of stealing personal diaries or other forms of hard data. I have already touched on the far less controversial example of the Daily Telegraph's MPs' expenses story.

Then we have evidence of old-fashioned, less technologically-based modes of intrusion. Here I have in mind reporters and photographers hidden in bushes, paparazzi overstepping the bounds of acceptable behaviour and some of the examples given in Peter Burden's book "Fake Sheiks and Royal Trappings", in particular the Bob and Sue Firth story at pages 105 to 118.

The News of the World reporter at the centre of that story is the same News of the World reporter who was at the centre of Mr Mosley's privacy action against News International, tried by Mr Justice Eady in 2008. He also happens to be the subject but not the immediate recipient of the famous "for Neville" email referred to, for example, at paragraphs 412 to 416 of the report of the Culture, Media and Sport Select Committee, dated 9 February 2009.

The recipient of the email was Mr Glenn Mulcaire. Neville Thurlbeck's position, according to hearsay evidence set out in the Select Committee's report, is that he's never seen that email nor had any knowledge of it.

Fourthly and more controversially, the Inquiry has evidence of agent provocateur techniques and some of these are fully in the public domain. "Confessions of a Fake Sheik" by Mr Mazher Mahmood, now of the Sunday Times, has been read by the Inquiry teams and we've also received a witness statement from him pursuant to a section 21 notice.

It should be recorded that Mr Mahmood prides himself in these methods and that his evidence was recently instrumental in bringing the Pakistani spot-fixing cricketers to justice. However, some would argue that his methods are questionable and that there are
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for valuable information is a fact of life and it does not logically lead to a lower quality of intelligence. Furthermore, just as an experienced police officer will instinctively know whether a source can be trusted, the same principle applies to journalists. A police informant's tip will need to be corroborated by other convergent evidence, as indeed will that provided by a journalist source. These are all questions which the Inquiry may need to consider.

Payments to private investigators or detectives are capable of falling into a different category. Here I would wish to define my terms. The press, in common with many institutions, including solicitors, use search agencies to locate pieces of information which are in the public domain. This practice raises no privacy issues.

Private investigators or detectives use different methods in order to seek out information and data which are not in the public domain. To be clear, a private investigator may well deploy perfectly proper standards and as the Inquiry will hear in due course, some are responsibly regulated. However, it would not be unfair to comment that the very nature of the job entails a risk that the personal privacy of the target may not be respected, or more seriously, that breaches of the law may be perpetrated in order to secure the information sought.

Here I am referring primarily to breaches of the Data Protection Act and what is commonly known as blagging, the impersonation of someone else in order to extract personal data from an official source or an entity such as a mobile phone company.

A specific example of this is, of course, Operation Motorman and the work of the Information Commissioner in relation to the activities of a particular private investigator, Steve Whittamore. I will cover this topic in a moment.

Aside from the question as to whether the journalists who tasked Mr Whittamore may have been implicated in his criminal activities -- and this is a big question -- the Inquiry will be particularly interested in systems in place in the individual print titles to handle and scrutinise the payment of invoices submitted by a private investigator.

The broader question of the use of sources raises sensitive and emotive issues. Under the Contempt of Court Act 1981 and article 10 of the European Convention, journalists are entitled to protect their sources. The public interest in favour of this principle is both sound and obvious and relatively uncontroversial.

What is of keen interest to this Inquiry is how sources are paid, how their invoices are scrutinised internally and, most importantly, the extent to which this modus operandi of a source may be known or deduced or ignored, by, for example, the editor, whose ultimate responsibility it is to check the accuracy of a particular story and to check that the means by which the information was obtained was lawful.

I am still on my overview of improper or arguably improper news-gathering methods and I'm coming, I think, to my fifth category, phone hacking. One might include the related activities of computer and email hacking, which are also illegal, albeit under different statutory provisions. This Inquiry has seen much less evidence of computer and email hacking. These require a greater degree of technological know-how and may well be harder to detect. One would not like to speculate without evidence how much computer and email hacking has been going on.

I've already made the point that phone hacking is just one form of subterfuge. Morally, it may not be very different in quality from many others. Further, telephonic interception is not some new phenomenon. In the days when the mobile phone network operated on an

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<td>news-gathering methods is a catch-all one, and here is</td>
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<td>methods deployed. Next week, the Inquiry will be</td>
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<td>a fishing expedition where the precise species of fish</td>
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<td>receiving a considerable body of evidence from a range</td>
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<td>unfair, oppressive and unethical press practices.</td>
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<td>the royals.</td>
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<td>Included within this evidence are victims of phone</td>
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| Page 46 | catch-all category. The Inquiry will be hearing from | 1       | insights into the private lives of the royal family, and |
|         | individuals from a number of walks of life, some of whom | 2       | the same principle applies to the other individuals who |
|         | are celebrities in the sense in which that term is | 3       | featured on the original Goodman-Mulcaire indictment. |
|         | ordinarily understood, others of whom clearly are not. | 4       | Aside from the specific case of phone hacking, |
|         | Their evidence is disparate, which may be one of its | 5       | which, to be fair, no member of the press has sought to |
|         | virtues. The common themes are complaints of systematic | 6       | go justify, the Inquiry will need to consider the range |
|         | breaches of privacy, of conduct amounting to harassment | 7       | of public interest justifications which are advanced for |
|         | and of unfair, sensationalist and inaccurate reporting. | 8       | the type of journalism I am describing. In any event, |
|         | The Inquiry will need to consider whether these | 9       | it will need to consider whether, turning the tables |
|         | complaints are substantiated and whether they constitute | 10      | around, as it were, there is really a public imperative |
|         | evidence of a bigger picture. | 11      | in doing more to address this particular problem. |
|         | I will be returning to the bigger picture towards | 12      | It might be argued in certain quarters that one of |
|         | the end of my submissions, because this is what part one | 13      | the by-products of a free and uncensored press is |
|         | of this Inquiry is all about. I am not, of course, | 14      | collateral damage. The press may say there is always |
|         | ignoring the fact that the Inquiry will need to have | 15      | a public interest in exposing hypocrisy and that there |
|         | a critical mass of reliable evidence before the contours | 16      | is a public interest in freedom of expression itself. |
|         | of that bigger picture may be discerned. | 17      | Part of the duty of the press is to entertain; otherwise |
|         | At this stage, I think it's worth advertizing to one | 18      | its readership will desert. Even if, as one editor said |
|         | aspect of the bigger picture which might already be | 19      | at your seminars, the Hampstead liberal with his gilded |
|         | obvious, and it is the following: in relation to many | 20      | lifestyle may not be interested in this sort of fare, |
|         | but not all of the allegedly improper news-gathering | 21      | that really is none of his business, and by extension, |
|         | methods I have been examining, I have been examining the | 22      | it is none of the Inquiry's business. |
|         | subject of press interest in the private lives of | 23      | I should not be interpreted as expressing any |
|         | individuals. Some of these individuals may be public | 24      | judgment on these intractable questions, but I note that |
|         | figures -- and I appreciate that reasonable people may | 25      | |

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we keep returning to the main theme of this module of your Inquiry: what does the public interest mean and who judges it?

I turn now to the issue of the Data Protection Act and the work of the then Information Commissioner, Mr Richard Thomas.

Data protection legislation was first enacted in 1984 but further, more detailed provisions came into force in 2000, following the enactment of the Data Protection Act 1998. This was a complex piece of legislation designed to bring domestic law into line with EU directives.

The target of the Data Protection Act is not the press or journalists. The primary purpose of the act is to ensure that data controllers -- that is to say, those who hold the personal data of others -- take sufficient steps to protect it. Nor is the Act primarily concerned with the criminal law.

However, under section 55 of the Data Protection Act, it is a criminal offence, subject to a number of listed defences, to obtain or disclose personal data or the information contained in personal data without the consent of the entity lawfully holding that data, namely the data controller. This includes the activity of blagging, the obtaining of personal information by deception.

It is important to underscore the point that the journalist was not embarking on a fishing expedition. With the information already at his disposal, he could be reasonably optimistic of finding gold dust.

Furthermore, the subject matter of his investigation was serious and self-evidently of public concern.

The issue of criminal offences under the Data Protection Act is unlikely to excite much public interest, still less, reversion. The topic is somewhat recherche in nature. The Data Protection Act as a whole is a difficult statute to grasp and the whole issue may be more to the taste of an intellectual prospect lawyer than the ordinary member of the public.

However, the issue is an immensely important one because all of us entrust our personal data, which includes confidential information, to data controllers, and none of us would wish to these those confidences abused. This topic is only an arid one until it hits home.

Hence, the work of the Information Commissioner is important and this Inquiry needs to examine what inferences and lessons may be drawn from Operation Motorman.

LORD JUSTICE LEVESON: Mr Jay, I think that's probably a convenient moment, before we start on that exercise. The shorthand writer has been working very hard for an hour and a quarter and it's about time she had a break, so I'll rise for just a few minutes.

(A short break)
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1 (11.55 am) MR JAY: Operation Motorman. The story, in a nutshell, is as follows, and here I am summarising a number of sources: the Information Commissioner's two reports, "what price privacy?" and "What price privacy now?", the detailed evidence Mr Thomas has given to the Inquiry and which we will hear reasonably shortly, chapter 7 of Nick Davies' book, "Flat Earth News", the chapter entitled "The Dark Arts", and other online materials.

Essentially, it is clear that the Information Commissioner's office had long suspected the existence of an organised trade in confidential personal information, its suspicion's being confirmed when, in late November 2002, the ICO attended a search under warrant of the premises of John Boyall, a Surrey-based private detective, which search was conducted by the Devon & Cornwall Police.

The raid concerned the suspected misuse of data from the police national computer by former and serving police officers. Documents seized during the course of the raid were then linked to vehicle checks carried out within the DVLA by two officials.

In the words of the Information Commissioner's first published report, corruption was the stark conclusion and two investigations were subsequently launched: The Information Commission's officers' Operation Motorman into data protection offences and a police investigation into possible corruption.

On 8 March 2003, search warrants obtained by the ICO led the investigation to an address in New Milton, Hampshire, the premises of Steve Whittamore, another private detective, and to two men who worked for him. Documentation seized from Whittamore's premises showed that he worked with a number of associated who were able to supply him with data, most of which was unlawfully obtained from a number of sources, including BT accounts, other telephone companies, DVLA records, credit card statements, bank statements and the police national computer.

I will deal with the scale of this documentation in a moment. Whittamore was in some sort of partnership or similar relationship with Boyall. Together they appeared to have a network of corrupt officials who, for a consideration, supplied specialist information.

Central amongst these was Paul Marshall, a communications officer at Tooting police station, who retrieved information from ex-directory phone numbers and vehicle registration details to criminal records. This afternoon was handed to Whittamore and Boyall and two investigations were subsequently launched: the Independent and the Financial Times are not on the list.

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1 list.
2 The 13,343 separate transactions were then analysed
3 by the Information Commissioner's office. It found that
4 1,998 of them were too vague to allow any definite
5 conclusion. Of the remainder -- and this is information
6 obtained pursuant to an FOI request -- 5,025 were
7 assessed to constitute clear breaches of the Data
8 Protection Act and 6,330 probable breaches of the Act.
9 These assessments were reached having regard to the
10 nature of the information and to the price paid for it.
11 The price paid for 3,291 pieces of information was
12 over £164,000. The identities of the journalists
13 involved have not been vouchsafed by the
14 Information Commissioner's office. In answer to
15 a Freedom of Information Act request, their identities
16 were cyphered. However, from the information provided,
17 it is clear that a number of journalists made prolific
18 numbers of illegal or probably illegal requests. The
19 most prolific runs to 679. One journalist commissioned
20 some £26,000 worth of transactions.
21 Criminal proceedings were never taken against any of
22 the journalists. The precise reasons for this will need
23 to be examined carefully with Mr Thomas, although one
24 reason he gives is that he could not not be completely
25 confident that the public interest defence would not

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1 apply.
2 In this respect, two matters are worthy of note.
3 First, none of the four conspirators in their criminal
4 proceedings sought to rely on any public interest
5 defence. Presumably they took the view, on advice, that
6 such a defence would not run. As Mr Thomas explains in
7 the context of their cases, it is not surprising that
8 this view was taken, given that this activity was in the
9 nature of a fishing expedition and the public interest
10 would need to be identified before the information was
11 obtained, disclosed or procured, not afterwards.
12 Secondly, if Mr Thomas is right about the public
13 interest defence in relation to the private
14 investigators, it is not immediately obvious why an
15 equivalent reasoning process does not apply to the
16 journalists. It was they, after all, who commissioned
17 the individual transactions. In any event, the burden
18 would have been on the journalist to raise the defence
19 and its strength could then have been separately
20 assessed.
21 It might be said in relation to the journalists that
22 it could not necessarily be proven according to the
23 criminal standard that they knew that they were
24 obtaining information in breach of the Data Protection
25 Act. Here is what Mr Thomas has to say about that

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1 possibility in paragraph 5.3 of his first report:
2 "This was not just an isolated business operating
3 occasionally outside the law, but one dedicated to its
4 systematic and lucrative flouting. Nor could its
5 customers escape censure. Some of the information
6 contained, such as PNC checks, ex-directory telephone
7 numbers and details of frequently dialled numbers,
8 cannot normally be obtained by such businesses by lawful
9 means. Others, such as personal addresses, can be
10 obtained lawfully only by the old foot-slogging means,
11 such as personal checks to the full electoral register.
12 Prices charged for some pieces of information raise
13 questions about their provenance. Either the price was
14 too low for information obtained lawfully, as in the
15 case of personal addresses, or it was high enough to
16 indicate criminal activity, as in criminal records
17 checks."
18 In due course, I will be inviting Mr Thomas to
19 expand on this particular paragraph.
20 Apart from the forensic issues which I had
21 foreshadowed, there are two further issues I should
22 mention at this stage. It may or may not be possible to
23 get to the bottom of these, but they will certainly be
24 explored.
25 First, there is evidence from a former employee of

Page 60

1 the ICO which suggests that the extent of wrongdoing
2 went significantly further than the 13,343 transactions
3 I have mentioned and that Mr Thomas and his deputy took
4 a specific policy decision not to bring proceedings
5 against individual journalists because they were afraid
6 of the power they wielded.
7 Secondly, the Daily Mail has given evidence to the
8 Inquiry which certainly suggests that the information
9 its journalists may have procured was entirely innocuous
10 information which did not evidence the commission of any
11 criminal offences.
12 The Information Commissioner's two reports, both
13 published in 2006, did not attract a lot of press
14 interest at the time. I will not speculate as to the
15 possible reasons for this.
16 Mr Thomas' first witness statement to the Inquiry
draws to your attention some interests exchanges he had
17 with the PCC. He asked the PCC to fire a clear warning
18 shot to the press about the risks of breaking the law.
19 In due course, we will hear about this and the PCC's
20 reaction to this request.
21 One of Mr Thomas' recommendations was that
22 section 55 of the Data Protection Act should be amended
23 so as to increase the maximum penalty for this offence
24 from a fine to a two-year period of imprisonment for

15 (Pages 57 to 60)
a conviction on indictment. Mr Thomas' evidence to the
Inquiry is very illuminating on this issue. To cut
a long story short, section 77 of the Criminal Justice
and Immigration Act 2008 was initially to contain
a provision which reflected Mr Thomas' recommendation.
The quid pro quo was a strengthening of the public
interest defence, see section 78, introducing a new
provision into section 55 of the Data Protection Act,
which would have changed the test from being objective
to subjective. However, a late intervention by the then
Prime Minister led, from Mr Thomas' account, to
a classic legislative compromise. These legislations
entered the statute book but did not have immediate
force of law. A separate statutory instrument would be
needed to bring them into effect and none has been laid
before Parliament to date.

Mr Thomas' evidence contains in microcosm a number
of the key issues which form the subject matter of part
one of this Inquiry. I have in mind the extent of press
misconduct in the possible existence of a culture, the
press response to the Information Commissioner's
response and then the political response to his
recommendations. That said, one appreciates that the
Whittamore raid took place in March 2003, and some might
say that all of this is water under the bridge.

I come now to the issue of phone hacking, in
particular the unlawful access of mobile phone
voicemails. My endeavour here is not to undertake
a close forensic examination of all the evidence so that
every blood vessel and sinew is exposed. I will do that
when we reach part two, which certainly will not be
starting imminently.

Instead, I propose to attempt a somewhat less
punctilious but perhaps more difficult exercise: to
provide you with an overview with an over-arching
synthesis which might enable the Inquiry to assess the
possible breadth of this illegal activity, if not its
depth. If that exercise is successfully conducted, then
insights into -- and possible conclusions about -- any
relevant culture or cultures might be capable of being
drawn.

My point of departure is inevitably the
News of the World and the Goodman-Mulcaire proceedings
which culminated in guilty pleas and a sentencing
hearing before Mr Justice Gross, as he then was,

Mr Clive Goodman, as is extremely well-known, was
the royal editor of the News of the World, and
Mr Glenn Mulcaire was a private investigator who
probably had been working for the paper in some shape or
form since 1997, first as a research consultant employed
by a private company, and then, after 2001, through his
own company.

The first formal contract between Mulcaire's company
and the News of the World covers the annual period
beginning on 1 September 2001. Under it, he received
weekly remuneration at an annualised rate of
£92,000 per annum.

When his business premises were raided by the
police, the investigating officers found a contract
between the News of the World and an entity called Nine
Consultancy Ltd, which was Mulcaire's company at that
time, covering the 12-month period beginning on 1 July
2005. Under this contract, Mulcaire undertook to carry
out a research and information service, in return for
which he would be paid £104,988. The payment of this
amount is shown on News of the World's books.

One obvious question which arises is this: what was
the exact nature of the services Mulcaire was contracted
to provide? It was accepted at the criminal trial that
the £104,000 was paid in exchange for the delivery of
lегitimate services and that illegitimate activities
were covered by separate cash payments, but evidence has
come to light which suggests differently.

The criminal proceedings were limited to an
eight-month period, November 2005 to June 2006. Under
counts 1 to 15 of the indictment, it was alleged that
Goodman and Mulcaire conspired to commit breaches of
section 1 of the Regulatory of Investigatory Powers Act
2000, RIPA, by working together to gain access to the
voicemail messages of three members of the royal
household. The purpose of gaining access to the
messages was to obtain confidential information with
a view to it being published in the News of the World
newspaper.

In order to make good this indictment, the
prosecution had to prove a common purpose or scheme
between the two men. It would have been sufficient for
the prosecution to have proved that it was only Mulcaire
to actually gained access to voicemails pursuant to this
scheme, although there was evidence that Goodman made
some of the calls into the system.

Furthermore, for the purposes of a conspiracy
allegation, the prosecution did not have to prove that
the fruits of this activity ever found their way into
the News of the World in the form of stories, though
here again there was some evidence that they did.

Under counts 16 to 20 of the indictment, it was
alleged that Mulcaire alone accessed the voicemails of
five other individuals in breach of section 1 of RIPA.
It was not alleged that he did so pursuant to any arrangement with Goodman. The prosecution did not seek to prove to the criminal standard that Mulcaire was working with others within News International. I will need to examine counts 16 to 60 with particular care for obvious reasons, but at this stage I note that the five individuals I mentioned in the context of these counts, although I haven’t yet named them, would not have been of interest to the royal editor. This must have been obvious to News International at all material times, by which I mean anyone within the company equipped with a basic familiarity with these facts.

I will turn to counts 1 to 15 and to Mulcaire’s modus operandi. I can simplify it: in order to gain access to voicemail messages remotely -- in other words, from a telephone other than the mobile phone paired with its voicemail -- typically you need to have possession of a unique retrieval number and a pin number. I say "typically", because arrangements differ slightly across the mobile networks. If I gain access to the voicemail of my phone by telephoning in from a landline or wherever, using a unique retrieval number and a pin number, then so can anyone else.

Finding outlet the pin number was not that straightforward, and here Mulcaire had to use underhand methods. His practice was to telephone the customer services department of a mobile phone provider and to persuade the company to reset the pin to its default setting. In order to do this, he needed to use a company password in order to convince company services that he was acting legitimately.

It is more than a reasonable inference that Mulcaire had some sort of illicit pathway to two key pieces of information: first, the unique retrieval numbers paired with a particular mobile phone; secondly, the company passwords which would give him credibility when he spoke to customer services. These passwords were often changed for security purposes, so Mulcaire’s channels of information must have been ongoing.

It is not entirely clear how Mulcaire had access to the unique retrieval numbers, or, as it happens, to other confidential mobile phone data. I have mentioned illicit pathways. These include the possibility of both blagging and corruption.

In relation to counts 1 to 15, Mulcaire used landlines located within his office and another telephone installed in some way in a cash point machine. Goodman made some calls from his home address, and more pertinent for our purposes, from a fixed link.

When Mulcaire’s premises were raided, the police found a number of notebooks containing details of the scheme of interception. These notebooks were of particular interest to the Inquiry. In relation to counts 1 to 15, their contents were explained by prosecuting counsel to Mr Justice Gross.

The information varied from page to page, but very often, one could see the name of the individual member of the royal household targeted, his or her mobile phone number, his or her unique retrieval number, the pin number, which had been set to default, and finally the number of the network service provider.

The notebook evidence by itself did not prove that the voicemails had been accessed, but in the case of counts 1 to 15, there was other evidence which established that fact, because the police had analysed call data from the various phones I had referred to and had made the link.

On many but not all of the notebook pages, there is to be seen one extra piece of evidence, namely at the top left-hand corner of the page, a first name. In relation to counts 1 to 15, the prosecution opened the case to Mr Justice Gross on the basis that the first name was Clive, which was Goodman’s given name. This provided further evidence of a conspiracy.

Investigating officers in Operation Weeting carried out further analyses of the Mulcaire notebook. This has proven to be a painstaking and challenging exercise. At this stage, I can give some further information about counts 1 to 15, since not all of these left hand corner names were Clive.

In relation to one of the members of the royal household who was the target in counts 1 to 15, the corner names were "Clive" or "Private" or someone I’m going to called "A". You have ruled that A should be cyphered in these proceedings, although I have been told his or her identity. The revelation of A’s identity is not necessary for part one purposes and might cause prejudice to the police investigation.

One possible inference to be drawn is that A was working with or for Goodman and that he or she may have instructed Mulcaire to carry out a particular voicemail interception operation. It might be argued that A could have been acting independently of Goodman, but that would not make much sense since we know that Goodman was the royal editor and we also know that targets 1 to 15 were members of the royal household.

I have mentioned the consultancy agreement between
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1 Mulcaire's company and News International. There was 1 that.”
2 also evidence before Mr Justice Gross that Mulcaire 2 Here, Mr Justice Gross was referring to the
3 received cash payments in the aggregate sum of £12,300 3 possibility of giving a deterrent sentence.
4 between November 2005 and August 2006. These payments 4 Interestingly, in mitigating his client's case on
5 were made by Goodman, although he made corresponding 5 his behalf, defence counsel for Goodman said this:
6 expenses claims on the company. In relation to these 6 "Mr Goodman has lived his life in a world where --
7 claims, the identity of the source, Mulcaire, was 7 and I say this with some trepidation -- ethical lines
8 protected, since h was described in News International's 8 are not always clearly defined or at least observed."
9 books as Alexander. 9 Transcript, page 70, letter E.
10 As prosecuting counsel explained to 10 In his sentencing remarks, Mr Justice Gross said
11 Mr Justice Gross, the payment records showed that there 11 this:
12 were payments to Alexander in relation to Fergie, SAS, 12 "As to counts 16 to 20, you have not dealt with
13 Will, Harry and Chelsy, Harry, Harry, Wills, Wills. 13 Goodman but with others at News International. You had
14 This provides some indication of the sort of information 14 not been paid anything because no stories had resulted."
15 that was being provided. 15 Transcript, page 179, letter H.
16 We need to branch out into counts 16 to 20. 16 In relation to non-payment, this is what
17 Count 16 concerned Mr Max Clifford, the well-known 17 Mr Justice Gross had been told. Whether it was true is
18 publicity consultant. His clients are well outside 18 debatable. As it was clearly understood by
19 Goodman's bailiwick, the affairs of the royal family. 19 Mr Justice Gross that there were almost certainly other
20 Count 17 concerned Mr Skyler Andrew, the well-known 20 anonymous co-conspirators, if I can put it in those
21 management and public relations consultant with a client 21 terms, perhaps that is hardly surprising.
22 basis including, most notably, professional footballers. 22 Back in 2006 and 2007, the prosecution did not seek
23 Count 18 concerned Mr Gordon Taylor, the chief 23 to bring these co-conspirators within the scope of its
24 executive of the Professional Footballers' Association. 24 proceedings. Perhaps they felt that the evidence was
25 Count 19 concerned Mr Simon Hughes MP, who probably 25 insufficient to prove the case to the criminal standard.

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1 needs no introduction. 1 Perhaps they felt that the overriding imperative was to
2 The same applies to the subject matter of count 20, close this operation down in such a way that there would
3 Ms Elle McPherson. 3 not be a repeat. Perhaps there are other plausible
4 From my understanding of the criminal proceedings 4 explanations.
5 culminating in the hearing before Mr Justice Gross, the 5 Addressing the issue neutrally, it should be
6 prosecution did not seek to deploy Mulcaire's notebook emphasised that the criminal standard of proof is a high
7 in an attempt to link Mulcaire with any particular one. Juries are directed that they must not find
8 employee within News of the World. Strictly speaking, a defendant guilty unless they are sure of guilt.
9 there was absolutely no need to do so before 9 Nothing less than that will do.
10 Mr Justice Gross, because only Mulcaire's name was on 10 It remains to be determined how you should approach
11 the indictment in relation to counts 16 to 20 and there the standard of proof in relation to any findings you
12 was therefore no purpose in bringing in other employees make in your report, but in written submissions we
13 of the company. 12 placed before you on 4 October, it was suggested in line
14 However, it is noteworthy that Mr Justice Gross with standard practice in this area that insofar as you
15 himself was alive to the practical realities. At 13 should apply a standard of proof to determinations of
16 page 68H of the transcript of those proceedings, he 14 fact under the 2005 Act, the civil standard of the
17 said: 15 balance of probabilities should govern.
18 "The picture painted by that paragraph [and here he 16 It is not our purpose under part one to identify the
19 was referring to a paragraph in the Goodman pre-sentence other individuals within News International who were or
20 report], certainly read together with Mr Mulcaire’s might have tasked Mulcaire to hack into voicemails.
21 pre-sentence report, although I know that they are However, it does need to be established that they
22 separate documents -- but if you look at the picture existed, and we can do that with reference to a range of
23 together, there is a climate in which such activities evidence. 22
24 are or might become commonplace, and that I regard as First, there is evidence which entered the public
25 a feature which I must consider, so I give notice of domain after the criminal trial. For example, according

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to the report of the Culture, Media and Sports Select Committee published in February 2010, on 4 February 2005, Mulcaire, using the pseudonym Paul Williams, and Greg Miskiw, the then assistant news editor of the News of the World, signed a contract which gave Mulcaire exclusive rights in relation to the information or pictures bearing on the private life of Gordon Taylor in return for the News of the World agreeing to pay Mulcaire at least £7,000.

This document does not, of course, prove that Mulcaire would need to be accessing voicemails in order to obtain the information in question, still less that Mr Miskiw knew that. We have a note to count 17 that Mr Mulcaire did access Gordon Taylor's voicemail. This guilty plea related to the period February 2005 to June 2006, although in the subsequent civil proceedings, the period alleged was January 2005 to May 2006.

According to the same Select Committee's report, there followed a transcription of 35 voicemail messages. In 13 cases, the recipient of the message was GT, Gordon Taylor, and in 17 cases, Joe Armstrong.

---

In June 2005, there was only one Neville on News International's staff at the time, namely the chief reporter, Neville Thurlbeck. I have already made it clear that he has denied any knowledge of the email or the associated transcript.

Our second point is that in the context of counts 16 to 20, the police's analysis of the Mulcaire notebook -- and again, it is an analysis carried out in the context of Operation Weeting -- is that the corner names in Max Clifford's case were either "A" or "Private" or "A private". "A" is a cypher and I should make it clear that it is the same "A" who I have mentioned in the context of counts 1 to 15. In Skylet Andrew's case, the corner name was "I". In Gordon Taylor's case, the corner name was "A". In Simon Hughes' case, the corner names were A, B and C. There was also one illegible corner name. In Elle McPherson's case, the corner names were "B" and "Private".

So we have a range of corner names. I know the names in each case, but obviously do not know anything about the corner name "private" or its significance. We only have the first name in each of the cases but they happen to tie up with the first names of employees of News International.

---

Thirdly, we have evidence emerging from the civil proceedings which are due to come to trial in the Chancery Division at the end of January 2012. Mr Sherborne will no doubt be telling you more about those proceedings. The claimants in the civil proceedings are not limited to the targets of counts 16 to 20 on the original Mulcaire indictment. Indeed, some of these individuals have not brought civil claims. We'll be hearing from some of the civil claimants next week.

The claimants' developed case in the civil proceedings is that the system operated within News of the World was essentially a conspiracy, whereby Mulcaire and employees of that organisation would work together to access voicemails for the purposes of excavating pieces of information which could then form the subject matter of stories in the paper.

My fourth point is that News International had provided the Inquiry team with a list of the admissions they have made in those civil proceedings where proceedings have been issued. I will deal with those admissions in the following matter: putting to one side the Sienna Miller case for one moment, News International have made admissions in about a dozen civil claims along the lines that Glenn Mulcaire had gained access to voicemails. The most prolific is probably Skylet Andrew's case where there were 14 successful attempts and 19 failed attempts. In some of these claims, News International has also admitted that use was made of confidential information obtained by publishing articles.

We have noted in relation to these admissions that News International has accepted vicarious liability for the acts of Mulcaire, not for the acts of those within their organisation who tasked or commissioned him, but admissions are usually made on a minimalist basis.

I deal separately with Sienna Miller's claim. This is my fifth point. In her re-amended particulars of claim dated 11 April 2001, Ms Miller alleged a systematic invasion of her privacy by a series of voicemail interceptions in 2005 and 2006, and an equivalent campaign of harassment for over 12 months.

She also alleged that between July 2005 and July 2006, a number of articles about her were published in the News of the World and that it should be inferred that some or all of the private information contained in these articles were the products of News International's unlawful activities. Finally, she alleged that in September 2008 her email account was hacked into using the same password as her mobile phone and...
<table>
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<th>Day 1 - AM</th>
<th>Leveson Inquiry</th>
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<tbody>
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<td>1</td>
<td>the private messages were accessed.</td>
<td>1</td>
<td>Committee that these revelations, which emerged internally in 2008, prompted News International to obtain advice from senior leading counsel as to how to proceed in the litigation.</td>
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<td>2</td>
<td>On 12 May 2011, News International's leading counsel, in proceedings before Mr Justice Vos which were transcribed, admitted all the causes of action pleaded in the re-amended particulars of claim. There was subsequently a statement in open court when Sienna Miller's claim was settled.</td>
<td>2</td>
<td>Mr Michael Silverleaf, Queen's Counsel, advised in writing on 3 June 2008. Mr Silverleaf's opinion is in the public domain. Apart from the documentation I have already mentioned, he referred to the existence of a draft article, which may have been based on the voicemail transcript. Mr Silverleaf noted, however, that one News International employee, whose name has been anonymised, disputed that fact.</td>
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<td>3</td>
<td>The upshot in legal terms is that News International thereby admitted those facts which were both necessary and sufficient to found each individual cause of action set out in the pleadings.</td>
<td>3</td>
<td>Seventhly, I can say more about Gordon Taylor's case. He brought civil proceedings against News International and Mulcaire on the back of the case that there is or was a culture of illegal Inquiries into --</td>
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<td>4</td>
<td>Paragraph 31 of the re-amended particulars of claim, which alleged by way of an alternative case a common design and/or the counseling and procuring of voicemail hacking by journalists at News International was also admitted.</td>
<td>4</td>
<td>Then there are some words redacted.</td>
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<td>5</td>
<td>If there is a dispute about this, we need look no further than the transcript of the proceedings before Mr Justice Vos on 12 May 2011, page 3, lines 15 to 16, when Mr Silverleaf, Queen's Counsel, accepted all the pleaded points of claim. The significance of this is in the Sienna Miller litigation, News International went further than in their minimalist admissions elsewhere.</td>
<td>5</td>
<td>&quot;In addition, there is substantial surrounding material about the extent of NGN's journalists' attempts to obtain access to information illegally in relation to other individuals.&quot;</td>
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<td>6</td>
<td>Sixthly, reference should be made to Mr Jude Law's claims against the Sun, which is not, from my understanding, one of the claims due to be heard next January. Mr Law alleges that his phone was hacked by the Sun, which is part of the News International portfolio of print titles. Part of the evidential matrix in support of his case is a corner name in the Mulcaire notebook which simply states &quot;the Sun&quot; without specifying the individual working there. There's also documentary evidence which we have seen of another corner name relating to the Mirror.</td>
<td>6</td>
<td>Here, Mr Silverleaf is referring to the Information Commissioner's reports.</td>
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<td>7</td>
<td>Mr Taylor's lawyers then applied the third-party disclosure against the Metropolitan Police, and secured access to various documentation including the February 2005 contract and the &quot;for Neville&quot; email. Mr Taylor amended his pleadings to refer to this material. It is clear from documents recently disclosed and publicised by the Culture, Media and Sport Select Committee that these revelations, which emerged internally in 2008, prompted News International to obtain advice from senior leading counsel as to how to proceed in the litigation.</td>
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<td>&quot;... which could possibly justify the use of unlawful means to obtain information about it.&quot;</td>
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<td>&quot;In the light of these facts, it seems to me, as it seems to both my instructing solicitor and to junior counsel, that NGN's prospects of avoiding liability for the claims of breach of confidence and invasion of privacy, bearing in mind Mr Taylor, are slim to the extent of being non-existent. There is overwhelming evidence of the involvement of senior NGN journalists in illegal Inquiries into --&quot;</td>
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<td>Mr Taylor -- to have this paraded at a public trial would, I imagine, be extremely damaging to NGN's public</td>
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<td>14</td>
<td>Mr Taylor's illegal researching into Mr Taylor's affairs.&quot;</td>
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<td>15</td>
<td>It's not necessary for my purposes to comment on those inferences, but I should cite three passages from Mr Silverleaf's opinion. First, and I quote: &quot;There is no public interest in its disclosure ...&quot;</td>
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<td>Here, Mr Silverleaf is referring to the Information Commissioner's reports.</td>
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<td>&quot;There is no public interest in its disclosure ...&quot;</td>
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<td>Second citation:</td>
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<td>&quot;In the light of these facts, it seems to me, as it seems to both my instructing solicitor and to junior counsel, that NGN's prospects of avoiding liability for the claims of breach of confidence and invasion of privacy, bearing in mind Mr Taylor, are slim to the extent of being non-existent. There is overwhelming evidence of the involvement of senior NGN journalists in illegal Inquiries into --&quot;</td>
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London EC4A 2DY

20 (Pages 77 to 80)
Mr Silverleaf's point that Mulcaire was not providing research services for legitimate activities. He did, however, advise that he believed Mr Mulcaire was specifically employed by NGN to engage in illegal information-gathering to provide the basis for stories to appear in NGN's newspapers."

These paragraphs from counsel's opinion, trenchantly worded, speak for themselves. I'll be returning to Mr Silverleaf's point that Mulcaire was not providing research services for legitimate activities.

Mr Silverleaf also advised on quantum. His advice was written shortly before Mr Justice Eady's judgment in the Max Mosley case, where the claimant received £60,000 for a breach of privacy claim but failed in his attempt to recover exemplary damages. Accordingly, the Silverleaf opinion and the settlement negotiations.

Placed into the public domain by the Select Committee and by recent evidence given to that committee, but the extent to which the Inquiry needs to get to the bottom of this issue in part one is debatable.

What may be of more interest at this stage is the window this vignette might give us into the culture of this organisation. News International was consistently running the public line that Goodman was a rogue reporter. It did so from June 2008 until fairly recently. This gives rise to obvious questions about the culture of the organisation as to how far this went up. Was there a culture of denial or, even worse, cover-up? Was Mr Taylor paid over the odds to keep silent?

In relation to Mr Silverleaf's opinion, there are only two logical possibilities: either its contents were communicated to those at a high level in the organisation, in which case certain inferences may be drawn, or a decision was taken lower down, if I may put it in this way, not to communicate its contents to those at a high level in the organisation, in which case different inferences may be drawn. In either hypothesis, we have insight into the culture of News International at the time.

Eighthly, I turn to the issue of the Goodman settlements. Once they had served their prison terms, each brought proceedings for unfair dismissal in the employment tribunal. It was Goodman's case in part that senior executives in News International well knew what he was doing and condoned it. Mr Goodman was questioned about this in internal disciplinary proceedings and referred to emails which he believed would prove his case. He sought the disclosure of these emails but they were never forthcoming, News International would say because they do not exist.

At all events, News International took advice about the fairness of their dismissal and was told that the statutory dismissal process had not been correctly followed. Settlement negotiations then took place and the parties came to terms at a figure of £140,000 inclusive of legal costs. Again, there was a confidentiality stipulation.

Mulcaire, too brought proceedings in the employment tribunal. The issues in his case were the same, but the settlement figure was more modest, £73,000. Goodman's reference to internal emails which proved his case sparked off certain lines of investigation within News International. Harbottle & Lewis, a firm of solicitors, were asked to consider a database or part of a database and to advise whether they yielded any additional cash payments relating to members of the royal household. The recently disclosed information seems to throw that acceptance into considerable doubt.

If the trial proceeds, there seems to be little doubt that Mr Taylor's case will be advanced on the basis that Mr Mulcaire was specifically employed by NGN to engage in illegal information-gathering to provide the basis for stories to appear in NGN's newspapers.
The purpose of doing so is solely to provide you with
any analysis. Having reached this stage in my submissions, I am
viewed as further evidence of a culture of secrecy and
weight on their advice. Whether this is an issue which the Inquiry will need
to consider is debatable. What may be more relevant,
however, is the fact and level of the settlements
reached with Goodman and Mulcaire, since this may be
viewed as further evidence of a culture of secrecy and
cover-up.
Having reached this stage in my submissions, I am
able to assist the Inquiry further in relation to the
Mulcaire notebook and to provide an overview analysis.
The purpose of doing so is solely to provide you with
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some sense of breadth and depth. My analysis is drawn
from the work of officers in Operation Weeting.
The Mulcaire notebooks run to some 11,000 pages.
They evidence some 2,266 taskings, although some of
these relate to the same individual. On occasion, the
targets will not be the person identified in the
notebook. Often, the hacking was directed at associates
of the true target, with a view to finding information
about the true target.
Overall, there are about 28 legible corner names.
I have already given cyphers to some of these in
relation to the counts on the origin indictment.
Apart from Goodman, the most prolific users of
Mulcaire's services were corner names A, B, C and D. A
appears on 1,453 occasions; B, 3,003 occasions; C, 252
occasions; and D, 135. This accounts for 2,143
taskings.

LORD JUSTICE LEVESON: I think for B you mean 303, not
3,003.

MR JAY: Did I say 3,003? My apologies. 1,453 for A, 303
for B, 252 for C and 135 for D. That accounts for
2,143. The total number of taskings was 2,266.
The other corner names appear infrequently, often in
single figures, as the basic arithmetic must suggest.
The Metropolitan Police have recently placed in the
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public domain a number of potentially identifiable
persons who appear in this material and who may
therefore be victims. The figure they have given is
5,795. There are 318 outgoing calls to unique
telephone numbers from a variety of phones. Some but
a minority of those, may be people legitimately
accessing their own voicemails remotely.

There are 690 audio recordings by Mulcaire. There
are 568 --

MR JUSTICE LEVESON: 5 --

LORD JUSTICE LEVESON: 5 --

MR JAY: 586 voicemail messages, mostly messages that were
apparently intercepted. There were 64 identifiable
individuals who were intended recipients of the 586
telephone messages. There are, in addition,
38 recordings of Mulcaire buggings.
The scale of this activity gives rise to the
powerful inference that it must have occupied Mulcaire
full-time, an inference which is supported by Mark
Thomson's evidence to the Inquiry, in particular
paragraph 33 of his witness statement, which we will
hear next week.

MR JAY: Had Mr Michael Silverleaf known of this evidence
when he advised, in June 2008, the present inferences
which he was prepared to draw from far less cogent
material would have been even stronger.
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According to the Metropolitan Police,
News International hacking operation had certainly begun
by 2002, Milly Dowler being the first named victim. We,
however, have recently seen a document which emanates
from May 2001. The police believe that it continued
until at least 2009. This belief is not derived from an
analysis of the Mulcaire notebooks, which we know were
seized back in 2006.

What inferences may safely be drawn from this
material for the purposes of part one of the Inquiry?
My approach will be a parsimonious one, although
I should emphasise I have not opened to you all the
evidence which is in the public domain.

It is clear that Goodman was not a rogue reporter.
Ignoring the private corner name and the illegibles, we
have at least 27 other News International employees.
This fact alone suggests wide-ranging illegal activity
within the organisation at the relevant time. Aside
from the number of individuals potentially inculpated,
we also have evidence of a significant quantity of
illegal activity over a relatively lengthy time period.

There are a number of ways in which this activity
might collectively be characterised. I suggest that it
would not be unfair to comment that it was, at the very
least, a thriving cottage industry.
A public interest defence could not be run at any criminal trial because we know that it does not exist under RIPA. In any event, we have Mr Silverleaf’s trenchant view expressed in the context of the civil claims that it would not have run as a defence to the breach of confidence claims either. His opinion was doubtless based on an assessment of the illegality of the means deployed weighed against the sort of information News International was hoping to unearth. With respect, Mr Silverleaf’s opinion is obviously right, and I do not imagine this Inquiry will hear a contrary view. In characterising the behaviour of those who partook in these activities, Mr Justice Gross described it "as low as it gets". Apart from being illegal -- this is my language now, not Mr Justice Gross’ -- it was grubby, it was underhand and it was high-handed.

Maybe individuals, the corner names, did not know that this was illegal. That would, of course, not be a defence. Maybe some thought that public interest defence, as they saw it, justified everything. Maybe the moral compasses of those directly involved were simply pointing way off true north because, after all, so they would say, they owed a wider public duty to expose hypocrisy and to entertain. The public has a right to know. Unfortunately, it might be said against them that the same willingness to judge the conduct of their targets on moral grounds does not appear to be self-directed.

Questions might be asked as to how high up in News International the metaphorical buck stops. Here one needs to be careful, particularly in defining one’s terms and evaluating the present state of the evidence. Further, the submissions I’m going to make will not cover the possibility of corporate liability under the Data Protection Act or elsewhere.

First of all, there is a difference between responsibility in terms of the criminal law and responsibility in terms of corporate governance and ethics. The latter is capable of being much wider than the former. In terms of the criminal law, nothing less than proof to the criminal standard of accessory liability would suffice. By this I mean the following: there would have to be proof that X, within News International, aided, abetted, counseled or procured the relevant breach of section one of RIPA. Hard evidence of this would be required, not speculation and guesswork. Inferences are capable of being drawn in criminal cases but juries are warned to be careful.

Sir, you are almost the last person who needs a lecture from me as to the criminal law and I am not a criminal lawyer. However, these submissions are not being addressed simply to you and it is important to identify the basic principles. When one comes to corporate governance and ethics, the debate is somewhat broader, but at the same time the Inquiry does not seek to prejudice the criminal proceedings. For the purposes of this Inquiry, News International are likely to find themselves caught on the prongs of Morton’s Fork as there are only two logical possibilities: either senior management knew what was going on at the time and therefore at the very least condoned this illegal activity, or they did not, and News International’s systems failed to the extent that there was at the very least a failure of supervision and oversight, with possible failures of training, corporate ethos and checking of expenses claims.

There is, I suppose, room for the Nelsonian blind eye within this framework. The point I am making is that for either version, we have clear evidence of a generic, systemic or cultural problem. The length and breadth of the illegality enables me to make that awareness of the debate is somewhat broader, but at the same time the Inquiry does not seek to prejudice the criminal proceedings. For the purposes of this Inquiry, News International are likely to find themselves caught on the prongs of Morton’s Fork as there are only two logical possibilities: either senior management knew what was going on at the time and therefore at the very least condoned this illegal activity, or they did not, and News International’s systems failed to the extent that there was at the very least a failure of supervision and oversight, with possible failures of training, corporate ethos and checking of expenses claims.

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salacious morsel which might, at best, form the basis for an exclusive story is part of the wider picture because it encourages journalists to yield to the temptation to peer into secret worlds if the technology exists to allow them to do so. Further, if the prevalent zeitgeist is that no limits exist because as a matter of principle, the celebrity's life is altogether in the public domain, then any ethical constraints on such behaviours are much diminished. I mentioned the cult of celebrity. I'm not suggesting that the press is solely or even mainly to blame for the existence of this. It is part of a wider phenomenon that human beings tend to enjoy being nosey. The human geneticist might argue that this is part of our DNA, a socialist that it is a cultural matter. This Inquiry is happily not required to resolve this sort of dispute, but it is being asked to consider the bigger picture.

Nor in this regard is there anything new under the sun. The great American jurists, Warren and Brandeis, writing in the Harvard Law Review back in 1890, said this:

"The press is overstepping in every direction the obvious bounds of proprietary and decency. Gossip is no longer the resource of the idle and of the vicious but has become a trade, which is pursued with industry as well as effrontery. To satisfy a prurient taste, the details of sexual relations are spread broadcast in the columns of the daily papers. To occupy the indolent, column upon column is filled with idle gossip which can only be procured by intrusion upon the domestic circle."

I commend this article to the Inquiry not because I necessarily agree with it but because it provides a counterweight to some of the historical analyses on press freedom which quite rightly have been pressed on the Inquiry by some of the core participants and it contains a pithy and very well-written encapsulation of what is meant by the public interest.

In touching on these possible wider causes, one is reminded of what Mr Lionel Barber, the editor of the Financial Times, said at his public lecture earlier this year. I quote:

"Most important of all, the newspaper industry itself did not take the issue secretly (sic) or seek to establish --"

LORD JUSTICE LEVESON: "Did not take the issue ..."?

MR JAY: "Seriously". Pardon me.

"... or seek to establish the truth. Indeed, aside from the lead taken by the Guardian, which was followed by the FT, BBC and the Independent, the rest of the
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