Q. Yes.
A. And it's possible our coverage just differed in tone slightly from other newspapers.
Q. It might have differed in content as well, Mr Wright, but do you have any comment to make on the approach that one of your competitors, namely the Daily Express, took to the McCann story?
A. They gave it a great deal of coverage, more than I would have thought was warranted. I'm sure they'll be able to explain to you why they covered it in the way they did.
Q. I mean, I -- it certainly reached a point -- I'm not referring here directly or particularly to the Daily Express, but the coverage and the progress of the story itself reached a point where I felt it would be a good idea to send a very senior journalist out there to do what you might call a cold case review, and we sent David Rose, who is one of our top people, former Observer man, and told him to go out without any preconceptions and start afresh.
He filed a major investigation into the case, which focused in particular on the way the Portuguese police had handled it, and the fact that the Portuguese policeman in charge of the case had been involved in another case a couple of years previously involving a Portuguese woman whose daughter had gone missing, who...

MR JAY: Sir, I'd overlooked that point.
LORD JUSTICE LEVESON: All right. Thank you, Mr Jay.

Q. Yes.
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MR JAY: Mr Wright, a series of possibly disconnected general questions under a number of headings. First of all, in your view, is there a correlation between --

LORD JUSTICE LEVESON: Just before you go on, did you solve the issue?
A. Yes, I did. The story was published on August 21.

Q. Lord Mandelson made his complaint the very same day. It was sent to us on August 22. We put in a very vigorous response on September 3.
A. There were a series of emails and phone calls between the PCC and Lord Mandelson until the end of October, when he indicated that he didn't want to pursue it.

Q. They asked for written confirmation of that, which they haven't received, but in the absence of that, the file was closed at the end of the year and I think in the normal course of events we would have received notification of that, but we haven't as yet.
A. Probably the best answer I can give to that question is to tell you that in the last year only three stories we published gave a noticeable increase in circulation.
Q. You're commenting, as you only can, on the Mail on Sunday, aren't you?
A. Yes.

MR JAY: Mr Wright, a series of possibly disconnected general questions under a number of headings. First of all, in your view, is there a correlation between --

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Q. That may or may not have been a factor.
A. Can I move off that topic to a different topic, namely your relations with politicians, particularly those in high office or opposition politicians in shadow positions. How frequently, if at all, do you meet with politicians in that way?
Q. And also letters before action had begun to fly, I think.
A. Yes.

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1 A. I generally go to two out of three of the party conferences and have meetings with as many senior politicians as I can cram into 48 hours. Apart from that, I don't meet them very often.  
2 Q. We've heard of editors going out to dinner with politicians. Is that a practice you have partaken in?  
3 A. Apart from party conferences, I don't think I've ever been out to dinner with a politician.  
4 Q. Okay.  
5 A. My policy is to have perfectly cordial relationships with politicians, but to try and keep the newspaper completely independent of both parties, all parties, and certainly not to, as you might say, get into bed with individual politicians.  
6 Q. Can I ask you a couple of general questions along the same or similar lines to questions I've asked of others? What is your vision for the paper, and in what way will you realise that vision in the way you lead your organisation?  
7 A. Well, I've been a journalist for 38 years and I've never had higher ambition than to produce the best possible newspaper for the greatest number possible of people. I think our role is to inform, as accurately as we possibly can, to surprise, to entertain and campaign, and occasionally to make people laugh or cry in the process. You should always be the voice of people whose lives are affected by those in power, but who are not in power themselves. The Mail on Sunday is somewhat different to other papers. It was only founded 30 years ago. Our 30th anniversary is in May this year. It nearly folded in the first six weeks, it was a disastrous launch, and since that time it's grown to become the biggest selling Sunday paper in the country, and I feel very proud to have played a part in that.  
8 Q. In what respects does the organisation reflect your leadership?  
9 A. Newspapers are inevitably hierarchical organisations. It can't be otherwise because the decision-making process has to be very quick and very precise. I am aware that I am, if you like, a suburban chap with a family, and the newspaper represents the things that interest me, and I hope they are things that will interest a large proportion of the British population who live lives not that dissimilar to mine and have interests and concerns not that dissimilar to mine.  
10 Q. What is your greatest priority going forward, do you think, Mr Wright?  
11 A. It is to secure the future of the newspaper in a very, very difficult environment. I've seen how changes in technology and in people's habits can turn newspapers from very successful, highly profitable operations within the space of no more than four or five years into loss-making, struggling businesses, and my main task for the next few years will be to find ways of ensuring that the pool of talent which we've put together over the last 30 years continues to exist and that we can continue to produce the sort of journalism that I want to produce.  
12 Q. Before questions are asked about the future and the way forward, can we just touch on or go back to the chronology in relation to Operation Motorman? We have looked at this again. This is paragraph 14 of your statement, Mr Wright. You say in the third line of paragraph 14:  
13 "The instruction to staff in February 2004 that inquiry agents were not to be used without clearance from departmental heads had to be satisfied that other means of obtaining information had been exhausted." But it's a matter of record that charges were brought against Mr Whittamore in fact in February 2004, so that may or may not have been a coincidence. Probably wasn't, was it?  
14 A. I simply don't recall, I'm afraid.  
15 Q. Okay. At that stage, Mr Whittamore could still be used to produce.  
16 A. Yeah, I think they were later 2005, but he -- apart from those two, we stopped using him in September 2004.  
17 Q. So notwithstanding the scepticism which I may have shown earlier, you were using Mr Whittamore even after he was charged, weren't you?  
18 A. In a small number of cases. I mean, the use of him probably wasn't, was it?  
19 Q. And aligning your evidence with the next witness's and what you said to us earlier, I think it's right that Mr Whittamore was not used after September 2004, although there were two straggling payments which went into early 2005; is that correct?  
20 A. Yeah, I think they were later 2005, but he -- apart from two payments, which we, I'm afraid, can't explain, apart from those two, we stopped using him in September 2004.  
21 Q. So notwithstanding the scepticism which I may have shown earlier, you were using Mr Whittamore even after he was charged, weren't you?  
22 A. In a small number of cases. I mean, the use of him became much less frequent after February 2004.  
23 Q. As for the future, your reaction to the evidence the Inquiry has received thus far and your recommendations for the future, are you in a position to share some of those ideas which you must have, Mr Wright, with us now?  
24 A. Yes. I sit on the Reform Committee of the Press Complaints Commission, so I've given a fair amount of thought to this. I don't want to pre-empt what I hope will be the reaction of the industry as a whole, but...
2 Q. The constitution of any new body, if there were to be a new body -- the current constitution, I think, is ten lay members and seven editors. I may be wrong about that, but I'm searching my recollection.

A. Mm.

2 Q. Some would say that that is in danger of creating too cosy a relationship, even though I know that when adjudicating on Mail on Sunday complaints, you of course would recuse yourself.

A. And Daily Mail complaints.

2 Q. First of all, there are two questions. (a) would you agree with the suggestion that the relationship is too cosy? And (b) what are your ideas, if any, for the future constitution of such a body?

A. I actually don't think the relationship is too cosy.

I think some the people who have made that comment have made it on the assumption that the majority of the Commission are editors, which they aren't.

2 LorD JUSTICE LEVESON: Doesn't that underline why it ought may be a maverick and not be part of it.

24 an added spur to publishers who might think they have some desire to be a maverick and not be part of it.

23 feel that this is a system of regulation which they've happen under the old Press Council system. And editors

22 when editors are adjudicated against, they publish the judgments have a complete understanding of the industry in which they work.

21 out of being mavericks, and how you get Private Eye in

20 in which they work.

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7 a consultant plastic surgeon from Burnley may very well sit on a case to do with a consultant plastic surgeon

6 LorD JUSTICE LEVESON: Yes, Mr Wright, that's true, and a consultant plastic surgeon from Burnley may very well sit on a case to do with a consultant plastic surgeon

5 A. Well, you have to put that out of your mind. Doctors sit on the GMC --

4 LorD JUSTICE LEVESON: Yes, Mr Wright, that's true, and a consultant plastic surgeon from Burnley may very well sit on a case to do with a consultant plastic surgeon

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<td>25 LORD JUSTICE LEVESON: But the public don't think much of it.</td>
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<td>14</td>
<td>A. Well, you say that, but you've heard from a lot of high profile celebrities. They're not the public.</td>
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<td>15</td>
<td>LORD JUSTICE LEVESON: I've not just heard from high profile celebrities at all. Would you say the reaction of Mr Jefferies, was he a high profile celebrity? Or Dr and Dr McCann, were they high profile celebrities?</td>
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<td>16</td>
<td>A. They're people who have been involved in major stories and have clearly been on the receiving end of stories which shouldn't have been written.</td>
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<td>17</td>
<td>LORD JUSTICE LEVESON: But that's the point. They're the only ones who are really in a position to comment upon the adequacy of the system. If you've never touched it, then of course you won't have a comment.</td>
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<td>18</td>
<td>A. Well, when you were talking about the public, I thought you meant the public at large.</td>
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<td>19</td>
<td>LORD JUSTICE LEVESON: I'm talking about the public who actually are involved and concerned with the way in which complaints are dealt with.</td>
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<td>20</td>
<td>A. The PCC receives about 5,000 complaints a year.</td>
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<td>21</td>
<td>LORD JUSTICE LEVESON: How many of those are ruled out as inadmissible?</td>
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<td>22</td>
<td>A. The PCC does deal with a very large number of complaints where people are very happy with the outcome, and the majority of these are from people who are not celebrities, are not politicians and are not people who, through no fault of their own, have become involved in a very big crime story.</td>
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<td>23</td>
<td>LORD JUSTICE LEVESON: Yes, and a retraction or a correction may be sufficient.</td>
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<td>24</td>
<td>A. Mm.</td>
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<td>25</td>
<td>LORD JUSTICE LEVESON: But there are more than a few where it clearly isn't.</td>
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<td>26</td>
<td>A. Yes. I mean, the McCanns chose not to use the PCC. They actually were in the rather odd situation of going to the then chairman of the PCC and asking his advice, and he advised them, for whatever reason, to go down the legal route.</td>
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<td>27</td>
<td>LORD JUSTICE LEVESON: Why should there be one or the other? A. Because in my view, and the PCC has sort of -- it's slightly varied its policy on this over the years. But you should not -- it's a sort of double jeopardy thing. You should not be simultaneously being sued and have to fight a PCC complaint.</td>
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<td>28</td>
<td>LORD JUSTICE LEVESON: With great respect, that's just untenable, isn't it? Think about doctors, lawyers, everybody else. They can be disciplined by their professional body and sued. Why not?</td>
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<td>29</td>
<td>A. Well, it has --</td>
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<td>30</td>
<td>LORD JUSTICE LEVESON: Why should you be different? A. It has happened. The policy of the PCC at the moment is that if people prefer to go down the legal route, they tell them that, &quot;Well, that's fine, but you go down the legal route&quot;.</td>
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<td>LORD JUSTICE LEVESON: But it's a different issue, isn't it, because there may or may not be an invasion of privacy, there may or may not be a tortious claim, but there is equally a regulatory issue.</td>
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<td>32</td>
<td>A. Yes. And there certainly have been -- I've been involved in cases where we have -- we have dealt with both a PCC complaint and a legal complaint. But the PCC process at the moment under the present constitution is a voluntary one, if you like, and some newspapers, if an individual is making a complaint and they are pursuing legal action at the same time, newspapers will tell the PCC, &quot;Well, this individual is suing us through the courts and we're going to respond to that action and not to the PCC&quot; --</td>
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<tr>
<td>33</td>
<td>LORD JUSTICE LEVESON: It raises the question whether it should be voluntary. If you can say, &quot;I'm not prepared to participate in this because I'm being the subject of...&quot;</td>
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 litigation", I don't think a lawyer could say that to the Solicitors Disciplinary Tribunal, or a doctor to the GMC, or an accountant to the accountancy regulatory authorities.

I appreciate I've given three professional examples, but one could give other ones. Policeman, in relation to police discipline.

A. Yes. I mean, we're not dealing with criminal matters here, but --

LORD JUSTICE LEVESON: Neither was I.

A. I think this is a point open to debate, and, as I said earlier, the policy of the PCC has varied over the years on this issue, but currently, rightly or wrongly, they tend to take the view that a complainant has a choice of either taking legal action or pursuing a complaint through the PCC. If we were to introduce an arbitration arm, you would not expect someone to be both going through the arbitration arm of the PCC and going to the courts at the same time, I would have thought.

LORD JUSTICE LEVESON: It may be one of the attractions of some arbitration arm is to preclude going to the courts. That would require some sort of statutory authority.

A. Mm.

MR JAY: Yes, thank you very much, Mr Wright.

LORD JUSTICE LEVESON: Thank you.

A. Is that it?

MR JAY: It is.

LORD JUSTICE LEVESON: Are you sorry?

A. I found it very interesting.

MR JAY: Lastly it's Ms Liz Hartley, please.

LORD JUSTICE LEVESON: Yes.

MS ELIZABETH HARTLEY (sworn)

Questions by MR JAY

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LORD JUSTICE LEVESON: The second statement is actually 6 January of this year, rather than 6 December.

MR JAY: I thought I'd said 6 January.

LORD JUSTICE LEVESON: No.

MR JAY: It is 6 January.

LORD JUSTICE LEVESON: Thank you. Slip of the tongue.

Head of editorial legal services at Associated, so does that mean that you're responsible for both the Mail on Sunday and the Daily Mail?

A. Yes, it does.

Q. And do you have any continuing role in relation to the Evening Standard on a contractual or other basis?

A. I do for the moment, but that is going to be taken over by the Independent's lawyers in February next month.

Q. You've occupied your current role since 2009, but before that you were in private practice and partners in two well-known commercial firms of solicitors?

A. Yes, it is.

Q. Can I ask you about one specific matter, if you don't --

A. Yes.

Q. On data protection and other legal issues for journalists and editors. How is that training imparted,

Ms Hartley?

A. Well, the training has been conducted in the past on data protection by the former head of the data protection committee, who has in fact now left the group. It's been in the form of one-to-one training and lectures.

We have in fact just introduced an interactive training module for training journalists, which contains some practical examples designed to assist them when they're confronting practical problems, and of course we are always there in order to give advice in relation to specific problems which arise.

A. Yes.

Q. Are the picture editors or photographers under his wing, do they receive training?

A. Yes, everybody will go through this module.

Q. I think you've drawn to my attention one case which might be relevant to a question which was posed earlier.

It's Elton John v Associated Newspapers.

A. Yes.

Q. Mr Justice Eady [2006] EWHC 1611 (QB). We'll obviously look at the case for ourselves, but you remember the case. Just tell us a little bit about it.

A. I felt it might be of assistance to the Inquiry because it addresses the issue which arose this morning when Mr Silva was giving evidence on where the boundaries lie and how they're drawn and why they're drawn in relation to walking from your house to your car, if it's on a driveway or if it's on a public street.

I thought it was useful for you, sir, to know that this inquiry was considered by Mr Justice Eady in his judgment in 2006, when Elton John made an application for an injunction to prevent publication of a photograph by the Daily Mail. I handled the case externally when Mr John was travelling -- had travelled from his house in Windsor to his London residence and was walking to his car to the gate of his house across the pavement. There is no evidence of harassment against our clients or the photographer, and the injunction was refused, was declined. But it's a useful authority on privacy in relation to that photograph.

Mr John was travelling -- had travelled from his house in Windsor to his London residence and was walking from his car to the gate of his house across the pavement. There is no evidence of harassment against our clients or the photographer, and the injunction was refused, was declined. But it's a useful authority on these issues.

Q. It's also right to say that coincidentally Ms Michalos also drew the same authority to my attention and indeed provided the reference, so we'll look at that in due course, but thank you for having done so.

Paragraph 11, please, which is phone hacking.

A. Yes.

Q. You say in paragraph 12:

"However, heads of editorial departments and key journalists have denied any knowledge of phone hacking."

Can I ask in what context and to whom, please?

A. They have been interviewed, they have spoken to the managing editors and they've also had conversations with my predecessor in which that matter was discussed.

Q. Then you say in paragraph 13 that searches of financial records were undertaken.

A. Yes.

Q. Was this in the summer of last year?

A. Yes, it was.

Q. Can you tell us a little bit about the searches, particularly in the context of names of companies and individuals?

A. Well, what we decided to do was to interrogate our financial systems by conducting a search for payments made either to Mr Mulcaire or to his company, or indeed to anybody who had been named in conjunction with phone hacking or associated with him or any other names he may have used, to see whether we had records of payments to them as a good way of trying to double-check that what we were being told was accurate. And those searches resulted in confirmation that no payments to those people had been made and that's been a continuing process.

Q. Okay. Then you tell us you've conducted enquiries into the activities of Mr Raoul Simons.

A. Mm.

I'm going to gloss over this since you point out, as is the case, that he's been arrested in connection with Operation Weeting and some of your statement has been redacted for that reason, but it amounts to this, does it, that although your records show that Mr Mulcaire was a contact of Mr Simons, they don't reveal any payments to Mr Mulcaire, nor any evidence to suggest that Mr Simons used him to obtain information by means of unlawful interception of communication?

A. That is correct, that is correct.

Q. Thank you. Can I ask you about the advice which was sought from you as to the use of subterfuge? Can I ask you what forms of subterfuge?

A. I can't recall any detailed advice which I'd given on the question of subterfuge over the past two years, but it's something that I would be expected to advise upon as and when it arose, if it arose, in relation to the
Q. Let me ask you a more general question about advice given to editors. Obviously the editor makes the final decision. You advise the editor as to risk. About how often in percentage terms is your advice rejected?
A. I don't think I can recall one occasion when my advice has been rejected. Sometimes the advice takes the form of a discussion about an issue, where agreement is reached on what the approach should be to a particular article, but I can't recall my advice ever being overruled.

Q. Okay. The use of private investigators and inquiry agents. We know from other evidence that there was a ban on the use of inquiry agents in 2007. That was two years before your arrival.
A. Yes.

Q. You have no knowledge of any journalist at Associated using private investigators or inquiry agents, and then you say:
"... other than genealogists, company search agents or similar."
Could you tell me, please, what you mean by "or similar" in that clause?
A. We have two databases in our library which are used for searches and we have two genealogists who provide information on people's backgrounds when we're writing about people's family histories. I'm not actually aware of anything else. We of course do company searches in the way that you would expect on financial stories, but I don't mean anything other than that. We don't use private investigators or inquiry agents.

Q. Okay. Operation Motorman, and I'm going to cover this quite shortly given the position we've reached when a discussion about an issue, where agreement is reached on what the approach should be to a particular article, but I can't recall my advice ever being overruled.

Q. Had there been no Inquiry, this Inquiry, would you still, some years after the event, have sent representatives up to Cheshire?
A. Yes. And in fact in evidence to a Parliamentary Select Committee I think in 2008 we had said that if we were able to be given access to the underlying information, we would like to see it. So we'd made our position clear and having been given the green light, we went to look at it.

Q. There are just one or two matters, if I may. At paragraph 21, if I could take it out of sequence, you tell us there that the visit to Cheshire had been arranged following a meeting between representatives of Associated, Reynolds Porter Julian Darrall, who was with me at Reynolds Porter Chamberlain.
A. I think I would, because it's part of my role in order to look at editorial processes and procedures. And this issue is something which has been raised earlier. You know, before the Inquiry was announced last year. So I think, having been given the opportunity to now look at the documents, we would have wanted to follow that up.

Q. And so the timing, namely you arranging for four representatives of Associated to go up to Cheshire in August, you might say it's wrong to say that that ties in with the announcement of this Inquiry necessarily, it follows on from the green light being given in July; is that right?
A. Yes. That's correct.

Q. So is this right -- but we can have this confirmed by Mr Graham when he gives evidence -- that before July of last year, the ICO were not making available the underlying evidence to newspapers?
A. Yes.
A. I received a series of notes as our investigations continued on what we'd found out. We were trying to match the information that we were able to look at with continued on what we'd found out. We were trying to get to the bottom of the truth or falsity of the allegations, then of course they would have been on the findings of your investigation, because we've been able to look at wider evidence, including the books -- at least I've had access to the books, not everybody has had access to the books. But may I ask you this one question: did you receive a report from anybody following this investigation? A report in writing?

A. No, I don't think so. I've known John Wellington for nearly 30 years and I regard him as a man of great integrity, otherwise I would not have sent him. If I'd thought there was any chance that this investigation would not be undertaken properly, I would have asked for other people to go.

Q. First of all, whose term was that?

A. Mm.

Q. You don't deal in the statement expressly with the term "mendacious smear". Mr Grant gave evidence, and so that would have been on 22 November last year: "mendacious smear".

A. Yes.

Q. But why did you decide to be, as it were, the spokeswoman for Associated on this issue rather than perhaps the journalists themselves?

A. Well, I thought it might be easier for the Inquiry if I produced a statement pulling all the information together. There was no desire on my part to avoid producing statements from the journalists themselves; I just thought it was the best way of dealing with the material. If this Inquiry was a trial, of course, where we were trying to get to the bottom of the truth or falsity of the allegations, then of course they would give statements, and would be giving evidence. So it was merely, we felt, the best way to summarise what the evidence was, so I've provided it on the basis of the information relayed to me. But of course, if the Inquiry would like to receive statements from any of the individuals concerned, that would not be very difficult to do.

Q. Why you, Ms Hartley?

A. Me?

Q. As the lawyer.

A. I think in my role as head of legal, I'm well placed to do it. We've after all looked into the circumstances, asked questions about how this material was obtained, and gathered it together. So it seemed to me that I was an appropriate person, as it spans both newspapers, to provide this statement. Not because I'm particularly keen to give evidence on it.

Q. You don't deal in the statement expressly with the term which I think was in the Daily Mail the day after Mr Grant gave evidence, and so that would have been on 22 November last year: "mendacious smear".

A. No, but I think that that is an appropriate statement, and I was going to say what I said.

Q. I'm going to leave that matter there, since, as I've said, we've gone into the underlying information in greater detail than you were able to.

Can I move on, therefore, to your supplementary statement? First of all, by way of observation -- well, there are two points, really, general points. By way of observation, the statement contains a lot of hearsay. Can I move on, therefore, to your supplementary statement? First of all, by way of observation -- well, there are two points, really, general points. By way of observation, the statement contains a lot of hearsay. Of course, this Inquiry can receive hearsay.

A. Yes.

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A. Mm.

Q. First of all, whose term was that?

A. It was the response of the Daily Mail on the day Mr Grant gave evidence, as you know, to requests for statements by our group on very serious allegations made by Mr Grant when giving evidence. That statement was released to broadcasters for publication.

A. That is certainly my view, based upon the evidence we have got from our journalists.

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A. Yes, it is, sir, yes.

MR JAY: So the "mendacious smear" term was one which was arrived at following discussions. Mr Dacre, the editor in chief, was part of those discussions, so it must have been his decision, mustn't it, to use it?

A. Mr Dacre is the editor in chief, and of course we were here in the Inquiry. And this was a response to the evidence which was given in reply to requests for comment on the evidence in the afternoon while we were still sitting.

Q. What is Associated's formal position, though, as regards "mendacious smear"? Does it stand by it or does it withdraw it?

A. As you know, the editor in chief is away. I haven't had a further discussion with him about it before giving evidence. My view is that they will stand by it.

Q. You don't have to disclose matters which may be privileged, although I doubt whether this question is going to address a privileged issue. You must have discussed these matters with Mr Dacre before you filed and signed your statement, mustn't you?

A. There was a great deal of discussion after Hugh Grant gave evidence, and it may be pertinent to mention that we had already had communications with Mr Grant on allegations of phone hacking earlier last summer when still sitting.

Q. Mr Barr has heard the tape, and it is consistent with the transcript, but if that's wrong I'll be corrected. Yes, what I've said is right. He needed to do that before Mr McMullan gave evidence.

I think your position is you don't accept for one moment that that was at least one interpretation of what Mr Grant's New Statesman article, "The bugger, bugged" or words to that effect, I think it was. Would you not agree that certainly one interpretation of what Mr McMullan said was precisely that, that the Daily Mail was indulging in phone hacking? Of course it's understood that Mr McMullan clearly restated that when he gave his evidence, but that's certainly one interpretation if we just read the words.

A. We haven't seen the underlying transcript, unless the Inquiry have seen it, I don't think it's been disclosed to the core participants, on which the Spectator article was based, but I think it would have been a straightforward matter for Mr Grant to have checked that. And I think if you're going to make what are going to be widely publicised allegations, you would be careful about what you say. And if you choose to make allegations, which he's perfectly entitled to do, it should come as no surprise when those are very robustly defended.

Q. What is Associated's formal position, though, as regards "mendacious smear"? Does it stand by it or does it withdraw it?

A. No.

Q. Are you not -- if I can be forgiven for asking this question -- not a little bit too close to your client in the sense of trying to support the position of Associated?

A. No. I have tried to be of assistance and helpful and to avoid mistakes being made with serious consequences, and I spoke to his representative and explained our position to him and followed it up with an email.

I would have thought, coming on to his evidence to this Inquiry, that before making very serious allegations, Mr Grant might, for example, have checked with Paul McMullan whether his understanding of Mr McMullan's position and his understanding of what Mr McMullan was saying to him was correct. It's a serious matter --

LORD JUSTICE LEVESON: Do you think so?

A. Yes, I do.

LORD JUSTICE LEVESON: Bearing in mind the relationship there was between Mr Grant and Mr McMullan and the article that he'd written?

A. Yes, I do. I think if you are going to make a serious allegation and you're leading a campaign against the media, which Mr Grant is doing, you would and should take care over what you say. I do think that.

MR JAY: But if I may address that issue, we saw the text of the Hacked Off campaign commenced, when Mr Grant gave interviews to broadcasters before going into the Houses of Parliament for the launch, saying that -- accusing our group of being involved in phone hacking.

In an endeavour to be of assistance and helpful and to avoid mistakes being made with serious consequences, I spoke to his representative and explained our position to him and followed it up with an email.

LORD JUSTICE LEVESON: You think so?

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A. Yes, I do. I think if you are going to make a serious allegation and you're leading a campaign against the media, which Mr Grant is doing, you would and should take care over what you say. I do think that.
The starting point is the News of the World story, and we've seen that in Mr Grant's HG2 exhibit. You've been told, is this right, Ms Hartley, that the story was offered up to the Mail on Sunday by Mr McMullan, but the Mail on Sunday was not interested?

A. Yes, that's right.

Q. I didn't ask Mr Wright that, and perhaps I should have done. Do you know why?

A. No, but I'm able to confirm that that is what I've been told.

Q. When you say "it was offered up to the Mail on Sunday by Paul McMullan", of course we don't know how he got this story, but he was asking for payment, presumably, wasn't he?

A. Yes. No, and in fact I don't know the identity of the source.

Q. When you say "from within Mr Grant's celebrity circle", I think you mean a friend or professional associate of Mr Grant's, do you?

A. I think that's a reasonable interpretation of it.

Q. Okay. Then we move on to after the birth. The birth was on 26 September of last year. Mr Todd, one of your reporters, was contacted by a source from within Mr Grant's celebrity circle. Of course that source you wouldn't name under any circumstances, would you?

A. No, and in fact I don't know the identity of the source.

Q. When you say "from within Mr Grant's celebrity circle", I think you mean a friend or professional associate of Mr Grant's, do you?

A. Yes. That's one possibility, but can we possibly analyse it in a different way? Here was a woman who enjoyed no celebrity, who was clearly, was she not, an entirely private person; are we agreed?

A. She is a private person. She's not a celebrity, no.

Q. The only issue, of course, is her association, her relationship with Mr Grant, but we're not at the moment addressing an intrusion into Mr Grant's privacy, not at the moment; we're addressing an intrusion into her privacy, aren't we? Would you agree that certainly after two goes, two attempts, it was pretty clear that she didn't want to know, as it were? It's certainly highly arguable that the right response, to use your language the response of responsible journalism, was to back off rather than to persist with her at least, wouldn't you agree with that?

A. But if you look at these contacts, after the -- I think I'm right in saying that after 21 October, the calls

The real -- perhaps the real solution to this would have been for Mr Grant's publicists simply to have said to the media on her behalf that she didn't wish to make any comments and would be grateful if journalists would desist, and then they would have understood the position straight away and she wouldn't have had any further calls.

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were to Mr Grant's assistant, not to Ms Hong. So it
isn't the case that she had repeated and persistent
calls, I think, from us in relation to this. And it
wasn't clear, I think, to the journalists what the
position was even after the announcement on the --
I think 1 November when Mr Grant issued a statement
confirming it, it was done in such terms that he didn't
accept that she was his girlfriend, and again didn't
say, "We'd be grateful if you would leave us alone and
give us some privacy while we enjoy our new family", he
referred to it as "a fleeting affair" and it wasn't
clear really what the position was with Ms Hong. In
some circumstances like this, people do talk to the
media and do make statements, and really -- I don't
think the position was -- had become clear what she
really wanted to do.

But as I say, it seems to me that by 21 October,
I think after two days, I don't think that further calls
were made to her. I wouldn't have regarded that as
anything remotely like harassment, but simply
journalists not knowing whether the information they
were being given was accurate, and they were doing their
best to find out what the position was, which is
actually what responsible journalism is about.

Q. Can I ask you -- I have a number of follow-up questions
relating to that answer, but first of all, did the
journalists concerned, this is Mr Gladdis and Mr Todd,
did they keep notes of their attempts to speak to
Ms Hong?

A. I haven't checked. Personally, I haven't checked their
notebook. They usually do keep notes of their attempts,
and certainly they have summarised for us the action
they took.

Q. Yes, because you were asking them some time -- the
length of time isn't altogether clear but we know the
date of your statement -- some time after the events to
address the precise occasions on which they attempted to
speak to Ms Hong; is that right?

A. Yes.

Q. And it would be standard practice for journalists to
keep a note somewhere of the efforts they made in this
sort of case; is that right?

A. I don't know that they will -- if they've made a call
and left a message, I don't know that they would do
anything in the form of an attendance note that lawyers
would do. I would expect them to make notes in some
form, whether straight onto a computer and their copy or
into a notebook, of anything they had discovered.

Q. You were dealing with an allegation made by Mr Grant
that Ms Hong was persistently telephoned. Surely the
1. you gave about five minutes ago, it was Mr Grant's agent
2. or publicist, I think, in America who issued a statement
3. confirming the story and referred to the "fleeting
4. relationship", I think.
5. A. Yes.
6. Q. He did not expressly say, "Please respect our
7. privacy" --
8. A. Mm.
9. Q. -- but notwithstanding that, why do you say that
10. ignoring his position, Ms Hong was fair game?
11. A. I don't think I am saying she's fair game at all.
12. Q. So what are you saying in relation to her?
13. A. I think it might be helpful to just provide the context
14. and the way in which we work and people know how we
15. work. We regularly get notices from -- requests from
16. people or notices from the PCC when something has
17. happened to people, whether it's good news or bad, where
18. they wish to be left alone, or people's publicists say
19. that to us, or people themselves write to us and say,
20. "Look, we don't want to be interviewed, we don't want to
21. say anything at the moment, please give us some space",
22. and we comply with that. It's a straightforward, easy
23. thing to do, and it means that everybody knows at the
24. outset what the position is and that -- and you know
25. what the parents' wishes are. It's helpful from...

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1. everybody's point of view. We don't want to waste time
2. and resources trying to speak to somebody who is
3. reluctant to speak to us.
4. Q. I understand --
5. A. I don't think it was entirely clear, when the
6. information came to us, what the position was between
7. Mr Grant and Tinglan Hong, and what his attitude was
8. towards the birth and what her feelings were on that
9. subject, but I don't really want to go into that.
10. Q. Well --
11. A. I can do.
12. Q. Mr Grant made it clear that the relationship between him
13. and Ms Hong had ended, hadn't he?
14. A. He said -- he didn't say it had started. He said it was
15. a fleeting relationship, whatever that is.
16. Q. I think you're beginning to spar with me a bit.
17. A. I don't mean to do that, Mr Jay.
18. Q. He made it clear that there had been a relationship, I'm
19. not going to argue about what the word "fleeting" means,
20. but the relationship had ended, hadn't it?
21. A. Yes.
22. Q. Now, Mr Grant could not therefore speak for the
23. interests of Ms Hong, could he?
24. A. Well, he could do. He was, after all, the father of the
25. child. He could easily have spoken to the media and...
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<tr>
<th>Q.</th>
<th>A.</th>
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<td>Day 24 PM Leveson Inquiry 11 January 2012</td>
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<tr>
<td>1. Can I move on to paragraph 17, if I may.</td>
<td>1. A. -- I think that the anger about the allegations relates to the issue of phone hacking. This part of the statement is dealing with an issue he's raised while giving evidence and is simply designed to set out what our position is on it.</td>
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<td>2. The first point is the leaking of the visit by the Portland. Are you with me on that?</td>
<td>3. Q. You keep on saying &quot;our position&quot;. All I'm seeking to do is show that Mr Grant, in this respect, reached a wholly reasonable and fair conclusion inferentially.</td>
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<td>3. A. Yes, Mr Grant's evidence.</td>
<td>4. It is true that his inference may be wrong if you add to the cocktail a fact which he did not know, indeed none of us knew until you told us, but on the information available to him it was entirely reasonable for him to say what he did, wasn't it?</td>
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<td>4. Q. Let's assume that you're right, or rather the evidence you have for us is right -- this is paragraph 9 -- that the Mail reporter was informed by the Westminster Register Office that a child was born to Sophie Hong -- that's obviously the false name, I suppose -- at the Portland Hospital on 26 September 2011. Of course, that information, self-evidently, was not available to Mr Grant, was it?</td>
<td>5. A. Yes, but equally, if Mr Grant had put some of this to us earlier, we could have explained the circumstances to him.</td>
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<td>5. A. Which information?</td>
<td>6. LORD JUSTICE LEVESON: Let's take five minutes. I'm just interested also in the fact that although the record may be public, whether information passed by the hospital to the clinic is public.</td>
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<td>6. Q. The information which we see in paragraph 9. He wouldn't have known that, would he?</td>
<td>7. MR JAY: The hospital to the registry office.</td>
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<td>7. A. The Westminster Register Office?</td>
<td>8. LORD JUSTICE LEVESON: Sorry, the hospital to the registry office.</td>
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<td>8. Q. That's right.</td>
<td>9. MR JAY: May we move on to 17.2, where we're dealing with the American publicist on a phone number she famously keeps private. You say:</td>
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<td>9. A. No, but he might have known that she'd registered into the hospital under the name of Sophie Hong.</td>
<td>10. &quot;The mobile phone number of publicist Ms Leslee Dart is well-known, as one might expect, given she is a publicist. Mr Todd was given the number by a contact who he has known for many years and has regular contact with US entertainment agents and publicists.&quot;</td>
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<tr>
<td>10. Q. That's precisely the point he's making. He's saying, &quot;Look, there's a bit of a coincidence here. Ms Hong registers herself at the hospital under a false name, that's Sophie Hong, that's not her name, and here it is the Daily Mail know about that. Therefore, putting two and two together, it's not entirely unrealistic for him to say there must have been a leak at the hospital. That's a reasonable inference, isn't it?</td>
<td>11. Do we know when Mr Todd was given that number?</td>
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<tr>
<td>11. A. But this is our answer, saying -- explaining that that is not the basis of our knowledge.</td>
<td>12. LORD JUSTICE LEVESON: Sorry, the mobile phone number of publicist Ms Leslee Dart is well-known, as one might expect, given she is a publicist. Mr Todd was given the number by a contact who he has known for many years and has regular contact with US entertainment agents and publicists.&quot;</td>
</tr>
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<td>12. Q. I think you miss the point there, Ms Hartley, that you've been able to demonstrate, assuming paragraph 9 is correct, which we can do for these purposes, that in fact the information came not from the hospital but from the Westminster Register Office. Now, that is something that Mr Grant simply could not have known about, but given that he did not know about it, it wasn't unreasonable for him to say, indeed a perfectly fair inference, that it must have been a leak by the Portland Hospital. It's wholly sensible, I must say, on his behalf. Don't you agree with that at least as a piece of logic?</td>
<td>13. A. I don't, but I can ask.</td>
</tr>
<tr>
<td>13. A. It's a piece of logic, yes.</td>
<td>14. Q. I'm not quite sure why you say on the one hand the phone number is well-known, and on the other hand Mr Todd had to be given the number by a contact?</td>
</tr>
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<td>14. Q. It's more than that. Without knowing the truth, namely that the information had been obtained from the Westminster Register Office, it's the only possible inference that there had been a leak from the hospital, don't you agree?</td>
<td>15. A. Well, because he may not have had it personally, but the evidence was that this is a number she famously keeps private, and this is simply saying it's not a number that is kept private, it's one that is well-known, but Mr Todd himself obviously didn't have it.</td>
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<td>15. A. But if this is designed, though, to address what we've said about the mendacious smears --</td>
<td>16.</td>
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Q. Right. How do you know, if I may say so, that her number is well-known?
A. This is the information I've been provided.

Q. By who?
A. By the managing editors and by Mr Todd in connection with the preparation of this witness statement.

LORD JUSTICE LEVESON: So that might be Mr Todd speaking to somebody else?
A. There have been a number of discussions between our legal team and the journalists in relation to these facts. But I'm happy to provide further information on this, if that would assist.

MR JAY: Paragraph 17.3. This deals with the reluctance to publish, and Mr Grant surmising that the reluctance was based on the fact that the information may have been obtained unethically or illegally.

A. Yes.

Q. You say that isn't right, it was entirely because you wanted confirmation that Mr Grant was the father of the child, and that's why you held off?
A. Yes, that's right.

Q. Let's assume that's right, that you held off for that reason. I think the question is more whether Mr Grant was wrong to harbour the suspicion, and after all it was only a suspicion, that he did. Do you see the point?

A. Yes.

Q. You say that isn't right, it was entirely because you wanted confirmation that Mr Grant was the father of the child, and that's why you held off?
A. Yes, that's right.

Q. Let's assume that's right, that you held off for that reason. I think the question is more whether Mr Grant was wrong to harbour the suspicion, and after all it was only a suspicion, that he did. Do you see the point?
A. Yes.

M. JAY: And we're investigating here, if that's not putting it too high, Mr Grant's state of mind and his suspicion. We know the legal expression the state of a man's mind is as much a state of fact as the state of his digestion. You cannot demonstrate, can you, that Mr Grant's suspicion is incorrect in any way?

A. But Mr Grant's evidence was, I think, admitted by him to be speculation when he gave evidence, wasn't it?

Q. Well --

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<td>1</td>
<td>should be able to take the sentences one by one and deal with them on the facts as her investigations reveal.</td>
<td>1</td>
<td>£125,000 to sell private pictures of Ms Hong.</td>
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<td>2</td>
<td>But the question is whether all this permits a legitimate inference of deliberate dishonesty, which is equally a very serious allegation to make about anybody giving evidence on oath.</td>
<td>2</td>
<td>You tell us that the former boyfriend approached the Mail on Sunday through an intermediary. He offered the Mail on Sunday an interview. There was no pressure.</td>
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<td>3</td>
<td>MR CAPLAN: Well, all those three issues I quite agree. It will be the subject of submissions and for you, sir, to make a finding.</td>
<td>3</td>
<td>The payment was less than 15 per cent of £125,000; is that right?</td>
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<td>4</td>
<td>LORD JUSTICE LEVESON: It will indeed and I will indeed.</td>
<td>4</td>
<td>7 A. Yes.</td>
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<td>5</td>
<td>MR CAPLAN: Yes. May I just say while I'm on my feet that I accept responsibility for the way in which this investigation has been put before you. The reason it's been done in this way and not put in or call or seek to call nine journalists is because on many occasions, sir, you have said that you are not interested in the detail, you are not deciding fine points of detail, and we felt it is of more assistance to give you a detailed overview of this investigation. If you require anything further, if you require statements from any journalists that would assist you, we're happy to provide them but this is the most economic way that we felt it possible and responsible to put in front of you.</td>
<td>5</td>
<td>8 Q. If that's right, Mr Grant's figure is wrong, but he may have got that himself from hearsay or multiple hearsay, so need not be necessarily criticised for that.</td>
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<td>6</td>
<td>LORD JUSTICE LEVESON: I understand that, but you will equally understand why at the moment I am quite interested in the whole concept of the extent to which I should be relying on hearsay, and I don't need to explain to you why that is not inappropriate this week.</td>
<td>6</td>
<td>9 A. And the title. He said it was the Daily Mail.</td>
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<td>7</td>
<td>MR CAPLAN: Indeed. Well, we've had a lot of hearsay in the Inquiry. Some triple hearsay.</td>
<td>7</td>
<td>10 Q. We come now to the plummy-voice story. We read your statement, but can I start at paragraph 22. The source of the story, okay, a confidential contact of Sharon Feinstein, a freelance journalist who works with the diary editor of the Mail on Sunday, Katie Nicholl. That contact provided the information contained in the story. A trusted source of Ms Feinstein, who spoke regularly to Jemima Khan. Can we be clear about this. Is that source are you saying within Jemima Khan's circle of friends or is she an acquaintance or something else? Do we know?</td>
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<td>8</td>
<td>LORD JUSTICE LEVESON: That's the point.</td>
<td>8</td>
<td>11 A. I don't know. I don't know any more detail about the source.</td>
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<td>9</td>
<td>Yes, Mr Jay.</td>
<td>9</td>
<td>12 Q. I think the Inquiry was told or rather a statement was put on the Mail's website on the very day Mr Grant gave evidence to this effect:</td>
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<td>10</td>
<td>MR JAY: If I can move on, the point's been made on 17.3. 17.4, I think this is more a matter for comment.</td>
<td>10</td>
<td>&quot;The information came from a freelance journalist who had been told by a source who was regularly speaking to Jemima Khan.&quot;</td>
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<td>11</td>
<td>Mr Grant has used the adverb &quot;repeatedly&quot;. I think we have counted six occasions, six before and six after the birth of the child. Is that right?</td>
<td>11</td>
<td>13 A. This is what my statement also says.</td>
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<td>12</td>
<td>A. I don't think that is right.</td>
<td>12</td>
<td>14 Q. Fair enough. But can I just analyse with you the inference Mr Grant has drawn, namely -- he accepts it's speculative -- the allegation of voicemail interception. You say it makes no sense because if you look at the facts you have on the one hand a woman with a plummy voice who is a middle-aged PA to a friend of his in LA, and on the other hand, a person with whom he was suspected of having the affair, who was young and glamorous. Do I have it right?</td>
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<td>13</td>
<td>Q. Well, it's in your statement.</td>
<td>13</td>
<td>15 A. Yes. Yes.</td>
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<td>14</td>
<td>A. Yes.</td>
<td>14</td>
<td>20 Q. Can we try and analyse this, though, from Mr Grant's perspective? What he knows is that someone with a plummy voice has been speaking to him on the phone, or leaving messages on his voicemail. Is that correct?</td>
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<td>15</td>
<td>Q. And the question is does that six and six bear the adverb &quot;repeatedly&quot; and that's really a matter of comment.</td>
<td>15</td>
<td>21 A. Well, what is odd about this is that in the original claim brought against the Mail on Sunday, which was</td>
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<td>16</td>
<td>17.5, again it's a matter of comment, isn't it?</td>
<td>16</td>
<td>22 A. Yes.</td>
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<td>17</td>
<td>A very determined effort to grossly intrude upon Tinglan's privacy. This was the attendance of journalists and a photographer outside her home. Again, we needn't debate that; we can see what the evidence is. But the final point I don't think we have covered, 17.6, the ex-boyfriend, who Mr Grant said was paid</td>
<td>17</td>
<td>23 D. The former boyfriend approached the Mail on Sunday through an intermediary. He offered the Mail on Sunday an interview. There was no pressure. The payment was less than 15 per cent of £125,000; is that right?</td>
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<td>25</td>
<td>31 A. No.</td>
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<td>1 settled with the agreement of the statement in open court, Mr Grant or his solicitors denied that there was any plummy-voiced woman, and said the story was entirely false.</td>
<td>1 from a source and that to me indicates that this isn't something -- it wasn't a story which simply said that there was a woman with a plummy voice who was -- you know, there was more to it than that.</td>
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<td>2 Q. You say in paragraph 24 -- let me just remind myself where you deal with this in your statement. Yes, it's paragraph 20, my apologies. This was the agreed statement read out in court: &quot;Mr Grant's lawyer said that Mr Grant does not know of a woman from Warner Brothers matching this description, let alone was he conducting a flirtation with her. As far as he is aware, she simply does not exist.&quot;</td>
<td>2 Q. I understand that. It's not just -- one has to enter the mind of Mr Grant, and also predicate this, that he is thinking back, when he gave evidence on 21 November, to something which had happened four years earlier. He, of course, could not remember the precise content of phone calls he'd had with the plummy-voiced woman or the nature of the messages she'd left on his voicemail, but it's possibly, isn't it, from his perspective to say this, that he thought, he surmised that the plummy-voiced woman might have left flirtatious messages on his voicemail, but the messages contained content and it was those messages that you were hacking into? True, a piece of speculation, but from his perspective, a possibility. Would you not accept that?</td>
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<td>5 A. You know, this is -- what you're talking about is whether he was wilfully blind to the facts, if that's what we're saying, or whether he was reckless as to the truth. I think that to make a very serious allegation against us on something as thin as this was not something that should have been done.</td>
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<td>Page 65</td>
<td>LORD JUSTICE LEVESON: So you respond by accusing him of perjury?</td>
<td>LORD JUSTICE LEVESON: Oh, very good.</td>
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<td>Page 65</td>
<td>A. We respond by defending ourselves in relation to that.</td>
<td>MR SHERBORNE: It was put in on 28 November.</td>
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<td>Page 65</td>
<td>LORD JUSTICE LEVESON: No. As I think I said immediately, defending yourself, saying, &quot;This is wrong&quot;, wouldn't have caused me to be in the remotest bit concerned.</td>
<td>LORD JUSTICE LEVESON: No, you misunderstand me. Of course we've got the statement, I'm sure it's been disclosed, but I don't think it's formally been put into the record.</td>
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<td>Page 65</td>
<td>You're entitled to say, &quot;He's got it wrong&quot;, absolutely. But it's the language you use in doing so that actually is what's caused me to be concerned. Nothing more. That you mount a vigorous, to borrow Mr Wright's word, defence of the position of Associated, you're absolutely entitled to do.</td>
<td>MR SHERBORNE: As I understand it, it was. I may be corrected on that. Of course, I did say at the time that Ms Khan was prepared to come and give evidence --</td>
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<td>Page 65</td>
<td>LORD JUSTICE LEVESON: But you will understand the additional point and the justification for looking at it. That's all.</td>
<td>LORD JUSTICE LEVESON: I know.</td>
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<td>Page 65</td>
<td>MR SHERBORNE: As she still remains prepared to do.</td>
<td>LORD JUSTICE LEVESON: I'm sure so and I don't anticipate it's likely to be necessary. That's my view. I think it would be sufficient for her statement simply to enter the record.</td>
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<td>Page 65</td>
<td>MR SHERBORNE: Sir, I wasn't going to ask Ms Hartley questions for the reasons that Mr Jay explained at the outset, but I did want to say this. Given that Ms Hartley was prepared to offer her personal view about the mendacious smear allegation but cannot explain how the newspaper came to actually accuse Mr Grant on the basis of no evidence at all, it's clearly for Mr Dacre now to deal with how this mendacious smear allegation was made and, as we understand it, he is arriving at the Inquiry on 6 February. There are obviously a number of matters that we do want to put to Associated Newspapers. We've waited eight weeks for them to provide a response on Plummygate and what we have so far is hearsay and double hearsay at that.</td>
<td>MR SHERBORNE: Sir, I would ask that the journalists come to give evidence on the 6th, as Mr Dacre will be doing, so that they can say on oath the source of the story as Ms Hartley, the faithful lawyer, is suggesting.</td>
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<td>Page 65</td>
<td>LORD JUSTICE LEVESON: Right.</td>
<td>LORD JUSTICE LEVESON: Hang on, let me find out what you're asking for. You're not suggesting that all the journalists who have obviously contributed to Ms Hartley's statement should come; you're merely talking about -- are you merely talking about Sharon Feinstein?</td>
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| Page 66 | MR SHERBORNE: Sir, I understand that, but Mr Grant and Ms Khan gave evidence about this matter. They have been accused of lying. I say they have both been accused of lying, because the mendacious smear allegation was persisted in on the website after Ms Khan had denied that she could possibly have been the source, given that the first time she was aware of this was when she read it herself in the Daily Mail. | MR SHERBORNE: And Katie Nicholl, as I understand it, yes. |
| Page 66 | LORD JUSTICE LEVESON: Yes, but I take the point that Mr Caplan makes about the number of people we want to be dealing with this. | LORD JUSTICE LEVESON: Well -- all right. I'll think about that. Thank you. |
| Page 66 | MR SHERBORNE: That's it for today. I was hoping for a shorter day, but ... | Thank you. |
| Page 66 | LORD JUSTICE LEVESON: Well, there you are. All right. Tomorrow morning at 10 am. Thank you all very much. | (The hearing adjourned until 10 o'clock the following day) |
| Page 66 | (4.02 pm) | |

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<p>| Page 67 | MR SHERBORNE: As she still remains prepared to do. | |
| Page 67 | LORD JUSTICE LEVESON: I'm sure so and I don't anticipate it's likely to be necessary. That's my view. I think it would be sufficient for her statement simply to enter the record. | |</p>
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</table>