

<p>1 Thursday, 17 May 2012</p> <p>2 (10.00 am)</p> <p>3 MR BARR: Sir, good morning. Our first witness is Mr Peter</p> <p>4 Osborne.</p> <p>5 LORD JUSTICE LEVESON: Thank you.</p> <p>6 MR PETER ALAN OBORNE (sworn)</p> <p>7 Questions by MR BARR</p> <p>8 MR BARR: Mr Osborne, please could you confirm your full</p> <p>9 name?</p> <p>10 A. Peter Alan Osborne.</p> <p>11 Q. You've kindly provided the Inquiry with a witness</p> <p>12 statement. Are the contents of your witness statement</p> <p>13 true and correct to the best of your knowledge and</p> <p>14 belief?</p> <p>15 A. They are.</p> <p>16 Q. You are currently the chief political commentator of the</p> <p>17 Daily Telegraph, that's a contracted position. Your</p> <p>18 background is first having spent 15 years as a reporter</p> <p>19 and then, since 2001, having been a political columnist</p> <p>20 for the Spectator, at the Daily Mail and, more recently,</p> <p>21 the Daily Telegraph; is that right?</p> <p>22 A. That's right, yes.</p> <p>23 Q. You are also the author of a number of books, including</p> <p>24 "Alastair Campbell and the Rise of the Media Class",</p> <p>25 "The Rise of Political Lying" and "The Triumph of the</p> <p style="text-align: center;">Page 1</p>	<p>1 around Mr Kinnock, and I expect Mr Kinnock himself, that</p> <p>2 there was a poisonously unfair media towards Mr Kinnock</p> <p>3 at that time. He didn't get a fair crack of the whip,</p> <p>4 and therefore if he tried to sell a policy, it tended to</p> <p>5 get misrepresented. I know that's what those around</p> <p>6 Mr Kinnock felt and Mr Blair was articulating that</p> <p>7 sentiment.</p> <p>8 I think they overpresented that argument. I think</p> <p>9 Mr Kinnock had weaknesses which were correctly analysed</p> <p>10 in the media, but I do think the media was unfair to</p> <p>11 Mr Kinnock and I think that formed the analysis, helped</p> <p>12 form, was an important factor in forming the New Labour</p> <p>13 analysis.</p> <p>14 Q. We'll see if we can take that comment and extend it from</p> <p>15 the context in which it was made into more recent times.</p> <p>16 I am going to ask you about some examples you've given</p> <p>17 later in your book about utterances of Michael Howard in</p> <p>18 2005. You compare two contrasting utterances. The</p> <p>19 first that I'm going to put to you is in January 2005 he</p> <p>20 was asked on Radio 4's Today programme whether he would</p> <p>21 stay on as leader of the Conservative Party in the event</p> <p>22 of a defeat in the forthcoming General Election.</p> <p>23 Mr Howard answered:</p> <p>24 "If my party want me to do that, and I think I can</p> <p>25 continue to make a contribution, then yes, I will."</p> <p style="text-align: center;">Page 3</p>
<p>1 Political Class". You also report and present films for</p> <p>2 Channel 4 Dispatches and Unreported World?</p> <p>3 A. Correct.</p> <p>4 Q. In your books you've advanced various arguments which</p> <p>5 are of interest to the Inquiry. Can I start by</p> <p>6 reminding you of the way in which you started chapter 1</p> <p>7 of your book "The Rise of Political Lying". You started</p> <p>8 it with a quotation from Tony Blair, which was published</p> <p>9 in the Times on 24 November 1987, so quite some years</p> <p>10 ago now. It reads:</p> <p>11 "The truth becomes almost impossible to communicate</p> <p>12 because total frankness relayed in the shorthand of the</p> <p>13 mass media becomes simply a weapon in the hands of</p> <p>14 opponents."</p> <p>15 Now, that might be translated by some as admitting</p> <p>16 it's simply too dangerous to tell the whole truth</p> <p>17 because of the ways in which it will be used by the</p> <p>18 media. Is that your understanding?</p> <p>19 A. I certainly think it explains quite a lot of the conduct</p> <p>20 of Mr Blair and his advisers when he was both in</p> <p>21 opposition and then Prime Minister after 1997. I think</p> <p>22 it's important to contextualise that remark as well,</p> <p>23 because Mr Blair was -- so in 1987, when Neil Kinnock</p> <p>24 was the leader of the Labour Party. And I feel -- and</p> <p>25 I know -- I agree with the views of a lot of people</p> <p style="text-align: center;">Page 2</p>	<p>1 That seems to be an entirely frank and</p> <p>2 straightforward answer to the question.</p> <p>3 The consequences of that, you tell us, are that the</p> <p>4 Independent ran a story under the headline "Tory leader</p> <p>5 admits he may lose next election", and the Daily Mail,</p> <p>6 in rather more dramatic terms, wrote an article under</p> <p>7 "Dracula stakes himself". Is that, do you think, an</p> <p>8 example of what Mr Blair had been referring to all those</p> <p>9 years before, that if you tell the whole truth, the way</p> <p>10 it's dealt with by the mass media is politically very</p> <p>11 unfortunate?</p> <p>12 A. Yes, I think that was -- I think I put that story in to</p> <p>13 show that the media can indeed distort public discourse.</p> <p>14 Q. The other utterance of Michael Howard, which might be</p> <p>15 the flipside of the coin, as you tell us, is he was</p> <p>16 asked during the final months of Mr Duncan Smith's</p> <p>17 period as Tory leader whether he would ever stand for</p> <p>18 the leadership. His answer was an emphatic "No", and</p> <p>19 even when he was asked if he would stand even if</p> <p>20 Mr Duncan Smith stood down, he still replied, "No". We</p> <p>21 don't actually know whether that was a true statement of</p> <p>22 Mr Howard's position at the time, which then changed, or</p> <p>23 whether he was not being frank with all of his thoughts</p> <p>24 in public. You suppose that it was the latter and so we</p> <p>25 will make that assumption, but if that was the</p> <p style="text-align: center;">Page 4</p>

<p>1 position --</p> <p>2 A. What did I suppose, sorry?</p> <p>3 Q. That he wasn't being entirely frank about his beliefs.</p> <p>4 A. Oh yes.</p> <p>5 Q. Then you say that he would have had every motive to do</p> <p>6 that, because if he'd been frank and said, "Yes, I'm</p> <p>7 thinking of running for leadership if Mr Duncan Smith</p> <p>8 resigns", then it would have been reported as him</p> <p>9 seeking to challenge Mr Duncan Smith for his leadership,</p> <p>10 and would have undermined Mr Duncan Smith.</p> <p>11 A. Yes. I think I went on to say that it would have been</p> <p>12 preferable if Mr Howard had found a form of words which</p> <p>13 perhaps were comparable to use by Michael Heseltine</p> <p>14 before 1990, when he was constantly being asked that</p> <p>15 question and found a form of words which, without being</p> <p>16 directly -- without being false, were nevertheless left</p> <p>17 open possibilities, and that's -- I think I was saying</p> <p>18 that -- and because Mr Howard gave the right answer from</p> <p>19 the point of view of political strategy, but the wrong</p> <p>20 answer, perhaps, from the point of view of fact --</p> <p>21 although we can't see into his mind at the time --</p> <p>22 I was -- and I think I suggested that he might have</p> <p>23 found a more ambiguous wording to deal with that</p> <p>24 problem.</p> <p>25 Q. Mr Heseltine said he could envisage no circumstances</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. How accurate a summary is that of the change in</p> <p>2 government communications during that period?</p> <p>3 A. I completely agree with what Mr Shrimley -- who, by the</p> <p>4 way, I think is a sort of Labour-supporting figure, it's</p> <p>5 up to him to confirm that. I felt that what was true --</p> <p>6 I think what we had when New Labour emerged in power in</p> <p>7 1997 was really a -- what I'd call a new epistemology,</p> <p>8 which was that truth was really seen as something which</p> <p>9 served the purposes of government or the party in power.</p> <p>10 It wasn't -- the rigorously testable, empirical truth</p> <p>11 was of no interest -- of a kind which would be of</p> <p>12 interest to this Inquiry -- was not of interest to New</p> <p>13 Labour spokesmen. They were interested in truth as it</p> <p>14 served their political purposes, and so that was</p> <p>15 a different definition of truth.</p> <p>16 That, I think, is what Mr Shrimley is referring to</p> <p>17 there, that denials or assertions became really an</p> <p>18 instrument of government rather than an instrument of</p> <p>19 telling the truth.</p> <p>20 Q. Move you now from the factual, as it were, to the</p> <p>21 conceptual, you quote Baroness O'Neill many times in</p> <p>22 your book, and there are a couple of quotations I'd like</p> <p>23 to ask you about. The first is where she's dealing with</p> <p>24 the question of a free press. I'm quoting from page 238</p> <p>25 of your book, where you say:</p> <p style="text-align: center;">Page 7</p>
<p>1 when he would challenge her leadership.</p> <p>2 A. Yes.</p> <p>3 Q. Do those quotations which I put to you in the examples,</p> <p>4 do they fairly exemplify the pressures on politicians</p> <p>5 generated by media coverage?</p> <p>6 A. I think they're one part of the problem. I don't think</p> <p>7 they are -- there is a kind of particular problem of</p> <p>8 political -- talking about politics, particularly in</p> <p>9 connection with those sensitivities. I don't think</p> <p>10 it -- it isn't the whole of the -- it isn't the whole of</p> <p>11 the problem, because there are a lot of points where</p> <p>12 politicians are dealing with facts, facts provided by</p> <p>13 their departments, facts about the way the country is</p> <p>14 being run where I don't think there is -- such ambiguity</p> <p>15 does exist.</p> <p>16 Q. Moving now to the changes in the way what Number 10 said</p> <p>17 was treated, I'm going to read the opening quotation of</p> <p>18 chapter 7 of your book, "Constructing a Culture of</p> <p>19 Deceit". The quotation is from Robert Shrimley, who is</p> <p>20 the news editor of the Financial Times, and it reads:</p> <p>21 "When I joined the lobby in 1992, I would abandon</p> <p>22 a story if Number 10 denied it. By the time I left,</p> <p>23 I sometimes felt justified in merely recording the</p> <p>24 denial at the bottom."</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 6</p>	<p>1 "Onora O'Neill sensibly warns that a free press is</p> <p>2 not an unconditional good. Press freedom is good</p> <p>3 because and insofar as it helps a public to explore and</p> <p>4 test opinions and to judge for themselves whom and what</p> <p>5 to believe and trust."</p> <p>6 Does that quotation, in your view, succinctly</p> <p>7 summarise the purpose of a free press in a democracy?</p> <p>8 A. I think the purpose of a free press is to inform, to</p> <p>9 entertain, to -- and play a big role in a democracy,</p> <p>10 which is to enable people to make judgments about the</p> <p>11 issues of the day and the conduct of the government of</p> <p>12 the day, so roughly -- I can't see it here, I wouldn't</p> <p>13 like -- but yes, I would roughly agree with that.</p> <p>14 Q. And she's kept --</p> <p>15 A. It was a rather high-minded position. It does have the</p> <p>16 air of Newnham College Cambridge rather than -- about</p> <p>17 it, but never mind.</p> <p>18 Q. But if you're looking at it from the perspective of what</p> <p>19 is the public interest in a free press, it gives the</p> <p>20 answer, doesn't it?</p> <p>21 A. Yes.</p> <p>22 Q. She's careful also to use the word "free press" rather</p> <p>23 than "freedom of expression" and there is a difference,</p> <p>24 isn't there, because the press carries a megaphone and</p> <p>25 therefore has a particular role in public life?</p> <p style="text-align: center;">Page 8</p>

<p>1 A. All right, yes, I'll take your -- nice distinction, but 2 I'm sure you're right. 3 Q. The second quotation gives a flavour of the power which 4 Baroness O'Neill at least attributes to the press. She 5 says: 6 "We now live in a world where media conglomerates 7 have unrestricted rights of free expression and 8 therefore a licence to subject positions for which they 9 don't care to caricature and derision, misrepresentation 10 or silence." 11 Does that quotation sum up in a nutshell what it is 12 that a hostile press can do to a politician? 13 A. I'm sorry, I apologise, can you read it again just so 14 I can give a properly considered answer? 15 Q. Of course: 16 "... unrestricted rights of free expression and 17 therefore a licence to subject positions for which they 18 don't care ..." 19 A. To "subject positions"? Licence to what positions? 20 Q. "Subject positions" -- 21 A. "Subject positions"? 22 Q. Yes. "... therefore a licence to subject positions for 23 which they don't care to caricature and derision, 24 misrepresentation or silence." 25 A. Yes, I -- sometimes you get, reading the works of Page 9</p>	<p>1 or something is unfair and wrong, yes. And silence can 2 be unethical, profoundly unethical. 3 Q. You've expressed the view -- 4 LORD JUSTICE LEVESON: Hang on, I'd like you to explain 5 that, please. 6 A. Yes, I have -- for instance, I feel that in the 7 aftermath of the invasion of Iraq, in particular, and 8 Afghanistan, too many British papers remained silent on 9 the issue of complicity in torture, British complicity 10 in torture. Although the Guardian picked it up late in 11 the last decade, there was a long time when very 12 troubling evidence of British malpractice -- there was 13 a kind of omerta about it. And dealing with the issues 14 of this Inquiry, I think that for phone hacking, silence 15 about phone hacking on behalf of a number of British 16 newspapers was culpable. 17 LORD JUSTICE LEVESON: That raises the question, doesn't it, 18 that I have postulated from the very beginning, that the 19 press hold everybody to account, all our national 20 institutions, politicians, government, local 21 authorities, health authorities, the judiciary, but 22 nobody holds the press to account. 23 A. I think that's the -- the phone hacking -- the history 24 of the phone hacking -- reporting of the phone hacking 25 saga argues strongly for that, but also, of course, Page 11</p>
<p>1 Onora O'Neill, a feeling she doesn't much like the 2 press, and I think that this -- this is where I start to 3 part company from her. If all -- if newspapers were 4 written in the manner of a sort of -- of an article in 5 a philosophical journal, nobody would read them, and 6 I think that sort of vehemently pronounced opinions, 7 including unfair opinions, including caricature, are all 8 part of what makes for a free press. 9 Q. I'm certainly not suggesting that they are bad things 10 that should be banned or anything like that. The 11 question was about the power of the press. These are 12 tools which can be used by a hostile press, can't they, 13 adversely to affect a politician who is out of favour? 14 A. Oh yes, certainly they are tools which the press can 15 use. It would be a grave distortion, however, to 16 suggest that those are habitual or the natural posture 17 of the press towards those in power. 18 Q. In fact, perhaps coming back to the point you were 19 making, if you were looking at the four tools, 20 caricature and derision, misrepresentation or silence, 21 only one of them is actually unethical: that's 22 misrepresentation. Would you agree with that? 23 A. Caricature, derision -- 24 Q. Caricature, derision, misrepresentation and silence. 25 A. Yes, I rather agree with that. To misrepresent somebody Page 10</p>	<p>1 against, ultimately. There was pretty well an omerta in 2 Fleet Street surrounding the very troubling evidence 3 about phone hacking, but of course at the end of the day 4 it was the Guardian newspaper, and in particular 5 Nick Davies, who industriously weaved way and started to 6 get to the truth. 7 LORD JUSTICE LEVESON: It may be because it was rather more 8 commonplace and not seen as quite the issue that it 9 later became clear it was. 10 A. It's very dangerous, I believe, to get involved in 11 speculation. If there was any -- I mean, I think 12 anybody who was to suggest that the reason why rival 13 newspaper groups were unwilling to report phone hacking 14 at the News International titles was because they 15 themselves practised it I think would need to provide 16 evidence (a) that those rival newspaper groups practised 17 phone hacking, I haven't seen any, and (b) that that was 18 the motive even if they did. I think you have to be 19 very careful about attributing motive. Nevertheless, 20 I see it more in terms -- but again this is -- it's only 21 my views as an informed spectator, that there is a -- 22 there was a reluctance of one newspaper group to 23 embarrass another. 24 LORD JUSTICE LEVESON: But is that restricted to phone 25 hacking or would that be so in relation to any issue, Page 12</p>

<p>1 that the newspapers don't have a go at one another?</p> <p>2 A. I certainly think that is one of the abominable</p> <p>3 characteristics of Fleet Street over the last 20 to 30</p> <p>4 years. It goes back as long as the Maxwell business,</p> <p>5 when Maxwell was quite clearly a crook and you had to --</p> <p>6 it was only the Wall Street Journal that started to hint</p> <p>7 at it at the very end of his life, and up until that</p> <p>8 moment, the rest of Fleet Street had looked the other</p> <p>9 way.</p> <p>10 LORD JUSTICE LEVESON: Well, all right, let's use that as an</p> <p>11 example rather than phone hacking. If that is so, is</p> <p>12 that inevitable?</p> <p>13 A. I don't know if it's inevitable or not, but it has been</p> <p>14 a very, very -- it has been a feature. I mean, to the</p> <p>15 Guardian's eternal credit, it stood outside that system</p> <p>16 and there are -- and I think it's been weakened a little</p> <p>17 bit, or even quite a lot, by blogs, and Private Eye has</p> <p>18 played a fantastically important cleansing function in</p> <p>19 the last 30 or 40 years with material which has not</p> <p>20 found its way into mainstream publications, has found</p> <p>21 its way into Private Eye.</p> <p>22 LORD JUSTICE LEVESON: Private Eye has also been publishing</p> <p>23 during the course of this Inquiry what the newspapers</p> <p>24 don't publish. In other words, they've gone through</p> <p>25 a number of stories and said, "Actually, it's rather</p> <p style="text-align: center;">Page 13</p>	<p>1 a systematic negligence by the press over a huge period</p> <p>2 of time. The expenses scandal started, I think, in the</p> <p>3 late 1980s, when the Conservative administration opened</p> <p>4 the way to MPs to profiteer on the sale of their houses.</p> <p>5 It went on into the 1990s, and in the early -- this is</p> <p>6 what I got personally -- I started to report this about</p> <p>7 10, 12 years ago, when Elizabeth Filkin, the</p> <p>8 commissioner for standards in the House of Commons,</p> <p>9 I can't remember her exact title, was basically drummed</p> <p>10 out of the House of Commons by MPs because she started</p> <p>11 to expose their sort of -- their lack of ethical</p> <p>12 behaviour and their corruption in some cases, and I --</p> <p>13 it was just ignored, really.</p> <p>14 Amazing event when one Tory MP called Trend was</p> <p>15 caught -- I can't remember the exact details, but it was</p> <p>16 pretty monstrous in terms of expense claims or allowance</p> <p>17 claims and he had to stand down, and there was just no</p> <p>18 coverage of it, and none of the major parties made</p> <p>19 anything of it, and there was a particular reason why</p> <p>20 that information came to the public, which it was</p> <p>21 nothing to do with the press. I mean it was not a press</p> <p>22 investigation, it was a whistle-blower. I suppose</p> <p>23 a paper did run it but -- and it was a sort of cover-up.</p> <p>24 And the whole expenses scam, which stabbed you in the</p> <p>25 face, went on for years and years, and when -- and the</p> <p style="text-align: center;">Page 15</p>
<p>1 interesting that this story appeared in this paper but</p> <p>2 it didn't cover another aspect."</p> <p>3 A. There is one defence, if I may make an observation,</p> <p>4 which is that mainstream newspapers, the Sun or the</p> <p>5 Daily Mail, take the view that their readers, you know,</p> <p>6 are not wildly interested in the internal mechanics or</p> <p>7 the sort of hypocrisies or evasions of their rivals.</p> <p>8 They take a -- you know a news editor has to take a very</p> <p>9 robust judgment about what his readers want to read and</p> <p>10 I don't think most newspapers' readers are interested in</p> <p>11 a big way in the hypocrisy of the Murdoch press or</p> <p>12 Associated Newspapers or the Telegraph Group, or whoever</p> <p>13 it may be.</p> <p>14 MR BARR: Your criticism of the coverage of the issues of</p> <p>15 rendition and so on, which you adverted to a moment ago,</p> <p>16 are part and parcel of a wider criticism which you make</p> <p>17 in paragraph 3 of your witness statement, which is:</p> <p>18 "The press and broadcast media have normally failed</p> <p>19 to hold politicians to account."</p> <p>20 If I might challenge that assertion so that you can</p> <p>21 comment upon it, there have been, haven't there,</p> <p>22 a number of examples where the press have challenged</p> <p>23 politicians, very vigorously. Perhaps the most salient</p> <p>24 of those has been the MPs' expenses scandal.</p> <p>25 A. Yes, I know. The MPs' expenses scandal I feel was</p> <p style="text-align: center;">Page 14</p>	<p>1 press was not interested, and indeed even when the DVD</p> <p>2 or whatever it was was for sale, it was turned down by</p> <p>3 quite a lot of papers until, to its great credit, the</p> <p>4 Telegraph picked it up and started to deal with it.</p> <p>5 Q. Can I put this to you: there was some coverage of</p> <p>6 impropriety by MPs, we've seen the articles that you</p> <p>7 wrote on the subject, amongst others. But wasn't the</p> <p>8 big difference that when the electronic material became</p> <p>9 available there was evidence on a much wider scale of</p> <p>10 wrongdoing by MPs and despite legal risks, the Telegraph</p> <p>11 was brave enough to take those and to publish? Isn't</p> <p>12 that a fairer summation of what happened?</p> <p>13 A. But that was -- this scandal had been going on for, as</p> <p>14 I say, for 20 years. I mean, I -- it just took a very,</p> <p>15 very long time, and the lobby, I think, the</p> <p>16 parliamentary lobby, just deliberately or -- they became</p> <p>17 too close to the MPs.</p> <p>18 Q. Are you saying that there were members of the press</p> <p>19 lobby who knew about the scale of expenses impropriety</p> <p>20 and consciously chose not to cover it?</p> <p>21 A. No, I'm not saying that. Nobody -- I think the sheer</p> <p>22 scale of it was unbelievable when it happened, but there</p> <p>23 kept on being evidence of the expenses scams sort of</p> <p>24 bubbling to the surface for a long, long time before the</p> <p>25 publication of all the details, and the parliamentary</p> <p style="text-align: center;">Page 16</p>

1 **journalists -- the political journalists, with almost no**
 2 **exceptions, just ignored that.**
 3 Q. If we move to the example of Afghanistan, which you
 4 mention in your witness statement, it's right, isn't it,
 5 that in fact some parts of the media were extremely
 6 critical of the government in relation to Afghanistan?
 7 I'm thinking perhaps in particular of the Sun's coverage
 8 of Gordon Brown's tenure in office. Do you agree?
 9 **A. I'm saying that -- we're still on the theme of --**
 10 Q. I'm looking at paragraph 3 of your witness statement.
 11 It's part and parcel of where you're saying the
 12 broadcast media and press have normally failed to hold
 13 politicians to account.
 14 **A. Oh yes. The Sun on Afghanistan is a very interesting**
 15 **study. It supported our occupation of Afghanistan, it**
 16 **supported the invasion. It was incredibly bullish about**
 17 **the British presence throughout. It was on the side of**
 18 **"our men" and so forth. I would suggest that the Sun**
 19 **did not engage in any way whatsoever with the deeper**
 20 **problems attaching themselves to the British presence in**
 21 **Afghanistan. It may have said -- launched this vicious**
 22 **attack on Mr Brown. I thought much of it deeply unfair.**
 23 **That wretched business when the Sun -- the letter of**
 24 **condolence by the Prime Minister of the day, shameful**
 25 **and wretched business when the Sun went for him over**

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1 **that.**
 2 **There are major issues concerning Britain's presence**
 3 **in Afghanistan which are still massively underreported**
 4 **in the British press. I'm thinking about illegal**
 5 **killing, the use of drones, human rights abuses.**
 6 **I haven't read a single thing about that in a number of**
 7 **our papers, and I feel that's an example of how the**
 8 **British press has been silent.**
 9 Q. You're careful in your answer there to say, as
 10 I understand it, some papers, because there are others
 11 which have covered this.
 12 **A. There are some -- the Guardian, I think Ian Cobain of**
 13 **the Guardian dealing with the use of torture has been**
 14 **exemplary, and others too, but very few.**
 15 LORD JUSTICE LEVESON: I'd like to go back to your answer of
 16 a moment or so ago, which is very much at the core of
 17 what I am concerned with. What you said was that the
 18 reason for the problem -- let me see if I can find it --
 19 is that the lobby, the parliamentary lobby or
 20 journalists became "too close to the MPs", and that very
 21 much is part of what I am concerned with. That is the
 22 conduct of relationships between politicians and
 23 journalists, and journalists and politicians. It's
 24 a two-way process. The reasons why politicians want to
 25 get close to journalists, the reasons why journalists

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1 want to get close to politicians, and the appropriate
 2 conclusions to be drawn from that, the lessons to be
 3 learned and the recommendations that can be made.
 4 Now, that's the over-arching issue, but I'd be
 5 interested for such evidence that you have that helps me
 6 try and unpick the extent of the closeness, your view of
 7 the reasons for it, the dangers of it, and the
 8 consequences.
 9 **A. Yes, I think that -- I've thought about this a great**
 10 **deal and researched this issue a great deal, and it's**
 11 **clear that there was a very significant cultural change**
 12 **towards the end of the 20th century in the relationship**
 13 **between politicians and journalists. I think if you go**
 14 **back 50 years you will -- I was told by one old-timer**
 15 **that when Harold Wilson went into a press conference,**
 16 **which would normally in those days be held when he**
 17 **was -- the first time that Harold Wilson went into**
 18 **a press conference, sorry, which was in 12 Downing**
 19 **Street, the press stood up. It was then the -- that is**
 20 **what they did. There was a sort of deference. Nobody**
 21 **probably wants that deference and Harold Wilson removed**
 22 **it, he started to call people by their Christian names,**
 23 **journalists, I mean, and encouraged an easy familiarity,**
 24 **and I think the deference was steadily replaced by**
 25 **familiarity.**

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1 **There was something to be said for that deference,**
 2 **because it brought with it a distance.**
 3 **By the time I arrived on the scene in the early**
 4 **1990s as a professional, as a political reporter, I was**
 5 **staggered by the status I had. You know, the Cabinet**
 6 **Ministers would accept my invitations to lunch, and if**
 7 **you went to party conferences, there were these -- it**
 8 **was not really -- it was ceasing to be a conversation to**
 9 **some extent between political activists and the party**
 10 **leaders and the politicians, but between the media and**
 11 **the politicians -- I mean, the News International annual**
 12 **party at the Tory and Labour conference was an**
 13 **extraordinary power event to which people were excluded**
 14 **and you got it -- I think I'm right in saying --**
 15 **I unfortunately never got in, but you got the entire**
 16 **Cabinet and you got the sort of -- all the influence**
 17 **brokers and the senior members of the political class --**
 18 **sorry, the media class, and it was a very important**
 19 **statement, I felt, about how Britain was being governed.**
 20 **And then you got the astonishing business of the**
 21 **senior News International people sitting just behind the**
 22 **Cabinet in the auditorium. You know, they were placed**
 23 **in the sort of important place for VIPs in the party**
 24 **conference chambers, and I believe other senior -- you**
 25 **know, really important media types were put there too,**

Page 20

<p>1 and the importance attached -- you know, they brought</p> <p>2 into the inner group, inner sanctum, and I felt that</p> <p>3 was -- this was a perversion, I think, of our democracy</p> <p>4 because our democracy was starting to become a private</p> <p>5 conversation between elite groups rather than a popular</p> <p>6 engagement, a proper popular engagement.</p> <p>7 LORD JUSTICE LEVESON: But might that not be justified on</p> <p>8 the basis that politicians have identified that the way</p> <p>9 in which they have to get their message across, perhaps</p> <p>10 less so in 2012 than in the time that you're talking</p> <p>11 about, is through the press and in particular the</p> <p>12 popular press. So they have to engage, they have to</p> <p>13 involve, they have to try to persuade, because otherwise</p> <p>14 the validity of their message will never ever get</p> <p>15 across?</p> <p>16 A. I never -- I know that's what the politicians thought.</p> <p>17 LORD JUSTICE LEVESON: I'm merely putting to you --</p> <p>18 A. They thought that. A lot of them thought that in the</p> <p>19 quote with which you started out, seems to me to be part</p> <p>20 of that thinking. But it was pretty clear to me that</p> <p>21 you didn't need to -- you didn't need to do this, that</p> <p>22 some important boundary had been crossed. A confusion</p> <p>23 of categories had occurred, and if somebody had turned</p> <p>24 up and laid out the dividing lines, I think they could</p> <p>25 have been properly understood.</p> <p style="text-align: center;">Page 21</p>	<p>1 a conspiracy against the pension funds, and I saw again</p> <p>2 and again journalists and politicians entering</p> <p>3 a conspiracy against the readers and I felt that was</p> <p>4 very deeply not the way to do it.</p> <p>5 LORD JUSTICE LEVESON: That puts it very high: conspiracy</p> <p>6 against the readers.</p> <p>7 A. That's exactly what was going on. There were some</p> <p>8 papers did stand out against it. I think the Daily</p> <p>9 Telegraph -- George Jones of the Daily Telegraph, the</p> <p>10 political editor who -- I mean, he was fastidious. He</p> <p>11 didn't -- but he was also frozen out, because you would</p> <p>12 have -- in order to report during that time, you had to</p> <p>13 get close, you had to get close to the people who ran</p> <p>14 New Labour -- there were very few of them -- in order to</p> <p>15 get information. If you didn't do that, and I think you</p> <p>16 could ask George Jones, he was particularly the victim</p> <p>17 of this, in my view as an outsider. I don't know him</p> <p>18 particularly well. But people who tried to report</p> <p>19 objectively and fairly were frozen out, were bullied,</p> <p>20 victimised, not given access to information, and that</p> <p>21 was a very -- and people who were part of the inner</p> <p>22 circle and developed social connections, very often,</p> <p>23 with the powerful political people, were favoured. And</p> <p>24 of course there's a price for that, because it was very</p> <p>25 hard to be an independent observer, keep your integrity</p> <p style="text-align: center;">Page 23</p>
<p>1 Political reporting, as I observed it, had become</p> <p>2 a matter of sort of private deals or private</p> <p>3 arrangements, invisible to voters, between media and</p> <p>4 politicians, and there were all kinds of problems with</p> <p>5 that system, and one of them actually is that white</p> <p>6 papers, parliamentary debates, are no longer covered in</p> <p>7 a serious way that they used to be. Jack Straw was very</p> <p>8 interesting on this. And I think that there is</p> <p>9 a possible -- it is highly desirable for the sake of our</p> <p>10 democracy to return to a much greater distance between</p> <p>11 politicians and the press.</p> <p>12 LORD JUSTICE LEVESON: Doubtless we'll come later on to how</p> <p>13 we do that, but can you identify, when you say an</p> <p>14 important boundary has been crossed, what that boundary</p> <p>15 actually is?</p> <p>16 A. Yes. Of course you will -- of course there must be</p> <p>17 a business relationship between politicians and press,</p> <p>18 but the mistake is turning it into a social</p> <p>19 relationship. I mean, I think -- take an analogy from,</p> <p>20 you know, the City of London. A pension fund manager is</p> <p>21 looking after the shares of his pensioners, the clients.</p> <p>22 Now, it is very, very important that he should have</p> <p>23 a distant relationship with the stockbroker who is</p> <p>24 selling him those shares. If they start getting</p> <p>25 hugger-mugger, they will start to enter into</p> <p style="text-align: center;">Page 22</p>	<p>1 in those circumstances.</p> <p>2 MR BARR: Putting some more detail onto the relationship</p> <p>3 between politicians and the media, you've helpfully</p> <p>4 exhibited to your witness statement a forthcoming</p> <p>5 article that you've written for the Political Quarterly.</p> <p>6 In that article you say of the relationship:</p> <p>7 "They live together, eat together, dine together, go</p> <p>8 to bed together."</p> <p>9 I don't want to invite any prurient details in your</p> <p>10 answer, but does that help us to understand something of</p> <p>11 the relationships which have developed in the last</p> <p>12 couple of decades between the media and politicians?</p> <p>13 A. Yes. There's loads of -- yes. That has been the</p> <p>14 relationship.</p> <p>15 I wrote it because I wanted to challenge the</p> <p>16 narrative which had been created by New Labour that</p> <p>17 there was a hostile press. I felt that, on the</p> <p>18 contrary, the press and the media had become -- sorry,</p> <p>19 the press and the politicians had become a separate</p> <p>20 category, an elite category, which you could observe</p> <p>21 manufacturing a particular kind of acceptable public</p> <p>22 truth.</p> <p>23 Q. That's a very conspiratorial analysis. Might an</p> <p>24 alternative be that that proximity is the product of the</p> <p>25 journalists' desire to get at the information, control</p> <p style="text-align: center;">Page 24</p>

<p>1 of which is being increasingly tight, and the 2 politicians' desire to communicate their message but to 3 have some control over how it's done? 4 A. You can easily see the motives, absolutely. I don't 5 disagree that there are advantages for politicians and 6 there are advantages for journalists, and indeed, you 7 know, one of the duties of a journalist is to get 8 a story, and how better than to become a great friend of 9 somebody who is in a position to supply information? 10 But it's not a desirable thing. 11 I mean, and I think if you look at, say, important 12 moments where the British press has failed, in the 13 run-up to the Iraq invasion, this collusion between the 14 political people and reporters was part of the reason 15 why the British public was so grievously misinformed 16 about the nature of the threat from Saddam Hussein. 17 Q. Since we've already had a public inquiry about that, 18 I won't delve into the details. 19 A. Yes, but one of the things which that public inquiry, if 20 you call it a public inquiry with integrity -- 21 I wouldn't -- was that it failed to examine properly the 22 way in which respectable newspapers became instruments 23 of a political faction in a mission to tell falsehoods 24 and untruths to the British people. 25 One example, the -- Page 25</p>	<p>1 a special adviser mingling very intimately at an early 2 stage with the press creates a particular social 3 structure, an ambience, which defines people in 4 a particular way. 5 I feel that there's a lot to be said for people who 6 come in at the age of 35 or 40, as Denis Healey was 7 observing in an interview the other day. Denis Healey 8 who was beachmaster in the attack in southern Italy. 9 Q. Moving now to an assertion you make that the press tend 10 to side with the powerful against the weak, you've 11 exhibited an article, "Muslims under Siege", and we'll 12 be coming back to that in more detail in a moment, but 13 are you meaning to say that the discrimination, as it 14 were, in the coverage covers not only issues of 15 religion, and Islam in particular, but also other 16 equality strands such as sexism, disability, racism, 17 transgender and so on? 18 A. It's a complicated answer, that. Sorry, it's a quite 19 complicated question. I think -- I feel at the moment 20 that there are laws about -- the problem is 21 Islamophobia, attacks on Muslims -- 22 Q. We'll come to the specific example of that in a moment. 23 A. No, I apologise. No, the general is this, that when it 24 comes to sexism, disability, racism, the things you 25 mentioned, as I understand it, there are statutory Page 27</p>
<p>1 Q. If I could stop you there, because I really don't want 2 to go into an argument which turns on what the terms of 3 reference of the Hutton Inquiry were, but to get back to 4 the business of this Inquiry, another feature of your 5 article is you draw attention to a number of the 6 politicians who were formerly journalists and vice 7 versa. You list former journalists as including 8 George Osborne, Boris Johnson, Michael Gove, 9 Gordon Brown, Ed Miliband, Yvette Cooper and Ed Balls, 10 so it does seem to be a very well-trodden path. Does 11 that crossover between the professions again tell us 12 something about the way in which relationships are 13 developed? 14 A. One of the interesting and I think malign phenomena 15 about modern British public life is the knowingness of 16 our leading political figures. Let's take the example 17 of the Chancellor of the Exchequer. He is at one level 18 a very, very sophisticated person because he knows the 19 rules of the political game. At the other level, he is 20 very unsophisticated because he's very unfamiliar, 21 really, with life as it is lived out there, and I think 22 that this career projection which is shared by 23 Ed Miliband, by Ed Balls, by George Osborne, 24 David Cameron, where you start to become part of the 25 political process and mingle -- and invariably as Page 26</p>	<p>1 requirements or it's illegal to be sexist, to be racist, 2 but it's not illegal to attack a religion, and therefore 3 what you have with Islamophobia is an attack on 4 a religion -- 5 Q. It is, as it happens, but -- 6 A. I'm not sure that's -- 7 Q. I'm not here to argue what the law is. What I'm here to 8 ask you is what the coverage is on the ground. Are you 9 telling us that it's not just Muslims who get adverse 10 coverage but also women, people from ethnic minorities, 11 the disabled and so on? 12 A. I think that those papers -- I think that most papers -- 13 my case here was that the weak tend to lose out. Most 14 papers are read by women, and I understand they form 15 50 per cent of the population and I doubt that the 16 papers go after women as a -- you know, I don't 17 understand that point, but I do think that vulnerable 18 minorities are pursued by some newspapers in an 19 invidious way. 20 Q. Coming to the specific, and your article about treatment 21 of Muslims in the press, and I'm particularly interested 22 in what you say about an article which was published in 23 the Guardian shortly after 9/11. It was entitled "Last 24 chance to speak out", published on 5 October. You draw 25 attention in your paper to the fact that the article Page 28</p>

7 (Pages 25 to 28)

<p>1 quoted a number of passages from the Quran in the 2 context of asserting intolerance, words such as "Kill 3 those who join other gods", Muslims must "slay or 4 crucify or cut the hands and feet of the unbeliever, 5 "From them [the unbelievers] garments of fire shall be 6 cut and there shall be poured over their head a boiling 7 water whereby whatever is in their bowels and skin shall 8 be dissolved and they will be punished with hooked iron 9 rods".</p> <p>10 And so it continues. Your research looking at the 11 context in which those passages should be understood led 12 you to the view that the quotations were selective and 13 misrepresented the position. You spoke, didn't you, to 14 the journalist who wrote the article; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And what was her response?</p> <p>17 A. I think she rather -- she accepted -- what she said was 18 that "We all learn as we go along and I wouldn't have 19 written that piece now, today".</p> <p>20 Q. You pointed out your article, which was written 2008, 21 that that piece was still on the Guardian's website and 22 in fact the Inquiry has checked the position and it 23 still is today. Do you think there is a problem with an 24 article which the journalist has, to some extent, 25 distanced herself from in retrospect, should remain on</p> <p style="text-align: center;">Page 29</p>	<p>1 to try and answer your question as best I can. I think 2 that it is the case that journalism is written often at 3 a very great speed. You know, you have 45 minutes to 4 write 800 words to hit the deadline and so on. It is 5 natural in those circumstances that mistakes will get 6 made. And it isn't like a sort of academic article 7 where you spend months and then footnote everything.</p> <p>8 If you went back and changed everything on that 9 article, I think that's nonsense, but prejudicial or 10 deeply unfair comments, I do think there's every case 11 that you should acknowledge those mistakes. And I've 12 noticed --</p> <p>13 LORD JUSTICE LEVESON: Or just take them off the web? 14 I suppose you can't. Once they're there, they're there 15 forever.</p> <p>16 A. But what you can do, and I think this would be 17 a promising development, and is already starting to 18 happen, is that you would change -- you can very easily 19 change a word or two or take off a sentence on 20 a newspaper's website, and note somewhere at the bottom 21 it has been changed. I mean, that's something which can 22 be done.</p> <p>23 LORD JUSTICE LEVESON: But you have to be careful not doing 24 this for every error, this is only the extremely 25 prejudicial stuff is what you're saying, and</p> <p style="text-align: center;">Page 31</p>
<p>1 a website?</p> <p>2 A. Yes, I would say that it would have been -- if something 3 is written which is wrong or misleading, then I think 4 you should correct the website, and it's quite common -- 5 it's increasingly common practice to do that.</p> <p>6 In defence of the journalist concerned, I doubt that 7 article is consulted by a lot of people now, but it does 8 remain, as you say, on the record, and it represents 9 a strand of thinking which is to vilify Islam generally 10 for the acts of a few people who don't represent Islam 11 at all.</p> <p>12 LORD JUSTICE LEVESON: Does it mean that we have to be very, 13 very much more careful, and that journalists should be 14 more careful about what they write on the basis that it 15 is no longer, as it were, fish and chip wrapping 16 tomorrow, but actually enters a permanence which was 17 never originally envisaged? Of course I appreciate that 18 archives have always been there and somebody can always 19 go to a newspaper archive and research back, but that is 20 a very, very different exercise to taking a mouse and 21 clicking six times after a search and coming up with 22 stuff that was written years ago. Does that alter -- 23 does that impact at all on the way in which the job 24 should be undertaken?</p> <p>25 A. I think -- I've never thought about this -- I was going</p> <p style="text-align: center;">Page 30</p>	<p>1 I understand why, because the news is immediate and one 2 has to move on to the next story, and one has to accept 3 that this is a snapshot at a time.</p> <p>4 My question was really whether the fact of its ready 5 accessibility has or should change the dynamic of what 6 reporters are doing to fill their deadline in 45 7 minutes. Maybe they can't. These are inquisitorial, 8 not accusatorial questions.</p> <p>9 A. I think that is leading in a fruitful direction. 10 I think that the existence of these websites is leading 11 to a greater accountability for journalists, because 12 people will -- I mean, people will study them, the 13 articles, will note when false or the prejudicial stuff 14 appears, and I think that there's no reporter in the 15 land who would not welcome this -- no reporter in the 16 land who is decent who will not welcome this extra 17 scrutiny which we're talking about here.</p> <p>18 LORD JUSTICE LEVESON: Almost every reporter in the land is 19 indeed decent.</p> <p>20 A. So I think that --</p> <p>21 LORD JUSTICE LEVESON: I'm not saying there aren't some 22 exceptions. I'll make use of the opportunity to say 23 that which people have been concerned I haven't said 24 enough, namely the majority of journalism -- tell me 25 whether you agree with it -- is people doing their job</p> <p style="text-align: center;">Page 32</p>

1 honourably, honestly, with dedication, fearlessly and
 2 entirely in the public interest.
 3 **A. That's a very generous statement, sir.**
 4 LORD JUSTICE LEVESON: The majority.
 5 **A. And getting things wrong from time to time in the spur**
 6 **of the moment. I think absolutely, I'm very, very proud**
 7 **to be a journalist, and also I would strengthen that.**
 8 **By upsetting rich and important people, they are doing**
 9 **a superb service for democracy and even for humanity.**
 10 LORD JUSTICE LEVESON: Yes, well, let's not make this too
 11 much of an advertisement. I am merely keen to make it
 12 clear, and I hope you agree, but if you don't agree
 13 I would very much like to know, that the bulk of the
 14 work that is done does not fall within the category of
 15 that work which you have been spending time criticising.
 16 **A. I mean, ie the work which I'm -- can we just get this**
 17 **quite straight, sir? I'm criticising work which is**
 18 **complicit, I'm criticising work which is venal, I'm**
 19 **criticising work where the journalist loses his true**
 20 **independence and becomes the instrument of the party in**
 21 **power or the government of the day.**
 22 **Well, I think that there has been, I think, a fairly**
 23 **high proportion of journalism falls into -- has fallen,**
 24 **particularly in grave matters, into categories which**
 25 **I regard as too dependent on sources or -- and too**
 Page 33

1 **nontransparent, in a way. Although I do accept that**
 2 **journalism is at bottom a noble profession, I sometimes**
 3 **fail to understand why my colleagues went into**
 4 **journalism, because instead of wanting to tell the truth**
 5 **or to upset powerful people, which I think is a very,**
 6 **very important thing indeed, they suck up to powerful**
 7 **people and bow their heads rather than tell the truth**
 8 **about injustice.**
 9 **And I provided examples in my witness statement --**
 10 LORD JUSTICE LEVESON: Yes. Yes. I am not suggesting that
 11 that isn't exemplified in a number of ways, but it is
 12 important, I'm sure you would agree, that I get the
 13 balance right and that I do not tar with the brush that
 14 you have just used -- for example, I just take one
 15 example, the regional journalism that reports on local
 16 affairs, that reports on local crime and does the
 17 general stuff of keeping the community informed about
 18 what goes on.
 19 **A. Well --**
 20 LORD JUSTICE LEVESON: I'm trying to keep a balance. I'm
 21 not for a moment -- I'm not so sure that this discussion
 22 isn't the wrong way around. I'm trying to keep
 23 a balance in my mind, and if you think that I'm getting
 24 that balance wrong, I'd be very happy to be told.
 25 **A. Well, I'll make an observation about regional**
 Page 34

1 **journalism. One of the problems of regional reporting**
 2 **is that most -- is the issue of local corruption, and**
 3 **very powerful -- in a neighbourhood such as almost any**
 4 **major city one cares to mention, there are networks of**
 5 **corruption which play a very, very powerful role. It's**
 6 **jolly -- I'm not certain that regional papers, for all**
 7 **their blissful parish magazine qualities that you**
 8 **referred to, play a serious role in addressing the**
 9 **Poulson style scandals which I guess carry on to this**
 10 **day.**
 11 LORD JUSTICE LEVESON: All right.
 12 MR BARR: Can we move now to the relationship between
 13 politicians and the Murdoch empire? Can we first of all
 14 ask you about an article you wrote on 8 July last year.
 15 It's at tab 10 of the bundle. It's entitled "Phone
 16 hacking: David Cameron is not out of the sewer yet."
 17 On the second page of that article you assert:
 18 "To begin with, Cameron was wary of Murdoch. His
 19 first meetings with the tycoon went badly. After one
 20 meeting, a senior News International figure complained
 21 to me: 'We told David exactly what to say and how to say
 22 it in order to please Rupert, but Cameron wouldn't play
 23 ball. I can't understand it.'
 24 Can I ask you, first of all, without identifying
 25 your source, how certain can we be that this is an
 Page 35

1 accurate quotation from a News International executive?
 2 **A. In all essentials, it's completely accurate. It may --**
 3 **it was said to me over a lunch and by an extremely**
 4 **relevant figure.**
 5 **Q. Is this first-hand hearsay from the person concerned**
 6 **or --**
 7 **A. I'm pretty certain it was first-hand hearsay. If you'd**
 8 **like me to clarify that, I would, but I'm completely**
 9 **confident that this was an accurate account.**
 10 **Q. I don't want to press you into territory which might**
 11 **reveal a source. And why was this, in your mind, such**
 12 **an arresting thing to have said?**
 13 **A. Well, because it gives us a very interesting glimpse**
 14 **into the relationship between the Prime Minister and the**
 15 **Murdoch establishment. It's pretty clear to me, from**
 16 **talking to the relevant people, that the early years of**
 17 **David Cameron's leadership of the Conservative Party,**
 18 **a strategic decision was made that they would treat**
 19 **Murdoch, Rupert Murdoch, at a distance. There would be**
 20 **none of the collusion which was a feature of the Blair**
 21 **and Brown premierships.**
 22 **And so I was very impressed. I remember hearing**
 23 **this account and the person who was telling it me was**
 24 **criticising Mr Cameron for not telling Mr Murdoch what**
 25 **Mr Murdoch wanted to hear and I thought: good for**
 Page 36

<p>1 Cameron! And that was, I think -- and I know that was 2 the position, that they would treat Murdoch like anybody 3 else, and his papers like anyone else, and his 4 executives like anyone else. Any other journalist. 5 Q. Moving more broadly, you assert that there was a sense 6 of impunity within News International because of its 7 close relationship with government, which is well 8 documented. Can I ask you, can that be right, because 9 we know that despite close links between the government 10 or various governments and News International, and 11 Mr Goodman was imprisoned, that News International ran 12 the rogue reporter line and seemed, therefore, for quite 13 a period to have persuaded a lot of people, not just 14 politicians, that there was nothing more sinister about 15 what had gone on, isn't a sense of impunity putting it 16 too high? 17 A. No, I absolutely don't think that. I think that there 18 was a sense that somehow News International was above 19 the law. I don't know if you've heard or asked the 20 former Culture Secretary, Tessa Jowell. I understand 21 that she was told in 2006 that her phone had been hacked 22 by News International and yet it doesn't appear -- 23 a Cabinet Minister was told that a newspaper had 24 illegally invaded her privacy and listened to her 25 voicemail messages, and as I understand it, Ms Jowell</p> <p style="text-align: center;">Page 37</p>	<p>1 I've had a few conversations. I am absolutely clear 2 that no request came my way from the Conservative Party. 3 In fact, I don't think I have ever written an article at 4 the request of the Conservative Party or its machine, or 5 any other political machine. So I completely reject 6 that idea. 7 Mr McMillan-Scott had done something which struck me 8 as being very destructive of press and politics. He 9 had, as I understand it, attacked a party policy three 10 weeks after having been elected on a manifesto which 11 supported that policy. 12 Q. Were you in any way encouraged to write that article? 13 A. No, I wasn't encouraged either. I make that completely 14 clear. 15 Q. Turning to the Westminster lobby system, we've heard 16 conflicting opinions as to who should best deliver 17 briefings to the lobby, whether it should be a civil 18 servant or a special adviser. What is your opinion? 19 A. Yes, it's -- as I understand it, the lobby -- these are 20 formal briefings on behalf of the government, on behalf 21 of Downing Street. It's a spokesman for Downing Street. 22 A distinction should be made between Downing Street, 23 which is part of the government, and Conservative 24 Central Office or Labour HQ, which is political. 25 It is absolutely clear that you should have a civil</p> <p style="text-align: center;">Page 39</p>
<p>1 took no action of any kind, and I think there was 2 evidence from -- I can't remember -- to you, to this 3 Inquiry, from a policeman to the effect that another 4 Cabinet Minister -- am I right -- about John Prescott 5 being -- not him -- his phone being hacked was given 6 to -- also went to the Cabinet -- at Cabinet level, and 7 nothing was done. There seems to have been a lack of 8 interest at Cabinet level in the illegal activities or 9 alleged illegal activities of News International. 10 I think there was a sense of political protection 11 from the government. 12 Q. You published an article in the Daily Mail on 27 June 13 2009, it's tab 13 of the bundle, in which you accused 14 Mr Edward McMillan-Scott -- 15 A. Oh yes. 16 Q. -- then Tory MP, of treachery and being a turncoat 17 because of his criticisms of the party leadership on its 18 position in Europe, and you called for Mr McMillan-Scott 19 to be sacked. In fact, what happened to him was the 20 whip was withdrawn and he was expelled from the party. 21 The question I have for you about this is: were you 22 asked to write an article along these lines by anyone in 23 the Conservative Party? 24 A. You gave me notice of this question yesterday, and 25 I have made all the relevant checks of my memory and</p> <p style="text-align: center;">Page 38</p>	<p>1 servant delivering briefing on behalf of the government. 2 It is an abuse if you get a political figure, and it 3 leads to terrible hazards and dangers if a political 4 appointee were to be given that role. 5 Q. Might it be said, though, that if you have a civil 6 servant doing the job -- 7 A. As we do know, I believe there's a civil servant. 8 Q. -- then the lobby doesn't get such a direct 9 communication with the Prime Minister and that the civil 10 servant may be in a position where quite genuinely he 11 can say, "I don't know the answer to that", whereas the 12 SPAD, who is perhaps much more informed about the 13 political thinking, can't hide behind such ignorance? 14 A. No, I think that's a good point, but I think it's been 15 solved, actually. I think at the moment if you look at 16 the structure within Downing Street, you have a civil 17 servant who is the spokesman for Number 10 and if you 18 want to divine the thinking more of the Prime Minister, 19 political thinking of the Prime Minister, there is 20 also -- he also has a personal press spokesman, and 21 I think that's probably quite a sensible role. 22 I do also think, though, that it's essential that 23 the high standards of integrity should attend that 24 political spokesman function just as it would of course 25 do for civil servants.</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Q. You talk in your statement about government being in 2 a position to do commercial favours to media concerns. 3 As a matter of principle, that may well be the position, 4 but can you help us, are you in a position to throw any 5 light upon whether that's actually happening? 6 A. You are, I understand, going back into history and 7 I just don't feel I have enough knowledge about the 8 purchase of Times Newspapers in the early 1990s. 9 Harold Evans, I'm sure, this afternoon, will give 10 interesting testimony about that. 11 I feel that the conversation, for instance, between 12 Tony Blair and Mr Prodi in the time when he was 13 Prime Minister of Italy was an improper one. I mean 14 Blair asked Prodi basically if one of -- if some Italian 15 company was for sale and might be sold to Mr Murdoch, 16 and I don't think a prime minister should be an 17 intermediary for a company for a commercial concern, 18 particularly an American, in the case of Murdoch, an 19 American commercial concern. 20 Q. But you, of course, are not privy to exactly what 21 happened and are working on the basis of other reports, 22 are you, in establishing the facts? 23 A. On the Prodi case? 24 Q. Yes. 25 A. Well, obviously I wasn't listening to the conversation.</p> <p style="text-align: center;">Page 41</p>	<p>1 quit, and you go through all of these cases, I think 2 there has been a myth created by politicians who, for 3 reasons which I find slightly strange, or rather I just 4 don't think are true, have attributed enormous power to 5 the media which it doesn't actually possess. The media 6 cannot get rid of a minister. The Prime Minister makes 7 that decision. And if he is so pathetic and weak that 8 he reads lots of newspaper headlines and gets rid of 9 that minister just because there are newspaper 10 headlines, he doesn't deserve to be Prime Minister. 11 LORD JUSTICE LEVESON: That's probably a convenient moment 12 to have a break. Thank you. 13 (11.16 am) 14 (A short break) 15 (11.26 am) 16 MR BARR: One further question, Mr Osborne, before we leave 17 the topic of resignation. Are you able to point to any 18 instance in which a minister who perhaps should have 19 gone wasn't the subject of a press call for him or her 20 to go? 21 A. Yes, I think this is very interesting. I think that -- 22 it's a fascinating question, because ministers who 23 mislead the House of Commons and don't come back to 24 correct that moment of -- I think should resign, you 25 know, unless they've done it inadvertently. And -- or</p> <p style="text-align: center;">Page 43</p>
<p>1 I think we know, though, my impression is I seem to 2 remember I looked into it at the time, and that is what 3 Mr Blair was asking Mr Prodi about. 4 Q. The question of political resignations, paragraph 8 of 5 your witness statement, you say that you can think of no 6 case where a Cabinet Minister has resigned or been 7 sacked thanks to media pressure, and then give a long 8 list of ministers who, you say, have resigned 9 essentially because they've done something wrong. 10 A. Mm. 11 Q. Doesn't that underplay the role of the media in, first 12 of all, deciding whose head should be called for and 13 then also in how loudly and for how long they pursue 14 a particular scalp? 15 A. Not necessarily. There can be some of those -- some of 16 the cases I mention there may have been noisy media, but 17 in others, not so. Again, I made a study of this to 18 some extent, and say the second Mandelson resignation, 19 I think I'm right in saying that the media was fairly -- 20 nobody was calling for him to be sacked, but there was 21 a sort of panic in Downing Street and he got sacked 22 then. 23 And even the first Mandelson over the 24 house-building -- the house loan, again I don't think 25 the media was particularly pressing for Mr Mandelson to</p> <p style="text-align: center;">Page 42</p>	<p>1 behave in an improper way. I mean, there's an 2 interesting current case where I believe that the 3 individual concerned, who is appearing in front of your 4 Inquiry later, has many questions to answer and there 5 should have been a ministerial investigation at Cabinet 6 Secretary level and the Cabinet Secretary should have 7 ordered -- the proper process should have happened. 8 Q. That's not quite an answer to the question, because in 9 that case there was no shortage of press coverage. I'm 10 asking about examples where there may have been 11 wrongdoing which has met with silence from the media. 12 A. I also think that Tony Blair made a number of statements 13 on the record about the existence of weapons of mass 14 destruction in the House of Commons, in the run-up to 15 the war, and after that point, when there turned out to 16 be no weapons of mass destruction, I felt then that it 17 would have been proper, as a Prime Minister who had led 18 us into war on false grounds, to have gone. 19 Q. But again there was no shortage of press coverage of 20 that particular issue. Am I taking it that you can't, 21 sitting here today, think of an example? 22 A. Well, I think it's a fascinating question. I'd love to 23 write a note to the Inquiry. 24 Q. Please do. 25 You say at the start of paragraph 9 of your witness</p> <p style="text-align: center;">Page 44</p>

<p>1 statement:</p> <p>2 "Meetings between journalists and politicians should</p> <p>3 be viewed as a potential conspiracy against the public,</p> <p>4 even more so meetings between ministers and editors and</p> <p>5 proprietors."</p> <p>6 It might be said that that is a rather pessimistic</p> <p>7 view of things, because meetings between journalists and</p> <p>8 politicians have, if conducted ethically, a very</p> <p>9 important role to play in passing information between</p> <p>10 the two and ending up better informing the public. Do</p> <p>11 you agree?</p> <p>12 A. Certainly. I think there is scope for briefing and</p> <p>13 conversation about policy which is a valuable part of</p> <p>14 the news gathering process. I think what I wrote was</p> <p>15 there's a potential conspiracy against the public</p> <p>16 because when journalists mingle with politicians, often</p> <p>17 other factors come into play. There may be an implicit</p> <p>18 deal that the politician concerned will be written up</p> <p>19 favourably in return for providing information, so that</p> <p>20 politician will get a much more generous projection in</p> <p>21 the press effectively in return for briefing against</p> <p>22 colleagues and being disloyal to the government he</p> <p>23 represents. That is the situation.</p> <p>24 A politician may have very little talent but a very</p> <p>25 effective press machine and therefore be represented to</p> <p style="text-align: center;">Page 45</p>	<p>1 see who's been talking to the journalist recently?</p> <p>2 A. Yes, I'm quite sympathetic to there should be a register</p> <p>3 of these connections. I do think that there is</p> <p>4 a failure to report properly the profound things which</p> <p>5 happen, the important things which happen, the white</p> <p>6 papers, the green papers, the hustings, the debates,</p> <p>7 which don't require any personal interaction of any kind</p> <p>8 between the journalist and the politician.</p> <p>9 Q. That, of course, was the way it used to be done, but</p> <p>10 even under the old system there was quite a lot of off</p> <p>11 the record communication, wasn't there, lobby briefings</p> <p>12 were given off the record, and that's a system which</p> <p>13 lacks transparency, isn't it?</p> <p>14 A. Yes, again the lobby is a -- the centrality of the lobby</p> <p>15 remained -- historically speaking is quite new. If you</p> <p>16 go back through -- it's happened in the 1960s -- the</p> <p>17 political correspondent, the lobby correspondent, took</p> <p>18 over from the parliamentary correspondent, ie the</p> <p>19 gallery reporter, as the most important person on the</p> <p>20 political staff, and the political correspondent was the</p> <p>21 more important chap because he had the insider stuff,</p> <p>22 and my argument is that reporting of British politics</p> <p>23 has become too inside, has become too much of</p> <p>24 a conspiracy.</p> <p>25 Q. I understand the point of view and indeed how it might</p> <p style="text-align: center;">Page 47</p>
<p>1 the world at large as a man of extraordinary capacity</p> <p>2 when actually a very different picture is the reality.</p> <p>3 Q. You propose reinstating the "social apartheid", that's</p> <p>4 the phrase you use in your witness statement, that used</p> <p>5 to exist between reporters and politicians. Isn't that</p> <p>6 potential solution one which risks throwing the baby out</p> <p>7 with the bathwater, because it would stifle the flow of</p> <p>8 information which the public would benefit from hearing?</p> <p>9 A. I think something's gone wrong with the way politics has</p> <p>10 been reported. Jack Straw was talking coherently and</p> <p>11 interestingly about this. If you go to the House of</p> <p>12 Commons chamber, the House of Commons is the forum and</p> <p>13 focus of British representative democracy. It's so</p> <p>14 often empty. Brilliant speeches get made quite often,</p> <p>15 and they're simply ignored or not reported. However,</p> <p>16 some sort of furtive lunch or other social occasion</p> <p>17 between a journalist and a minister might end up in some</p> <p>18 sort of bitchy piece about a colleague.</p> <p>19 I can give examples, if you wish.</p> <p>20 Q. I think we've had evidence about that being alleged.</p> <p>21 Can I ask you this, though? Is not the solution to that</p> <p>22 risk, one which doesn't throw the baby out with the</p> <p>23 bathwater, just to increase the amount of transparency</p> <p>24 that there is in meetings between politicians and</p> <p>25 journalists so that if the bitchy piece appears, you can</p> <p style="text-align: center;">Page 46</p>	<p>1 be desirable to have more reporting of what happens in</p> <p>2 Parliament, but isn't the reality that newspapers no</p> <p>3 longer commercially can afford the resources necessary</p> <p>4 to do that, and also that the public expect much more</p> <p>5 direct access, particularly in the era of 24-hour</p> <p>6 television news, they expect to hear much more directly</p> <p>7 from their politicians?</p> <p>8 A. Well, yes, that's a different point.</p> <p>9 Q. There are two points --</p> <p>10 A. Sorry, that the public wants the television studio</p> <p>11 access, you mean? Direct access between the journalist</p> <p>12 and the politician the public probably doesn't know</p> <p>13 about, let alone expect it, but yes, I think that</p> <p>14 obviously TV has changed the relationship between</p> <p>15 politicians and voters.</p> <p>16 As for resources, I see, I think, our papers seem to</p> <p>17 divert their resources to highly paid columnists such as</p> <p>18 myself rather than reporters who actually find out the</p> <p>19 news and report it, and I think that is a criticism of</p> <p>20 the structure of our papers, yes.</p> <p>21 Q. Another topic --</p> <p>22 LORD JUSTICE LEVESON: But not one which you are</p> <p>23 discouraging?</p> <p>24 A. It is one which I feel guilty about.</p> <p>25 LORD JUSTICE LEVESON: It actually raises a slightly</p> <p style="text-align: center;">Page 48</p>

<p>1 different question, which is the way in which there 2 is -- or the extent to which there is a sufficiently 3 clear boundary line between the reporting of fact and 4 the reporting of comment, and there should be such 5 a boundary, there should be a division, and there should 6 be an appropriate balance -- I ask you 7 interrogatively -- but do you think there really is?</p> <p>8 A. I think it's pretty clear what's a column and what's 9 a news story. I don't think -- anybody who picks up one 10 of our broadsheet papers, one of our tabloid papers, can 11 tell the difference, and if -- it's my -- so I don't -- 12 this idea that news and comment have merged, which 13 I occasionally read about, is not something 14 I particularly accept. I mean, on the Daily Telegraph 15 I feel very confident that my colleagues who are news 16 reporters write a very accurate and clear and don't 17 have -- and their agenda is to tell the truth, and 18 I think that's true of many reporters on other papers as 19 well.</p> <p>20 MR BARR: In paragraph 9 you also deprecate the amount of 21 leaking that there is from Parliament these days, and 22 contrast that with historic precedents of -- the example 23 you give is Labour Chancellor Hugh Dalton resigning 24 after inadvertently handing a tiny snippet to the 25 Evening Standard. What can be done about that?</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. Because that's a problem, isn't it? Identifying 2 a source of the leak is a necessary prerequisite of 3 coming down like a ton of bricks?</p> <p>4 A. Well, if you are the Chancellor of the Exchequer 5 preparing a budget, it's a pretty -- as I understand it, 6 it's a pretty tight process, and you should be 7 responsible for security.</p> <p>8 Q. You say at the top of paragraph 10 of your statement: 9 "Newspapers can arguably be justified in carrying 10 out criminal acts when an investigation is in the public 11 interest." 12 That statement gives rise to a very controversial 13 topic. Isn't it right that newspapers need to be 14 extremely careful where the criminal law is concerned 15 and any breach of the criminal law will necessarily 16 result in at least a risk of prosecution?</p> <p>17 A. I agree entirely with what you have said there. 18 However, I do defend the statement I made.</p> <p>19 LORD JUSTICE LEVESON: Well, the statement is actually 20 couched carefully: "arguably be justified in carrying 21 out criminal acts when an investigation is in the public 22 interest". First of all, it's qualified by the word 23 "arguably", and secondly, it's qualified by the 24 expression "in the public interest", and it depends how 25 high you set that particular bar, doesn't it?</p> <p style="text-align: center;">Page 51</p>
<p>1 A. That is where there's an incredibly obvious and easy 2 solution to that. You take the case of the recent 3 budget. Virtually all of its contents appear to have 4 been leaked, presumably by the government, to the 5 newspapers. Now, the Speaker of the House of Commons is 6 in a position to come down like a ton of bricks on that 7 sort of thing, and of course when it happened 60 years 8 ago it was so shocking that the Chancellor -- for a much 9 more minor infraction of the rules -- resigned. It's 10 a breach of House of Commons rules. I mean, it's as 11 simple as that.</p> <p>12 If you read your Erskine May, George Osborne ought 13 to have been got rid of, he should have resigned on that 14 point, but he didn't and there was no criticism I saw of 15 him either, or very little, and I would have thought 16 that I -- one of the -- I think this is a moment in 17 British history where Parliament -- where a political 18 system is coming to an end, based around media 19 dominance, and I think Parliament has an opportunity to 20 reassert its traditional function as the main source of 21 news about executive decision-making.</p> <p>22 Q. Implicit in your answer is that it was an officially 23 sanctioned leak. Is that the premise of your answer?</p> <p>24 A. I can't say where the information came from because 25 I don't know --</p> <p style="text-align: center;">Page 50</p>	<p>1 A. Can I first of all just withdraw that weasel word 2 "arguably"? I'm happy to defend the more robust 3 position that newspapers can be justified --</p> <p>4 LORD JUSTICE LEVESON: It was your word, not mine.</p> <p>5 A. I know. It was a mistake in drafting. I apologise, 6 sir.</p> <p>7 LORD JUSTICE LEVESON: All right. Well, then you'd better 8 go on to the second question, about the public interest.</p> <p>9 A. There are a number of examples where newspapers have 10 brought to light malfeasance and wrongdoing using 11 illegal methods. I do a certain amount of TV work, 12 undercover filming is one case in point which has 13 brought to light the most shocking things --</p> <p>14 LORD JUSTICE LEVESON: What's criminal about undercover 15 filming?</p> <p>16 A. Is that right? I thought that you couldn't -- there's 17 an intrusion on privacy.</p> <p>18 LORD JUSTICE LEVESON: Ah, it may be tortious, it may be 19 a civil wrong. Criminal is very, very different, that's 20 why I want to be quite focused. That it is legitimate 21 in the public interest, for example, to film undercover 22 is eminently sustainable as an argument. Indeed, the 23 Data Protection Act, about which there has been much 24 discussion during the course of the last few months, 25 carries with it a defence for journalists acting in the</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

1 public interest. So it isn't a crime because there is
 2 a defence written into the statute, and the recent
 3 amendment which has not yet been brought into force
 4 strengthens that defence. I'm talking about rather more
 5 egregious conduct, which is indeed criminal. For
 6 example, interception of communications or whether it's
 7 telephone hacking or indeed email hacking or another
 8 example might be bribery. Would you like to insert the
 9 word "arguably" again?
 10 **A. No, if I can leave it out. I think that -- let's give**
 11 **the example of the Telegraph and the expenses.**
 12 LORD JUSTICE LEVESON: It's not a good example, because the
 13 evidence that I've heard in terms is that the Telegraph
 14 were advised that no criminal offence was being
 15 committed by them whatsoever. It might be different
 16 under the Bribery Act today, but it's quite difficult to
 17 generalise from one example at one time of the law to
 18 another example when the law has changed. Do you see
 19 the point?
 20 **A. I do. But -- all right, let's say that instead of**
 21 **doing -- buying that disk or whatever they did, they**
 22 **hacked a phone in order to -- let's just say. I'd still**
 23 **say that was justified.**
 24 LORD JUSTICE LEVESON: Yes. I can understand that. And
 25 that is why, as you probably are aware, I invited the

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1 Director of Public Prosecutions to consider the question
 2 of public interest and he has since promulgated
 3 a discussion paper on how he will approach the task of
 4 deciding whether to prosecute, because it isn't the law
 5 of the land that every single possible crime must be
 6 prosecuted. There has to be a public interest. So I'm
 7 very comfortable with that view being taken. But it
 8 doesn't remove the underlying question whether you have
 9 to set a high bar to public interest before justifying
 10 breach of the criminal law.
 11 **A. Yes. I think, though, that if there are cases where**
 12 **there is corruption within government, corruption within**
 13 **the police, it's unheard of, I know, but corruption**
 14 **within the judiciary, something like that, where there**
 15 **is a -- the state is complicit in crime itself, and it**
 16 **is necessary to break -- you know, bribery, phone**
 17 **hacking was necessary to obtain documents which proved**
 18 **some terrible scandal against the public was going on,**
 19 **then I would defend very strongly the --**
 20 LORD JUSTICE LEVESON: Mr Osborne, you and I may not
 21 disagree. I would have thought there was the highest
 22 public interest in revealing that which I would be
 23 staggered if it were the case, but there it is, of
 24 corruption in the judiciary, but then you have set the
 25 bar very high, as I've just put to you.

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1 **A. I absolutely accept your point, that there must be a bar**
 2 **which is high and also that there must be a proper**
 3 **process before this breach of the law takes place.**
 4 **I don't think it -- one of the -- I mean, clearly what**
 5 **happened at News International was that it became part**
 6 **of the culture that it was something you did without**
 7 **thinking about it much, and if you're going to take the**
 8 **very grave step of breaking the law in order to get**
 9 **information for an important story, of course there**
 10 **should be a high bar and there should be a proper**
 11 **discussion in advance and it should be minuted or all**
 12 **those things.**
 13 LORD JUSTICE LEVESON: I'm not sure that I am, will be or
 14 need to be in the position of suggesting that phone
 15 hacking at News International was something which people
 16 did "without thinking about it much", but --
 17 **A. Maybe I was speaking loosely there. Absolutely,**
 18 **I understand that point. I retract that point.**
 19 **I shouldn't have spoken so loosely. There are**
 20 **allegations.**
 21 LORD JUSTICE LEVESON: No, it's just that I saw some
 22 concern, which I think was legitimate.
 23 **A. No, no, I understand that concern.**
 24 LORD JUSTICE LEVESON: Right.
 25 **A. These are things which are under investigation.**

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1 LORD JUSTICE LEVESON: Yes.
 2 MR BARR: You would agree, wouldn't you, that it is
 3 important for our media to observe high ethical
 4 standards?
 5 **A. Um ... yes. I think that -- that people should --**
 6 **should be -- not break the law, except in the special**
 7 **circumstances I'm referring to there. Should seek to**
 8 **tell the truth. Should not misrepresent. Most of the**
 9 **media, however, is not driven by an ethical purpose. Is**
 10 **that an interesting distinction?**
 11 Q. I suppose what that leads to is where there is a tension
 12 between commercial purpose or any other purpose and
 13 ethics, it's important that ethics are not forgotten and
 14 you would agree, wouldn't you, that the PCC Editors'
 15 Code needs to be adhered to, doesn't it?
 16 **A. Yes, surely.**
 17 Q. So if we --
 18 LORD JUSTICE LEVESON: But your ethical considerations
 19 there: telling the truth, shouldn't misrepresent, that
 20 applies whether you're reporting sport, financial
 21 matters, cultural issues, theatre reviews. You
 22 shouldn't misrepresent, you should seek to tell the
 23 truth as obviously as you, the journalist, perceive it
 24 to be, and that's just part of the general ethos, isn't
 25 it? I mean, without necessarily saying, "Well, I am

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<p>1 not -- I've got to go into this with this ethical 2 purpose", isn't that just part of the stuff of what 3 journalists should be doing? Whether it's sport, 4 culture, whatever?</p> <p>5 A. Yes, I mean there's an analogy maybe with, say, doing 6 any kind of business, you know, that you shouldn't break 7 the law, you shouldn't bully people, you shouldn't -- 8 you should conduct yourself as a civilised member of the 9 human race, broadly speaking.</p> <p>10 LORD JUSTICE LEVESON: I entirely agree, but you wouldn't 11 want to distinguish journalists from that category of 12 people, would you?</p> <p>13 A. Well, I mean I think that if you look, my Lord, at all 14 other professions, there are competitive and people who 15 are aggressive and competitive, even in the law, who -- 16 and I would say that was true in business, in sport, and 17 there are people who take the high ground and people who 18 get stuck in the thick of it, and that applies to every 19 walk of life I can think of.</p> <p>20 LORD JUSTICE LEVESON: I entirely agree, but I would hope 21 that those who are practising the law, and indeed those 22 who took part in sport and all the groups that you've 23 mentioned, might feel it appropriate not to break the 24 law, not to bully people -- I'm just using the examples 25 you've just given -- and to conduct themselves in</p> <p style="text-align: center;">Page 57</p>	<p>1 hauled in front of a leading judge and asked to account 2 for the -- they might find at odd moments that they 3 behaved in a way which they found regrettable and 4 I wouldn't -- and I do understand that, particularly for 5 younger journalists. So I think -- and that is of 6 course true of any -- again, I just think that any walk 7 of life has some pretty -- you know, stuff going on.</p> <p>8 LORD JUSTICE LEVESON: I understand people making mistakes. 9 In the heat of the moment, in the charge to get the 10 story or to do whatever it is you're doing, people have 11 to make decisions, and sometimes, human beings being 12 human beings, will get it wrong. That doesn't actually 13 alter, does it, the base to which you have to return, 14 because once you've agreed in your own mind, "I actually 15 got that wrong", you have returned to your base 16 position. Is that not right? Because the 17 alternative --</p> <p>18 A. Yes.</p> <p>19 LORD JUSTICE LEVESON: -- is you think: actually, it's all 20 right to do whatever I like to get the story. It 21 doesn't matter. That's actually good.</p> <p>22 A. Clearly, I absolutely agree with you, sir, that there 23 are limits to how journalists should behave. They 24 should not, unless in certain very clear circumstances 25 which should be set out by due process, ever break the</p> <p style="text-align: center;">Page 59</p>
<p>1 a civilised way in the context of what they're doing. 2 If you're running a race, you want to win the race, but 3 you don't win the race by trying to trip up your 4 opponent.</p> <p>5 A. Yes, what we're talking about here is tabloid news 6 desks, isn't it? I mean, I think you are. Of course 7 they're going to be aggressive, of course they're going 8 to seek advantage, and actually, long may that last.</p> <p>9 LORD JUSTICE LEVESON: I'm not disagreeing with you at all. 10 But I just want to make sure that you and I are on the 11 same plane here, that for all, of course -- I'll take 12 your example -- tabloid journalists are going to be 13 aggressive, after a story. They're going to want to 14 scoop their rivals. They're going to want to try and 15 get the very best story they can. But that doesn't mean 16 to say, does it, that they shouldn't go about that as 17 aggressively as they wish but again within certain 18 constraints, which we've called ethical constraints. 19 You could call them professional journalism constraints. 20 It's not a no holds barred business, or do you think it 21 is?</p> <p>22 A. It's like -- all right, let's -- it's quite -- there's 23 a real spirit to it. You have to be a certain type of 24 person, and the day moves very fast, and I can very well 25 understand how at the end of the day if somebody was</p> <p style="text-align: center;">Page 58</p>	<p>1 law, and I also think there are ethical considerations, 2 you know, which apply. We shouldn't allow ourselves to 3 become an instrument of some force or power which is 4 trying to make us write a story which suits some 5 non-transparent interest, and that happens.</p> <p>6 LORD JUSTICE LEVESON: This, for example, is evidenced in 7 part by the NUJ conscience clause.</p> <p>8 A. Yes. Can you just -- can we spell that out?</p> <p>9 LORD JUSTICE LEVESON: Oh, yes. This has been part of 10 a submission to the Inquiry, and indeed Mr John Hendy QC 11 asked Mr Rupert Murdoch about it, that the NUJ are keen 12 to include within the contracts of journalists that they 13 should not be -- or they're permitted to decline to do 14 something which they believe is unethical.</p> <p>15 I think that's a fair summary, isn't it, Mr Barr?</p> <p>16 MR BARR: Yes, sir.</p> <p>17 A. Right. Yes, that seems to me to be -- I can see the 18 dangers of the conscience clause, namely that it might 19 well be very loosely framed and therefore would enable 20 people to have a spurious reason for something -- for 21 not doing something which they ought to do.</p> <p>22 LORD JUSTICE LEVESON: Yes, I think it is quite carefully 23 framed. I've only sought to summarise it, not quote it.</p> <p>24 A. Yes.</p> <p>25 MR BARR: If we're agreed then that there need to be rules</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 and that journalists need to have their ethical 2 compasses on, and if they depart from them in the heat 3 of the moment they can get back on course, the question 4 then arises as to whether the present bar is set at the 5 right level, the actual level of the standards. Taking 6 perhaps the code as the main signpost to where the bar 7 is presently set, are you content that that is at about 8 the right level? 9 A. I don't know -- I haven't read the code recently. 10 I have read it, but not recently. I'd say it's about 11 right, absolutely. 12 Q. And if the actual standards that are set are about 13 right, it becomes then a question of enforcement, 14 doesn't it? 15 A. Indeed. 16 Q. And would you agree that the position at the moment, and 17 the Inquiry's heard a lot of evidence about this, is 18 that there have been too many instances in which the 19 standards have not been met? 20 A. I'd go further than that, I think, that there was 21 a collapse in standards. 22 Q. So if there's been a collapse in standards, we need to 23 be looking for solutions, and the first one that you 24 propose is that there should be a standing committee 25 within a newspaper, and you suggest editor, managing</p> <p style="text-align: center;">Page 61</p>	<p>1 obviously going to have to think about it, because 2 several people have advanced the proposition that you've 3 just identified, but the police evidence was that at the 4 time that Mulcaire was arrested, actually there were 5 70-odd serious counter terrorism incidents and that 6 however odious phone hacking was, it didn't cause 7 anybody to lose their life, and therefore there's 8 a priority question. 9 Would you agree that the press cannot simply say -- 10 and, to be fair, most haven't -- well, this is a failure 11 of law enforcement? 12 A. I'm not sure I entirely agree with you, sir. I felt 13 that the counter terrorism squad, for reasons of 14 accident, were in charge of the first investigation, and 15 if they -- they could at any moment have handed it over 16 to another part of the police and said, "Look, this 17 is ..." 18 LORD JUSTICE LEVESON: I don't know if you read the evidence 19 or saw the evidence of Deputy Assistant Commissioner 20 Clarke, who spoke of the pressure on the 21 Metropolitan Police in the summer of 2006, and the 22 enormous investigative resources that were going into 23 counter terrorism and being sucked into counter 24 terrorism from all other parts of the Metropolitan 25 Police and indeed the country, from around the country.</p> <p style="text-align: center;">Page 63</p>
<p>1 editor, legal head and an old hand, who should formally 2 meet to discuss and sanction any illegal conduct. 3 However it's organised, strong internal controls are 4 obviously a very important component of a healthy 5 ethical future, but would you agree with me that they 6 can't be relied upon in themselves to guarantee a happy 7 future? 8 A. I think that when you look at -- when we look back at 9 the astonishing events of the last few years, what we've 10 discovered, I think that much of it was down to the 11 failure to enforce existing laws, by the police as well 12 as a collapse of proper systems within newspapers. And 13 I think therefore that if we could just enforce the 14 law -- if the police had just enforced the law as they 15 should have done and that newspapers had been managed in 16 an ethical and serious way, none of these problems would 17 have happened. 18 LORD JUSTICE LEVESON: I'm sorry. We've debated the first 19 of your two examples several times in the Inquiry. The 20 fact that speeding is illegal doesn't allow the motorist 21 to say: "Well, it's not my fault that I'm speeding, the 22 police should enforce the speeding law." 23 Inevitably, I'm sure you would agree, there are 24 going to be constraints upon what the police can 25 actually do, and if I take this example, and I'm</p> <p style="text-align: center;">Page 62</p>	<p>1 So that's something that I will consider and I will have 2 to look at, but I'm not so much asking for you to 3 comment upon the particular, but on the general. So 4 perhaps one should go back to my speeding example. 5 A. I'm not an expert on this -- 6 LORD JUSTICE LEVESON: All right, all right. 7 A. But what I would simply say, though, it seems to me, on 8 the evidence which I have read, that there was a gross 9 failure by the Metropolitan Police to investigate clear 10 evidence of criminal behaviour. 11 LORD JUSTICE LEVESON: All right. With great respect, 12 Mr Osborne, that wasn't actually what I was asking you. 13 What I'm asking you is a different question: do you 14 agree that it is not appropriate for the press to say, 15 "This is simply a question or primarily a question of 16 law enforcement", that actually we should be able to 17 trust the press to observe the law without forcing 18 a policeman to stand at their shoulder to make sure they 19 do? 20 A. Yes. 21 LORD JUSTICE LEVESON: Right. 22 MR BARR: Other suggestions you make in your book, "The rise 23 of Political Lying", to which I'd like to return, one -- 24 and I'm only going to stick to those which are relating 25 to the press as opposed to wider issues -- the first is</p> <p style="text-align: center;">Page 64</p>

<p>1 that there should be more objective checking, both of 2 what is said by politicians and what is reported by 3 journalists. We already have some checking 4 organisations, Tabloid Watch, Full Fact, and so on. Do 5 you think that since you wrote this book in 2005, the 6 position has improved on this score?</p> <p>7 A. And Channel 4, FactCheck, was another one. I think that 8 there have been very substantial improvements. I think 9 Full Fact and the other -- and partly for the reason 10 alluded to by Lord Leveson earlier, that the websites 11 enable newspaper articles to be read much more readily 12 and fact checked, and politicians have become much more 13 aware that their statements can be held to account, so 14 I think there is already emerging a more scrupulous form 15 of public discourse.</p> <p>16 Q. Do you think there is room for further improvement on 17 that front?</p> <p>18 A. Yes. I think there is room for -- but I definitely feel 19 that there is much less outright deception going on at 20 an official level than there was, say, five or ten years 21 ago.</p> <p>22 LORD JUSTICE LEVESON: How can one incorporate that into 23 a system to encourage good practice?</p> <p>24 A. Again I think we partly return, I suggest, to the House 25 of Commons, which is the cockpit of democracy in this</p> <p style="text-align: center;">Page 65</p>	<p>1 from ministers and politicians more generally, and 2 indeed journalists.</p> <p>3 Q. You adverted already to one of the other solutions 4 you've suggested, which is effectively an increased 5 discipline asserted by Parliament over errant MPs. 6 Isn't the difficulty with that that by definition the 7 composition of Parliament is partisan and there may be 8 limits to what disciplinary procedure can objectively 9 achieve?</p> <p>10 A. Yes. Parliament, of course, is accustomed to dealing 11 with this problem. It can -- the House as a whole can 12 set up bodies which are not susceptible to manipulation 13 by individual parties or the government. There is 14 a move towards this with the strengthening of Select 15 Committees, so I think there are structures available 16 which could show the way forward.</p> <p>17 Q. The final solution that I'd like to explore is your 18 proposal that political lying should be a crime. Are 19 you suggesting that the political journalist who tells 20 a political lie should be criminally liable?</p> <p>21 A. I think we'd have to set a very high bar for this, 22 political lying to be made a crime, but I think it would 23 be entirely desirable. The analogy I was thinking of is 24 the City of London where if you are selling shares to 25 the public in a public offer, the offer for sale has to</p> <p style="text-align: center;">Page 67</p>
<p>1 country, and I would criticise MPs and ministers over 2 the last 20 years for allowing false statements to be 3 made on the floor of the House and in official 4 documents, and really with no real recourse or trouble 5 being made. And that is maybe because the government of 6 the day tends to be too powerful within the Commons and 7 therefore to restrict -- use Commons procedures to 8 strangle attempts to hold ministers to account when they 9 lie.</p> <p>10 But I think that the Commons has enormous powers 11 which it doesn't fully use to demand integrity from 12 ministers.</p> <p>13 MR BARR: Returning to the question of checking by outside 14 groups, do you see checking as solely the preserve of 15 independent pressure groups or is that a function which 16 a future regulator could proactively take on?</p> <p>17 A. I think that's a very interesting thought. The 18 Institute for Fiscal Studies, which was set up by a sort 19 of stock procedure in the 1970s because he was so fed up 20 with the false and misleading statements made by 21 ministers on financial matters, had an incredible effect 22 in bringing integrity to the nation's financial 23 accounting, and I do think it's an interesting idea that 24 something similar might come into existence to hold to 25 account public documents and statements and utterances</p> <p style="text-align: center;">Page 66</p>	<p>1 be prepared in an incredibly scrupulous way and those 2 who make false statements about assets or profits would 3 go to jail if they produce knowingly false statements, 4 whereas politicians, I have noticed, freely do make 5 entirely false statements about how they are conducting 6 themselves and why one should vote for them. Clearly, 7 we need to leave them plenty of licence but I think 8 there are certain demonstrably and provable lies. It 9 would be very healthy if they knew there was a sanction 10 and I would welcome the same sanction being applied to 11 political journalists and indeed other journalists.</p> <p>12 Q. There would, would there not, be very serious 13 difficulties in defining such an offence?</p> <p>14 A. I don't agree with that. I have noticed -- one of the 15 problems about this debate is that the House of Commons 16 does not acknowledge the possibility of a lie. To call 17 somebody a liar -- it is assumed that MPs are honourable 18 people who don't lie, and therefore there is no language 19 within the House of Commons to confront ministers and 20 MPs who don't tell the truth.</p> <p>21 Q. But politicians can be held to account by Parliament if 22 they mislead Parliament, can't they?</p> <p>23 A. Yes, but they can't be challenged within the -- on the 24 floor of the House of Commons in that way, and because 25 it is assumed that they are honest men. It's a false</p> <p style="text-align: center;">Page 68</p>

<p>1 assumption, by the way.</p> <p>2 Q. Are there not also likely to be very serious practical</p> <p>3 difficulties in prosecuting any such offence?</p> <p>4 A. Look, I have to admit that I'm not an expert on how the</p> <p>5 law works.</p> <p>6 LORD JUSTICE LEVESON: If one wanted to talk about the</p> <p>7 chilling effect, I would have thought that the creation</p> <p>8 of a criminal offence covering what journalists reported</p> <p>9 would create an enormously chilling effect upon</p> <p>10 journalism because they would want to ensure that every</p> <p>11 single fact and every single statement was backed up six</p> <p>12 different ways for fear of running foul of the law.</p> <p>13 I mean, that's my immediate reaction, but --</p> <p>14 A. If I could react to you?</p> <p>15 LORD JUSTICE LEVESON: Yes, please. It's your evidence, not</p> <p>16 mine.</p> <p>17 A. We were talking here about setting a very high bar, and</p> <p>18 we're not talking about expressions of opinion, but if</p> <p>19 somebody -- I was talking about a politician who</p> <p>20 deliberately tells a lie in order to sell a policy or</p> <p>21 get elected, and a lie is a very serious thing, which we</p> <p>22 define as a deliberate untruth, something which is not</p> <p>23 true, which you say or write down in the full knowledge</p> <p>24 that it isn't true. I am very comfortable that when</p> <p>25 those statements are made, that there should be very</p> <p style="text-align: center;">Page 69</p>	<p>1 LORD JUSTICE LEVESON: Please.</p> <p>2 A. On the -- perhaps it does involve regulation. I wonder</p> <p>3 how much you would think about foreign ownership of the</p> <p>4 press. I have noted that the most powerful newspaper</p> <p>5 group in Britain over the last 30 years or more was</p> <p>6 owned by an American citizen, who often behaves as</p> <p>7 though he is a British citizen, and it's not just</p> <p>8 talking about News International. The Telegraph Group</p> <p>9 at one stage was owned by a Canadian citizen. And</p> <p>10 I personally feel that one reason why newspapers have</p> <p>11 ceased to provide a proper civic function is that too</p> <p>12 many of them have been owned by people whose true</p> <p>13 interests do not lie in this country.</p> <p>14 LORD JUSTICE LEVESON: Yes. That raises a subset question</p> <p>15 about the extent to which those who own newspapers</p> <p>16 affect what is printed in their newspapers, which has</p> <p>17 been the subject of much discussion, as I'm sure you</p> <p>18 appreciate, during the course of the Inquiry. Plurality</p> <p>19 is -- or mechanisms to deal with plurality do come</p> <p>20 within the terms of reference, but the argument that has</p> <p>21 been advanced, and I merely say this if you wish to</p> <p>22 comment, is that, given the rise of so many other</p> <p>23 mechanisms for obtaining news, the Internet among</p> <p>24 others, the problems of plurality -- the opportunity to</p> <p>25 get news from different sources is much, much greater</p> <p style="text-align: center;">Page 71</p>
<p>1 heavy responsibilities.</p> <p>2 MR BARR: Turning to the position between internal controls</p> <p>3 and the criminal law, there's the intermediate position</p> <p>4 of regulation. I'd like to ask now about the future of</p> <p>5 regulation and put some propositions to you to see</p> <p>6 whether you agree or disagree. Would you agree that</p> <p>7 future regulation of the press needs to be independent?</p> <p>8 A. That is -- I'm not very knowledgeable about this area,</p> <p>9 but I'll -- I mean I haven't sort of made a study of it</p> <p>10 or thought it through very much, but my instinct is yes.</p> <p>11 LORD JUSTICE LEVESON: Mr Osborne, please don't feel obliged</p> <p>12 to answer any of the questions on this topic which you</p> <p>13 don't feel suitably qualified to answer, because I'm</p> <p>14 trying to get your evidence across the piece based upon</p> <p>15 your experience, and it would be unfair to you to</p> <p>16 require you to commit yourself to positions where you</p> <p>17 weren't comfortable, so I'm very content that you simply</p> <p>18 say, "Thank you very much, I'll pass on that."</p> <p>19 A. I also think I'd be wasting your time, sir.</p> <p>20 MR BARR: If you'd like to pass on those questions about the</p> <p>21 future of regulation, that concludes what I have to ask</p> <p>22 you.</p> <p>23 LORD JUSTICE LEVESON: All right. Mr Osborne, thank you very</p> <p>24 much.</p> <p>25 A. Can I make one further observation?</p> <p style="text-align: center;">Page 70</p>	<p>1 than it even was 15 years ago.</p> <p>2 As regards the ownership of the press, that's</p> <p>3 a slightly different issue.</p> <p>4 All right. If there is anything else on the topic</p> <p>5 covered by my term of reference that you wish to say,</p> <p>6 then please say it.</p> <p>7 A. The second point, of course, is monopoly ownership,</p> <p>8 whether it is a good thing that one group should have,</p> <p>9 as has been the case in recent decades, such a dominance</p> <p>10 defined by the City regulation as -- 25 per cent is</p> <p>11 monopoly control, I believe, and they have one group</p> <p>12 having 35 or 40 per cent. I always -- it struck me that</p> <p>13 that was not in the public interest to have one group so</p> <p>14 dominant, and I hope that that -- I think that is</p> <p>15 something -- I don't know if it's within your remit.</p> <p>16 LORD JUSTICE LEVESON: The terms of reference require me to</p> <p>17 make recommendations on how future concerns about press</p> <p>18 behaviour, media policy, regulation and cross-media</p> <p>19 ownership should be dealt with by all the relevant</p> <p>20 authorities, including parliament, government, the</p> <p>21 prosecuting authorities and the police. But one has to</p> <p>22 be careful about that, because that's asking me to</p> <p>23 consider how it should be done, not what the result</p> <p>24 should be. So if you have a view on how it should be</p> <p>25 done, again this is either within or without your remit,</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

1 then so be it, but that's what I'm required to do.
2 **A. Well, I mean it's pretty -- there's very clear**
3 **monopolies legislation in this country, and companies**
4 **which have more than a certain percentage of the market,**
5 **whatever it may be, whether it's widgets or whatever,**
6 **are required to divest, and it seems to me that there's**
7 **nothing very complicated about applying British**
8 **monopolies legislation to the media, and I think**
9 **cross-media ownership raises a fresh set of issues,**
10 **which I don't fully understand.**
11 LORD JUSTICE LEVESON: All right. Thank you very much
12 indeed.
13 **A. Thank you.**
14 LORD JUSTICE LEVESON: The next witness is appearing by
15 video-link and the video-link is set to start at
16 2 o'clock; is that right?
17 MR JAY: Yes.
18 LORD JUSTICE LEVESON: Right. Thank you very much, we'll
19 break.
20 (12.17 pm)
21 (The luncheon adjournment)
22
23
24
25

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