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| <p>1 Tuesday, 22 May 2012</p> <p>2 (9.50 am)</p> <p>3 LORD JUSTICE LEVESON: Yes, Mr Sherborne?</p> <p>4 Reply to the Responses to his Application by MR SHERBORNE</p> <p>5 MR SHERBORNE: Sir, I'm grateful for the time set aside for</p> <p>6 me to reply to the responses to my application on behalf</p> <p>7 of News International, Trinity Mirror and</p> <p>8 Associated Newspapers, which you heard Friday before</p> <p>9 last, and sir, I will be brief. Indeed, I can be very</p> <p>10 brief, because with no disrespect to Mr White or</p> <p>11 Mr Browne, I can summarise their responses to my</p> <p>12 application that the core participant media</p> <p>13 organisations answer two fairly simple questions as</p> <p>14 being that this was too late in the day -- being now</p> <p>15 some way through the Inquiry as opposed to back</p> <p>16 in December, I suppose, when the files were released --</p> <p>17 it would be too burdensome and it would be a breach of</p> <p>18 the self-denying ordinance of who did what to whom and</p> <p>19 when.</p> <p>20 Taking those in turn, it would be wrong, as the</p> <p>21 Inquiry Team certainly know, for it to be said that it</p> <p>22 was two weeks ago that we first raised questions in</p> <p>23 relation to what we've called as a shorthand the</p> <p>24 Operation Motorman files. It's been a constant theme of</p> <p>25 the core participant victims and, more importantly,</p> <p style="text-align: center;">Page 1</p> | <p>1 some said, as opposed to Module 3 -- you said this, sir:</p> <p>2 "It reveals a misunderstanding of the way in which</p> <p>3 I've sought to address the terms of reference. These</p> <p>4 modules are not self-contained and elements of each have</p> <p>5 been raised at various different times and will continue</p> <p>6 to be."</p> <p>7 So I pass quickly over the objection of it being too</p> <p>8 late, as it is, in my submission, of little moment.</p> <p>9 Moving them to the next cri de coeur from the media:</p> <p>10 the task required is too burdensome. Whilst I see</p> <p>11 perhaps that the suggestion, particularly made late on</p> <p>12 a Friday afternoon, that six years after the "What price</p> <p>13 privacy now?" publication it is too difficult to</p> <p>14 identify which journalist did what and whether any of</p> <p>15 the information is still being used has a superficial</p> <p>16 attraction, it is one which does not in fact bear any</p> <p>17 real scrutiny.</p> <p>18 Taking Mr White's clients first, News International</p> <p>19 say they could do nothing, as they didn't know the names</p> <p>20 of the journalists. Ms Sarma, in her witness statement</p> <p>21 says that at paragraph 47, to which Mr White referred,</p> <p>22 and whilst we're on the subject of her evidence, we have</p> <p>23 not, of course, seen the confidential exhibit to which</p> <p>24 Mr White made reference. I'm not sure why necessarily.</p> <p>25 Mr White prayed Ms Sarma's statement that they could do</p> <p style="text-align: center;">Page 3</p> |
| <p>1 a matter of ongoing public concern outside the Inquiry</p> <p>2 as to what the true nature of the press practices were,</p> <p>3 which were revealed in 2006 with the publication of</p> <p>4 "What price privacy?" and "What price privacy now?" and</p> <p>5 what has been done about this by the media</p> <p>6 organisations.</p> <p>7 Indeed, since March of this year, sir, you will be</p> <p>8 aware there have been two documentaries, one on ITV and</p> <p>9 one only a few days ago on Channel 4, about the unlawful</p> <p>10 trade in people's personal information. The media core</p> <p>11 participants may want to shut their eyes to what I call</p> <p>12 the topicality of this issue, but I know you do not,</p> <p>13 sir.</p> <p>14 LORD JUSTICE LEVESON: But I'm not responsive to the media</p> <p>15 and I'm not responsive to the television programmes</p> <p>16 either, am I?</p> <p>17 MR SHERBORNE: Of course not, but what you are responsive</p> <p>18 to -- or let me put it this way round: one cannot say,</p> <p>19 as Mr Browne sought to do, that this is not topical in</p> <p>20 any way. It clearly is topical and it is clearly</p> <p>21 a matter of, as I say, ongoing public concern.</p> <p>22 Again, to say it has come too late in this Inquiry</p> <p>23 would also, to quote your words, sir, on a number of</p> <p>24 occasions -- in relation, for example, to the evidence</p> <p>25 of the proprietors and why it was not in Module 1, as</p> <p style="text-align: center;">Page 2</p> | <p>1 nothing as they didn't know the names of journalists in</p> <p>2 aid during his objections but, sir, you'll recall</p> <p>3 Mr Gilmore's witness statement identifies two</p> <p>4 News International's journalists, albeit in redacted</p> <p>5 form, so the names are known now to the Inquiry and to</p> <p>6 News International. Most importantly, what became clear</p> <p>7 in Mr Gilmour's evidence, his oral evidence, that</p> <p>8 Wednesday when I rose to make my application, was that</p> <p>9 he said that he'd managed to secure the attendance of</p> <p>10 these journalists for interview through the legal</p> <p>11 departments of their newspapers. That is why, despite</p> <p>12 Mr Browne's trademark use of the word "disingenuous",</p> <p>13 I rose after his oral evidence to ask the questions</p> <p>14 I did, because Mr Gilmour -- and the reference is</p> <p>15 page 52 of the transcript of 9 May -- said:</p> <p>16 "Through the legal department of the various</p> <p>17 newspapers, I was able to access and secure the</p> <p>18 attendance of the journalists."</p> <p>19 So whilst Ms Sarma, who became head of legal at</p> <p>20 News International only recently, may not have known the</p> <p>21 identity, we say the identity was definitely known to</p> <p>22 her predecessor at the time --</p> <p>23 LORD JUSTICE LEVESON: Well, at least of one or two</p> <p>24 journalists.</p> <p>25 MR SHERBORNE: At least of one or two journalists. It's</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 known, as I say, sir, to her predecessor, who has given 2 evidence in this Inquiry. So it is hardly, as Mr White 3 suggested, like looking for a needle in a haystack, and 4 since they know the names, we say it is hardly beyond 5 the wit of someone at News International to identify 6 where those journalists are and to ask them a very few 7 simple questions. The spreadsheet of the Blue Book is 8 in News International's hands.</p> <p>9 But because I'm feeling charitable, I can pass this 10 Inquiry and Mr White the name of at least one 11 journalist, an editor in one of the Sun's departments 12 who obtained several ex-directory numbers. We have 13 managed to trace two of the stories, through a simple 14 search of the newspaper's website, for the names of the 15 individuals whose private details were bought in this 16 way. When one looks at those articles, one can see, in 17 my submission, that there is no possible Section 55 18 defence in relation to the information obtained. I'm 19 sure Mr White's clients can perform that simple exercise 20 themselves if, sir, you grant this application.</p> <p>21 As to Mr Browne's clients, Trinity Mirror, and his 22 objection, again the same applies. Their legal 23 department knew perfectly well at the time which 24 journalists were interviewed by the police and they have 25 their own internal records as to the use of</p> <p style="text-align: center;">Page 5</p> | <p>1 procurements from Mr Whittamore, and another was 2 responsible, as the Red Book shows, for CRO checks via 3 the Police National Computer.</p> <p>4 Before it is said that this is the result of massive 5 resources being used by the core participant victims, 6 I can give the Inquiry and Mr Browne a Wikipedia 7 page which makes for very interesting reading about one 8 of the journalists, who not only was promoted to 9 a senior position afterwards by Trinity Mirror, but 10 worked for other tabloid newspapers. This journalist's 11 connection with a number of the themes in this Inquiry 12 outside purely of Operation Motorman, we say, explains 13 why this exercise which we're asking the Inquiry to 14 carry out is an illustrative one which goes beyond who 15 did what to whom and when.</p> <p>16 LORD JUSTICE LEVESON: But does it? But does it? Isn't it 17 actually precisely who did what to whom? Because by 18 focusing on the individuals and their specific conduct, 19 it seems to me that I'm going into the detail which, in 20 relation to other aspects of this investigation, I have 21 eschewed.</p> <p>22 MR SHERBORNE: Sir, the problem is this: you have eschewed 23 it in various contexts, but in order to get an 24 illustration of how the press works, there have been 25 a number of examples where the Inquiry has looked at</p> <p style="text-align: center;">Page 7</p> |
| <p>1 Mr Whittamore. Critically, it wasn't the fact that this 2 exercise was too difficult or indeed couldn't be done 3 that explains why no investigation at all was made at 4 the time. Ms Bailey, Mr Browne's client, as you'll 5 recall, gave evidence on 16 January and was very candid 6 about it. She said it wasn't difficulty that meant they 7 didn't do the investigation; it was they were only 8 interested in a forward-looking approach. And who can 9 blame her? With the track record that 10 Operation Motorman shows about the practices, culture 11 and ethics of the press, who on earth would want to look 12 backwards?</p> <p>13 And what was their forward-looking approach, she 14 said? Well, questions were asked of the 43 or 44 15 personnel, and she took comfort from the fact that all 16 signed it, as to practices in the future which would not 17 be condoned. But the question I ask is this, sir: have 18 they cross-checked these journalists against column 4 of 19 the Red Book to see what appears there and what 20 information was obtained? Of course they haven't.</p> <p>21 Is it a Herculean task, as Mr Browne sought to 22 suggest? Of course it isn't. Again, in the spirit of 23 charity, we have four names of journalists from the Red 24 Book, all of whom were promoted to senior positions 25 after these events, one of whom was responsible for 250</p> <p style="text-align: center;">Page 6</p> | <p>1 what's taken place. Take, for example, the news 2 journalists who covered the McCann story in Module 1, or 3 the crime reporters who covered the Jefferies story in 4 Module 2.</p> <p>5 LORD JUSTICE LEVESON: Yes.</p> <p>6 MR SHERBORNE: The purpose of looking at what these 7 individuals did was not to be able to censure any 8 individual journalist but to look at the culture, 9 practice and ethics -- that same phrase -- of the press 10 as a whole.</p> <p>11 LORD JUSTICE LEVESON: But aren't I in a position to draw 12 inferences, if I think it appropriate, in relation to 13 the Motorman material in any event? The evidence is 14 there. The specific conduct of journalists who used 15 Mr Whittamore either to get information that comes from 16 a CRO check or from the DVLA or friends and family 17 numbers is available to me, and aren't I in a position 18 to draw such inferences as are necessary to deal with 19 the primary point that you were making, which was the 20 suggestion that some titles could say, "Not me, gov." 21 My words, not yours.</p> <p>22 MR SHERBORNE: Of course, sir. The fact that individual 23 journalists have used Mr Whittamore's services and what 24 they were using them for is, as you say, clear from the 25 record and not necessarily the most important point that</p> <p style="text-align: center;">Page 8</p> |

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| <p>1 you have to consider, but it was what was done by those 2 newspapers once they discovered this in relation to the 3 practices of those journalists. 4 LORD JUSTICE LEVESON: But they've told us. You've reminded 5 me of Sly Bailey's evidence and you've reminded me of 6 some of the other material that has been adduced. If 7 one looks at what I'm intended to do, which is to reach 8 conclusions as to culture, practice and ethics for the 9 purpose of making recommendations as to the future, 10 I ask whether what would clearly be a very detailed 11 analysis, and far more detailed than I've deliberately 12 undertaken in relation to hacking, for obvious reasons, 13 would be appropriate, necessary or indeed proportionate. 14 MR SHERBORNE: We say it is not an exercise which is 15 disproportionate to the aim which you're seeking to 16 achieve. As I say, one can provide a handful of names 17 by way of example to each of those core participants, 18 and if one traces what happened to the individual 19 journalists after these practices were discovered, 20 namely that they were promoted, we say, in a number of 21 cases, and that the information is still being 22 processed, then we say this goes beyond -- 23 LORD JUSTICE LEVESON: When you say the information is still 24 being processed, what do you mean by that? 25 MR SHERBORNE: I mean that the data that was obtained by</p> <p style="text-align: center;">Page 9</p> | <p>1 known to almost no one. They related to well-known 2 celebrities. That was discovered by a very simple 3 search of the contact book of the journalist in 4 question -- 5 LORD JUSTICE LEVESON: But you're being disingenuous, 6 Mr Sherborne. You say it's a very simple search. I ask 7 whether what you are requiring me to do is effectively 8 to undertake a discovery exercise in relation to 9 journalists, for understandable reasons -- don't get me 10 wrong, I'm not in any sense ignoring the risk that you 11 are concerned with or being blase about misuse of 12 private information. I'm merely concerned about 13 the extent to which it helps me solve the issues that 14 I have to solve. 15 It doesn't really matter whether, for my purposes -- 16 or it may not matter for my purposes -- whether a name 17 is still in use today if I have sufficient concern that 18 these various ethical improprieties need to be 19 addressed. Nobody's ever said to me that they don't, in 20 which case I have to address them. 21 MR SHERBORNE: Sir, they will say and they have said that 22 you don't need to. You remember that Mr Caplan said in 23 his opening submissions something which, as you said 24 earlier, will no doubt be repeated in closing 25 submissions. It is that nobody was charged with these</p> <p style="text-align: center;">Page 11</p> |
| <p>1 Mr Whittamore is still being used by -- 2 LORD JUSTICE LEVESON: How do you know that? 3 MR SHERBORNE: We don't, but what we don't know, conversely, 4 that it is not being used. 5 LORD JUSTICE LEVESON: Yes, but how am I going to do that? 6 That's the point. Let's assume for a moment that I say 7 to you: "Well, you have some names. That's fair enough. 8 Let me see the names. We'll pass those to 9 Mr Rhodri Davies, Mr Caplan, Mr Browne, to whoever, to 10 Mr Millar -- there are all sorts of core participants 11 here -- and ask them to make representations." That's 12 fine, but to get into what's happened to this 13 information, is it being used, it's going to be an 14 almost impossible task, isn't it? 15 MR SHERBORNE: No, sir, it isn't. Can I give you an analogy 16 with the hacking litigation? One of my clients in that 17 litigation, and it's a matter of public record, was 18 a victim of hacking in 2005 and 2006, and she also 19 alleged that in 2009 one of the News of the World 20 journalists attempted to gain access to her voicemail 21 using that same number. 22 Now, that case has settled, but in the course of it 23 numbers were found in the contact book of that 24 journalist that were the same as were found in 25 Mr Mulcaire's notes, numbers which were private and</p> <p style="text-align: center;">Page 10</p> | <p>1 offences, no hard evidence of anything wrong has been 2 proved. That's what Mr Caplan said -- 3 LORD JUSTICE LEVESON: But Mr Caplan later agreed that there 4 was strong prima facie evidence that journalists from 5 his clients had accessed, in breach of Section 55 of the 6 Data Protection Act, information. Strong prima facie 7 evidence. 8 MR SHERBORNE: That goes to what was done in 2003 and 9 revealed in 2006, but the other point, if you recall, 10 for making this application was the suggestion, as 11 you've heard it said and repeated again Friday before 12 last, that this information is historic. It is not 13 historic, as I said back on 2 December and have said 14 several times since, if this information is still being 15 used. It is not individual names that matter for that, 16 and we don't need to know what the results are, but if 17 it is accepted by the media organisations that this 18 information, which can be easily checked by looking at 19 that particular column of the table -- if it is accepted 20 that that information is still being processed in 2012, 21 that, in my submission, is an important point which you 22 need to take into account. 23 LORD JUSTICE LEVESON: You mentioned a particular client. 24 I'm not so sure that I have evidence that information 25 has been obtained which reveals that any of the persons</p> <p style="text-align: center;">Page 12</p> |

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| <p>1 from whom I've heard evidence have been the subject of</p> <p>2 potentially intrusive use of material more recently than</p> <p>3 2005/6.</p> <p>4 MR SHERBORNE: Sir, I believe that both Mr Jay and</p> <p>5 Mr Garnham, in their opening submissions, referred to</p> <p>6 the fact, in relation to the voicemail interception</p> <p>7 cases, that the activities took place up until 2009.</p> <p>8 That was the significance of the date because it relates</p> <p>9 to one of my clients. It's a matter of public record --</p> <p>10 LORD JUSTICE LEVESON: If I have it, then it's just escaped</p> <p>11 my mind.</p> <p>12 MR SHERBORNE: That's not someone who gave evidence to this</p> <p>13 Inquiry. But it's not the names of individuals that I'm</p> <p>14 concerned with, sir.</p> <p>15 LORD JUSTICE LEVESON: No, it's the fact --</p> <p>16 MR SHERBORNE: It's not a discovery exercise which we're</p> <p>17 seeking.</p> <p>18 LORD JUSTICE LEVESON: I understand the point.</p> <p>19 MR SHERBORNE: You'll recall that Mr Dacre twice -- not once</p> <p>20 but twice -- offered to this Inquiry that he would look</p> <p>21 into this to see whether this material was retained, and</p> <p>22 you'll recall that when he was pressed about reporters'</p> <p>23 notebooks and records by Mr Jay, he said:</p> <p>24 "Funnily enough, it's so long ago that most of the</p> <p>25 people involved have actually left the paper, are</p> <p style="text-align: center;">Page 13</p> | <p>1 investigations as a result?</p> <p>2 The problem, if I may finish on this point, is this:</p> <p>3 that this is what I might call a silent crime, because</p> <p>4 the victims of it have no idea that their material is</p> <p>5 being processed. I'm not, as I say and repeat,</p> <p>6 interested in individual victims here. This is not</p> <p>7 a discovery exercise. I'm interested in the culture,</p> <p>8 practices and ethics which have been disclosed, but</p> <p>9 which, as I say, we simply can't know unless the media</p> <p>10 organisations carry out the exercise -- a simple</p> <p>11 exercise, which I have demonstrated -- in relation to</p> <p>12 the material that they've had since 2 December last</p> <p>13 year.</p> <p>14 LORD JUSTICE LEVESON: All right.</p> <p>15 MR SHERBORNE: I'm very grateful.</p> <p>16 LORD JUSTICE LEVESON: Thank you especially have. Well,</p> <p>17 this application has now been fought over some ten days</p> <p>18 or so. I want to go back and re-read what people said</p> <p>19 earlier. It may be that I'll ask some more questions of</p> <p>20 other core participants, but I'll take it all into</p> <p>21 account and deal with it in due course.</p> <p>22 Thank you.</p> <p>23 MR JAY: Sir, the first witness today is Mr Tom Watson.</p> <p>24 LORD JUSTICE LEVESON: Mr Sherborne, you might like to pass</p> <p>25 the product of your research through to Mr Jay.</p> <p style="text-align: center;">Page 15</p> |
| <p>1 working elsewhere or emigrated."</p> <p>2 Sir, I have the name of three journalists working</p> <p>3 for Associated Newspapers who made repeated requests,</p> <p>4 who, unfortunately for Mr Dacre, are still alive and</p> <p>5 well and in senior editorial positions within</p> <p>6 Associated Newspapers.</p> <p>7 LORD JUSTICE LEVESON: Well, I think what we'll do --</p> <p>8 MR SHERBORNE: It will not take much to carry out an inquiry</p> <p>9 of their contact books to see whether the information</p> <p>10 they obtained is still information they use to this</p> <p>11 date.</p> <p>12 LORD JUSTICE LEVESON: This is not so much a reply,</p> <p>13 Mr Sherborne, because you're relying on all sorts of</p> <p>14 information which you didn't put before me, at any rate.</p> <p>15 MR SHERBORNE: I'm replying to the suggestion that this is</p> <p>16 too burdensome an exercise to carry out.</p> <p>17 LORD JUSTICE LEVESON: I understand the point.</p> <p>18 MR SHERBORNE: I'm hoping to demonstrate that this is an</p> <p>19 exercise which can be carried out very quickly in</p> <p>20 a space of a very short period of time by simply looking</p> <p>21 at the material that's been given. After all, I do ask</p> <p>22 rhetorically again, why were the files released to the</p> <p>23 core participant media organisations back on 2 December</p> <p>24 if it was not going to be necessary or not going to be</p> <p>25 intended that they would look at this material and make</p> <p style="text-align: center;">Page 14</p> | <p>1 MR SHERBORNE: I was about to ask that at some point. I'm</p> <p>2 grateful.</p> <p>3 MR TOM WATSON (affirmed)</p> <p>4 Questions by MR JAY</p> <p>5 MR JAY: You've provided us with a witness statement. The</p> <p>6 version I have isn't signed or dated but are you content</p> <p>7 to attest to its contents for the purposes of this</p> <p>8 Inquiry.</p> <p>9 A. Yes.</p> <p>10 Q. There are one or two typographical errors in it which we</p> <p>11 will deal with as we proceed. First of all, may I give</p> <p>12 a short history of your career --</p> <p>13 LORD JUSTICE LEVESON: Before you do, Mr Watson, thank you</p> <p>14 very much for this statement and for the obvious work</p> <p>15 that was put into it. I am very conscious that bits of</p> <p>16 it look like a Swiss cheese, but that's because, as I'm</p> <p>17 sure you appreciate, I've had to take a certain line in</p> <p>18 relation to specific details, both in relation to the</p> <p>19 investigation that's presently being conducted by the</p> <p>20 Metropolitan Police and also because of other incidents</p> <p>21 which I can't touch, but which may cause potential</p> <p>22 prejudice.</p> <p>23 A. Yes, sir. I thought that it was better to be</p> <p>24 comprehensive and you could redact as appropriate.</p> <p>25 LORD JUSTICE LEVESON: That's the reason for it anyway.</p> <p style="text-align: center;">Page 16</p> |

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| <p>1 Thank you.</p> <p>2 A. Thank you.</p> <p>3 MR JAY: A short history now of your career. In the 2001</p> <p>4 election, you were elected a Member of Parliament for</p> <p>5 West Bromwich East. In 2006, you were appointed</p> <p>6 Parliamentary Undersecretary of State at the Ministry of</p> <p>7 Defence. On 6 September 2006, you resigned and</p> <p>8 I believe called for the Prime Minister to resign.</p> <p>9 In January 2008, you returned to government as</p> <p>10 Parliamentary Undersecretary of State of the Cabinet</p> <p>11 office. I hope I have the date right, Mr Watson.</p> <p>12 A. I think that's right, yes.</p> <p>13 Q. In June 2009, you resigned and in June or July 2009, you</p> <p>14 joined the DCMS Select Committee; is that correct?</p> <p>15 A. Yes, that's correct.</p> <p>16 Q. Thank you. The circumstances of your second</p> <p>17 resignation, they are dealt with on the second page of</p> <p>18 your statement, our page 05548, where you explain the</p> <p>19 maelstrom of media attention during the Damian McBride</p> <p>20 saga. That saga in fact was in 2008, not 2009, but in</p> <p>21 your own words, what was the maelstrom of media</p> <p>22 attention?</p> <p>23 A. Well, there was an allegation that I was copied in on</p> <p>24 Damian McBride's emails where he had allegedly attempted</p> <p>25 to smear opponents of the Labour Party, and it started</p> <p style="text-align: center;">Page 17</p> | <p>1 sources who have been in a position to assist you with</p> <p>2 direct evidence, if I can put it in those terms?</p> <p>3 A. Yes, that's correct.</p> <p>4 Q. And some of those sources might have been within</p> <p>5 newspapers; is that right?</p> <p>6 A. Some of them worked for newspaper groups, yes.</p> <p>7 Q. Any within the police, can you say?</p> <p>8 A. One close to the police.</p> <p>9 Q. You were speaking generically. What other sort of</p> <p>10 categories of person are we talking about?</p> <p>11 A. It's people who have knowledge of News International in</p> <p>12 particular and the criminal inquiry. There are</p> <p>13 a growing number of people who are approaching me with</p> <p>14 the -- with their evidence, and I'm making sure --</p> <p>15 trying to persuade them to give statements to the police</p> <p>16 where appropriate.</p> <p>17 Q. This is a matter of some delicacy, but we'll touch on it</p> <p>18 very lightly. I think you were approached by</p> <p>19 Mr Thurlbeck and had a conversation with him; is that</p> <p>20 right?</p> <p>21 A. That's correct, yes.</p> <p>22 Q. To be clear, that conversation was at his instigation</p> <p>23 not yours; is that right?</p> <p>24 A. There was a former colleague of his who asked that we</p> <p>25 introduce -- that we talked, and he said he would like</p> <p style="text-align: center;">Page 19</p> |
| <p>1 with a blog post on Iain Dale's website, and then he was</p> <p>2 commissioned to write a story for the Mail on Sunday and</p> <p>3 then there was an explosion of media interest,</p> <p>4 obviously, for about a week, and the reason it was so</p> <p>5 troubling, I guess, was because it was actually an</p> <p>6 inaccurate statement made by Iain Dale. He subsequently</p> <p>7 apologised for it and produced the copy amendment he</p> <p>8 gave to the Mail on Sunday on the Saturday evening</p> <p>9 before publication.</p> <p>10 Q. Right, and you explain the personal, family and</p> <p>11 political pressure you were under at that time, which</p> <p>12 culminated in your resignation from government in 2009;</p> <p>13 is that right?</p> <p>14 A. That's right, yes.</p> <p>15 Q. And since joining the DCMS Select Committee, you have</p> <p>16 made phone hacking and News International an important</p> <p>17 part of your political endeavour; is that right?</p> <p>18 A. That's right, yes.</p> <p>19 Q. We'll go into that in due course. Can I ask you</p> <p>20 a general question about your sources without asking you</p> <p>21 to identify anybody, Mr Watson, I'm sure you wouldn't do</p> <p>22 that anyway. You touch on that at page 05549 when you</p> <p>23 refer to whistle-blowers and confidential sources.</p> <p>24 A. Yes.</p> <p>25 Q. Is it fair to say that overall you have a number of</p> <p style="text-align: center;">Page 18</p> | <p>1 to talk to me about allegations that had been made about</p> <p>2 him that I won't go into any further detail about.</p> <p>3 Q. As far as you're concerned, many aspects of your</p> <p>4 conversation are edged with confidentiality, are they?</p> <p>5 A. There was a very narrow agreement between the two of us</p> <p>6 that was to do with his involvement in the "for Neville"</p> <p>7 email incident that I won't -- I'd better not talk</p> <p>8 about. The rest I considered public.</p> <p>9 Q. Okay. Page 05551 --</p> <p>10 LORD JUSTICE LEVESON: Are any of these people who you've</p> <p>11 encouraged to speak to the police people you've also</p> <p>12 encouraged to speak to the Inquiry?</p> <p>13 A. Yes, sir, and they have hopefully put in submissions</p> <p>14 that may come your way, one in particular last week.</p> <p>15 I've asked one of the lawyers to make sure that you're</p> <p>16 made aware of it.</p> <p>17 LORD JUSTICE LEVESON: Thank you.</p> <p>18 MR JAY: 05551 now, Mr Watson. You say in the third line</p> <p>19 you've also been contacted by a number of MPs who have</p> <p>20 had experience of intimidating behaviour by news</p> <p>21 organisations. Can we just understand this?</p> <p>22 Approximately how many?</p> <p>23 A. Well, I would say about a dozen, who give different</p> <p>24 levels of detail about their sense of fear and their own</p> <p>25 experiences of feeling intimidated by the newspapers,</p> <p style="text-align: center;">Page 20</p> |

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| <p>1 one of which I've -- in the submission is in some 2 detail, but I would say that's illustrative of the kind 3 of experiences that MPs perceive they've been through or 4 actually have been through. 5 Q. Are we talking about MPs from all parties or from one 6 party -- 7 A. On both sides of the House, yes. In fact, all the main 8 parties. Not just the three main parties but the minor 9 parties as well. 10 Q. Are their experiences limited to News International or 11 do they go wider? 12 A. They generally talked to me about their experiences with 13 News International, but others have raised stories to do 14 with most tabloid newspapers. 15 Q. Insofar as there are any general themes -- it may be 16 there are not -- could you share those with us? 17 A. I think it is fear of ridicule and humiliation to do 18 with their private lives or their political mistakes and 19 they feel threatened by it. They always sort of -- if 20 they've taken a particular position on an issue, they 21 all have a story to tell that involves them feeling 22 intimidated and frightened. 23 Q. So the concern is that matters personal to them or maybe 24 prior political mistakes -- and I'm sure everybody's 25 made those -- would be unearthed? Is that the point?</p> <p style="text-align: center;">Page 21</p> | <p>1 are one very, very -- you have a very clear position, 2 and therefore to some extent it might be said that you 3 don't bring an entirely dispassionate eye to the issues 4 with which I am concerned, and therefore if there are 5 many with the concerns that you express, it is obviously 6 extremely important that I hear from them directly so 7 that they are not -- they can't be -- the story can't be 8 tarred with the brush: "Well, this has come through, 9 somebody whose views are perfectly well-known." I'm 10 sure you understand the point. This is a once in 11 a lifetime chance. 12 A. I do, sir, and I will make sure that your views are 13 aired very visibly -- very forcibly, to my colleagues. 14 LORD JUSTICE LEVESON: All right. 15 MR JAY: It's reported in the Guardian for Saturday, 16 28 April -- this is tab 83 -- that you were going to 17 write to all other MPs asking them if they've ever been 18 threatened or bullied by News International. Have you 19 done that yet? 20 A. I drafted the letter but I've sort of run out of time to 21 stuff the envelopes. But I promise I will. 22 LORD JUSTICE LEVESON: I'd be very grateful, if you are 23 writing, that you don't just restrict your request to 24 News International. I am keen to look at the press as 25 a whole, plus and minus, but it is important that --</p> <p style="text-align: center;">Page 23</p> |
| <p>1 A. Yes, or amplified in the pages of newspapers. 2 Q. Thank you. You give a couple of specific examples and 3 we'll look at those later. 4 A. Okay. 5 LORD JUSTICE LEVESON: Again, have you sought to encourage 6 them to come to me? 7 A. Yes, sir. In fact, I think there is an MP -- a former 8 MP who has made a submission or is about to make 9 a submission, and the two MPs I've put in this document 10 gave permission for this to come in, and I am hoping to 11 write to all MPs to say that -- encourage them to give 12 their experiences. 13 LORD JUSTICE LEVESON: It's sooner rather than later, 14 please, Mr Watson. 15 A. I understand that. 16 LORD JUSTICE LEVESON: The train isn't stopping, because if 17 there is to be any hope of doing anything within 18 a reasonable time, it seems to me that I have to crack 19 on, unless you say something different to me. 20 A. No. I hope the examples I've given are illustrative of 21 the kind of intimidation MPs feel they're going through, 22 and if there are other specific examples, I do encourage 23 colleagues to come forward. 24 LORD JUSTICE LEVESON: I understand, but I'm sure you'll 25 appreciate the point that it might be thought that you</p> <p style="text-align: center;">Page 22</p> | <p>1 I think it's important that I focus on the broader 2 picture not just the narrow. 3 A. Yes, sir. 4 MR JAY: The article also states that Mr Mosley is providing 5 legal assistance to MPs to reveal potential blackmail 6 and intimidation; is that correct? 7 A. He's offered assistance but I've not taken it and 8 I don't know whether he's agreed that with any other MPs 9 or not. 10 Q. In terms of the development of the phone hacking 11 scandal, to use a neutral term, you obviously occupy 12 a central role and we've read all the documents you've 13 furnished us with. Some of them can't be put in the 14 public domain because of their sensitivity. That's 15 fully understood. Can I alight, if I may, on some 16 highlights? 17 A. Sure. 18 Q. We heard evidence that consideration was being given at 19 a high level to the possibility of a public inquiry in 20 the early spring of 2010, before the May election that 21 year. Were you aware of that and if so, did you have 22 any involvement? 23 A. I wasn't aware of that prior to the General Election. 24 I only knew that there had been a debate within 25 government after that. I should say that I've been</p> <p style="text-align: center;">Page 24</p> |

6 (Pages 21 to 24)

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| <p>1 pushing for a public inquiry quite -- I think as early 2 as 2009, but I certainly didn't get a response from 3 government ministers on that. 4 Q. You, I believe, were reasonably close do Mr Brown. Can 5 you throw any light on what happened at the back end of 6 2009 and the alleged declaration of war on 7 News International or not? 8 A. I can't. I've never witnessed any conversations or 9 phone calls between Gordon Brown and any editor or 10 proprietor. I can only say that I would find it highly 11 unlikely that he would use that language in a phone call 12 to someone -- well, to anyone, but in particular someone 13 as senior and of an age that Rupert Murdoch is. 14 Q. The New York Times published their lengthy piece on 15 1 September 2010, and the following day, Mr Watson, you 16 wrote to the Deputy Prime Minister because the 17 Prime Minister was on paternity leave. 18 A. That's right. 19 Q. It's under our tab 4 in the bundle we've prepared, the 20 letter you wrote to Mr Clegg of 2 September. 21 A. Yes. 22 Q. Our page 05529. You ask for two things: first of all, 23 confirmation that the Independent Police Complaints 24 Commission would investigate, and secondly, you said: 25 "There are clear grounds for a judicial inquiry." Page 25</p> | <p>1 A. There's certainly a -- they're certainly 2 a well-resourced newspaper, but I think any national 3 newspaper could have got the story they wrote. Much of 4 it was from court documents or testimony of people that 5 they could have found in the phone book. 6 Q. Certainly. You received a reply to your letter not from 7 the Deputy Prime Minister but from the Home Secretary. 8 It's under tab 5. 9 A. Yes. 10 Q. It came to you on 8 September. 11 A. That's correct. 12 Q. The point was made that the IPCC is independent. The 13 Secretary of State goes through the history and says at 14 the end: 15 "The appropriate course is to await the outcome of 16 the further police enquiries." 17 Were you satisfied with that reply? 18 A. No, sir. It was a kind of a circular argument. 19 I wasn't surprised with the reply. I guess the point of 20 my letter was to try and raise -- apply pressure to 21 ministers and try and bring it to their awareness that 22 this was a very serious matter that the police were 23 really not doing anything about. 24 Q. Thank you. Moving forward to January 2011, Mr Watson, 25 under tab 14 you'll see that on -- I think it's Page 27</p> |
| <p>1 Please can you confirm intention to recommend one." 2 A. That's right. 3 Q. That was based on obviously all you knew at that point 4 but it had been brought into close focus by what you'd 5 read in the New York Times? 6 A. That's correct. 7 Q. Did that article in the New York Times contain anything 8 that you didn't know? 9 A. Well, the New York Times had been in London for about 10 three or four months and I'd been sort of around the 11 hacking inquiry and talked to the journalists, so it 12 wasn't a surprise when they published the article. 13 I guess the real surprise was any UK newspaper could 14 have unearthed the information they found relatively 15 easily, but it took a New York paper to do it, and I saw 16 it very much as a sort of opportunity to persuade the 17 new government to act, given that this -- the Guardian 18 story had essentially been verified by an external 19 newspaper. 20 Q. The follow-up point I had -- you mentioned three to four 21 months. The question really relates perhaps to the 22 resources in the New York Times. The inference may be: 23 they have the resources to carry out this form of 24 investigative journalism; papers here don't. Is that 25 a fair comment or not? Page 26</p> | <p>1 8 January, our page 05430, you wrote to 2 Mr James Murdoch, who of course was chairman and chief 3 executive Europe and Asia of News International. He was 4 based in London. You drew to his attention the issues 5 arising out of Mr Justice Eady's judgment in the 6 Max Mosley case; is that correct? 7 A. That's right, sir. 8 Q. And the issue of blackmail. 9 A. Correct. 10 Q. You asked a number of specific questions at page 05431. 11 Do you see those: 12 "What action do you now plan to take against Neville 13 Thurlbeck?" 14 Why he didn't suspend him, I paraphrase, why he 15 didn't report the matter to the police. 16 Did you receive any reply to that letter? 17 A. No. 18 Q. You're going to have to remind me, please -- I have 19 reread the evidence that was given before your committee 20 on 19 July of last year. Did you return to this 21 specific issue with Mr James Murdoch? I know you did 22 with Mr Rupert Murdoch. 23 A. I raised it with Mr Rupert Murdoch, yes, and you always 24 regret the questions you don't ask, and I should have 25 asked why I didn't get a response to this letter, but Page 28</p> |

7 (Pages 25 to 28)

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| <p>1 time was limited.</p> <p>2 Q. The evidence Mr Rupert Murdoch gave is, of course,</p> <p>3 a matter of record. It is question 171, questions you</p> <p>4 asked him on 19 July. The bundle of evidence is EV18.</p> <p>5 You asked him some specific questions about Mr Thurlbeck</p> <p>6 and Mr Murdoch said:</p> <p>7 "That's the first I've heard of that."</p> <p>8 And he invited his son to deal with it in more</p> <p>9 detail.</p> <p>10 A. That's right.</p> <p>11 Q. So the matter was raised with Mr Rupert Murdoch, but it</p> <p>12 might be said you didn't get very far?</p> <p>13 A. He said he had no knowledge of it, which surprised me</p> <p>14 because I would have thought that if he was being</p> <p>15 briefed before coming to our committee, the Eady</p> <p>16 judgment would have been raised with him. It was a very</p> <p>17 serious allegation about one of his reporters.</p> <p>18 LORD JUSTICE LEVESON: Well, it might, in one sense, be</p> <p>19 thought to be to one side of what the main thrust of</p> <p>20 your investigation was.</p> <p>21 A. Perhaps, sir. Perhaps.</p> <p>22 MR JAY: Is it the procedure of the Select Committee to</p> <p>23 pre-warn witnesses of all the questions they're going to</p> <p>24 be asked or not?</p> <p>25 A. Not all the questions. I think the clerks give an</p> <p style="text-align: center;">Page 29</p> | <p>1 beforehand; is that so?</p> <p>2 A. That's correct.</p> <p>3 Q. I only draw attention to one paragraph because it meshes</p> <p>4 with other evidence we've heard. I'm not going to</p> <p>5 comment on it. The third paragraph:</p> <p>6 "However, due to the outstanding public legal and</p> <p>7 political concerns, I'd invited the DPP, on Friday,</p> <p>8 14 January 2011, to further re-examine all the material</p> <p>9 collected in this matter."</p> <p>10 We've seen the contemporaneous notes of what</p> <p>11 happened on that occasion. I think I'll just leave that</p> <p>12 point there.</p> <p>13 Mr Starmer, he wrote to you in response to letters</p> <p>14 you wrote to him on 26 January under tab 20. He made it</p> <p>15 clear that the review was being conducted by his</p> <p>16 principal legal adviser and she'd been asked to carry</p> <p>17 out the assessment as soon as possible.</p> <p>18 A. Yes.</p> <p>19 Q. I think it was the next day that Operation Weeting was</p> <p>20 formally announced. Perhaps the exact date doesn't</p> <p>21 matter. Once Operation Weeting starts, of course it</p> <p>22 follows its own course. Do you have confidence in the</p> <p>23 way Operation Weeting has proceeded?</p> <p>24 A. Yes. I think I have absolute confidence and I think the</p> <p>25 inquiry is being carried out with a very professional</p> <p style="text-align: center;">Page 31</p> |
| <p>1 indication of the areas that we're likely to stray into.</p> <p>2 Q. Do you happen to recall whether this was an area which</p> <p>3 had been pre-notified?</p> <p>4 A. I don't, I'm afraid, no. I did do my own -- you do get</p> <p>5 briefings produced by clerks before you put your</p> <p>6 questions. I did my own research for that particular</p> <p>7 enquiry.</p> <p>8 LORD JUSTICE LEVESON: I think, to be fair, the clerks</p> <p>9 identify the areas that they believe the committee are</p> <p>10 likely to be interested in, but they make it very, very</p> <p>11 clear that that does not in any way inhibit the members</p> <p>12 of the committee from asking such questions as they</p> <p>13 think are appropriate.</p> <p>14 A. That's right.</p> <p>15 MR JAY: Moving forward now --</p> <p>16 A. I should just say on that, the one thing I'd indicated</p> <p>17 to colleagues on the committee was that I thought that</p> <p>18 the corporate governance arrangements for the company</p> <p>19 were important, so it may be that Rupert Murdoch senior</p> <p>20 was warned that there may be questions around the</p> <p>21 corporate culture.</p> <p>22 Q. Thank you. Tab 16 now, Mr Watson. A letter to you from</p> <p>23 Mr Yates, who then was acting deputy commissioner,</p> <p>24 18 February 2011. By that stage, of course,</p> <p>25 Operation Weeting had been launched about three weeks</p> <p style="text-align: center;">Page 30</p> | <p>1 team who are inscrutable.</p> <p>2 LORD JUSTICE LEVESON: The critical thing in the 26 January</p> <p>3 letter is that what Mr Starmer is saying is: "We're now</p> <p>4 going to look at everything that was in the possession</p> <p>5 of the Metropolitan Police", not merely that which he'd</p> <p>6 previously done, which was look at only what had been</p> <p>7 sent through to the CPS.</p> <p>8 A. That's correct, yes.</p> <p>9 MR JAY: Thank you. Once Operation Weeting starts, the rest</p> <p>10 is history. It's all in the public domain, culminating</p> <p>11 in what happened in July of last year. I'm not going to</p> <p>12 refer specifically to any other of these materials, but</p> <p>13 of course we have read them all.</p> <p>14 May I move now to section 4 of your statement,</p> <p>15 page 05554. You refer to the investigation pointing to</p> <p>16 a complete failure of basic levels of corporate</p> <p>17 governance at News International. So we're clear about</p> <p>18 that, that is your commentary on what others have found.</p> <p>19 It's not evidence you can directly give us; is that</p> <p>20 right?</p> <p>21 A. No, these are my views, yes.</p> <p>22 Q. Again, you're entitled to express your views, but we</p> <p>23 need to identify what they are rather than necessarily</p> <p>24 being evidence. 05555, five lines down, you say:</p> <p>25 "It is hard not to draw the conclusion that</p> <p style="text-align: center;">Page 32</p> |

8 (Pages 29 to 32)

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| <p>1 ultimately this scandal was allowed to play out because 2 of the failure of politicians to act in the public 3 interest. Unlike newspaper groups, News International 4 behaved like the ultimate floating voter, but with 5 menace. This helped create a zero-sum political game, 6 where narrow personal or party interests took precedence 7 over anything else." 8 The failure of politicians to act in the public 9 interest, are you alleging there any form of collusion 10 with News International or are you merely identifying an 11 omission, which is, in your view, surprising? 12 A. I have no hard evidence that there was a craven 13 understanding between politicians and senior executives 14 at News International, but I do believe there's a -- 15 that is the general view of the public and that we need 16 reforms that mean public confidence in those 17 relationships is restored. 18 Q. I'm sure most people would agree that at the level of 19 perception there is a problem of too great a proximity, 20 but you probably heard me try to break down what the 21 different categories might be. We have express deals, 22 implied deals and perception. Where are we on that 23 spectrum, Mr Watson? 24 A. It's difficult to be precise on that. I heard you 25 questioning Lord Mandelson yesterday. I would say Page 33</p> | <p>1 reported in tabloid newspapers, and there are some 2 politicians who feel that they have to factor that into 3 their decision-making and they themselves will have to 4 answer for examples of that, but Kenneth Clarke, the way 5 he is portrayed in the press is as a result of him 6 refusing to play those kind of daily games you have to 7 do. 8 LORD JUSTICE LEVESON: But that's not just 9 News International; that's across the piece. 10 A. It is, sir. Yes, it is. 11 MR JAY: The next page, Mr Watson, some of your ideas for 12 the future we're going to capture at the end of your 13 evidence. 14 A. Okay. 15 Q. 05556. The paragraph in the middle of the page where 16 you say: 17 "The scandal is about political failure. Successive 18 prime ministers, from Margaret Thatcher to David 19 Cameron, must share in the responsibility for allowing 20 executives at News International and other media groups 21 to believe they had become unaccountable." 22 Lord Mandelson came out with a similar point by 23 phrased it differently yesterday. What do you mean by 24 that? 25 A. I think Lord Mandelson was very eloquent yesterday and Page 35</p> |
| <p>1 implied deals, actually, but I can't provide you with 2 the evidence, I'm afraid, Mr Jay. 3 Q. Okay. You do name three politicians, Mr Watson, about 4 six paragraphs down this page. I'm going to pass over 5 Mr Huhne, if you don't mind, because that's quite 6 sensitive at the moment. 7 A. I understand. 8 Q. Dr Cable I think we can probably work our for ourselves 9 but why have you cited the Lord Chancellor there? 10 A. The reason I use Kenneth Clarke is -- and again, this is 11 imprecise, but he is a politician who's prepared to swim 12 against the tide and has been -- because of that, 13 frequently gets very harsh comment in News International 14 papers, in particular the Sun. He's one of their target 15 MPs, I would say. 16 LORD JUSTICE LEVESON: But is that different from other 17 papers? My experience of the justice portfolio and 18 particularly the crime and law and order portfolio is 19 that the challenges to those holding political office 20 with that portfolio come thick and fast. I'm not sure 21 that it would be fair to restrict it to 22 News International. 23 A. Which is why, I think, it's hard to be precise. I would 24 say that Kenneth Clarke is one of those characters that 25 would make decisions not based on how it would be Page 34</p> | <p>1 I couldn't disagree with his analysis there, but 2 I think -- if I may comment on his testimony to help 3 illustrate this. He mentioned Rebekah Brooks saying to 4 him: "Can members of the DCMS committee be pulled off?" 5 That strikes me as a totally improper thing for a chief 6 executive of a company to do to the first Secretary of 7 State, to try and interfere with a parliamentary 8 inquiry, and so they -- that sense of having no 9 boundaries or borders, I think, was absolutely 10 illustrated in Lord Mandelson's testimony yesterday when 11 he made that passing comment. 12 Q. At section 5, you deal with personal experience and your 13 letter of resignation in 2006. The question was related 14 to Mrs Brooks. 15 The first of your answers at page 05557 refer to 16 something Mr George Pascoe-Watson, who was previously 17 the political editor of the Sun, told you. You give the 18 date 2005 there but I think you mean 2006. 19 A. Yes. 20 Q. You say: 21 "Rebekah will never forgive you for what you did to 22 her Tony." 23 Do you have a clear recollection of that? 24 A. I absolutely do, yes. It's not the sort of thing you 25 would forget. Page 36</p> |

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| <p>1 Q. Why did you interpret that as a threat? It may just 2 have been an observation.</p> <p>3 A. At the time, it was quite a chilling comment. I didn't 4 understand how that would play out over the next few 5 years, but it was certainly lodged in my memory and 6 it -- you know, it was a very unusual phraseology for 7 George Passcoe-Watson to use.</p> <p>8 Q. On the next page -- we're going to cover this later, 9 actually -- the libel actions which you brought against 10 the Sun resulting from publications they promulgated in 11 relation to you in April 2008; is that right?</p> <p>12 A. That's correct.</p> <p>13 Q. We are going to cover that in a moment. Can I deal with 14 the bottom of the page.</p> <p>15 A. Yes.</p> <p>16 Q. The evidence in relation to Mr Kirby.</p> <p>17 A. Yes.</p> <p>18 Q. He told you that Rebekah Brooks felt that you were 19 ringleader of the MPs who were investigating phone 20 hacking during 2009. In one sense that was correct, 21 wasn't it?</p> <p>22 A. Well, there were a number of MPs who felt very strongly 23 about it. "Ringleader" suggests that I was organising 24 some kind of political group within the committee and 25 that's certainly not the case. I was certainly</p> <p style="text-align: center;">Page 37</p> | <p>1 A. I did, yes.</p> <p>2 Q. Apart from what the Inquiry knows already, can you 3 enlighten us about what the purpose was underlying the 4 surveillance?</p> <p>5 A. Well, Neville Thurlbeck, on a number of occasions, 6 alleged that there was an attempt to gather information 7 on committee members in order to -- he uses the word 8 "smear". Effectively, he's alleging a conspiracy to 9 blackmail members of the committee. During our inquiry, 10 the final inquiry we recently published, we tried to get 11 to who was commissioning the surveillance of MPs and the 12 research done on MPs and couldn't quite get to that 13 point with the company. We were told that their own 14 internal investigations were continuing. But as part of 15 that process, there was a disclosure of an email trail 16 that is mentioned in this submission.</p> <p>17 Q. Can I ask you, please, about -- level with the lower 18 hole punch on 05560, just expand on this, where you say: 19 "Recent disclosure from the company shows that the 20 covert surveillance was commissioned by Mazher Mahmood 21 with someone called Conrad acting as an accomplice." 22 Can you summarise that for us?</p> <p>23 A. Yes, there's an email trail between Mazher Mahmood where 24 he actually alleges I was having an affair. It's not 25 true, obviously. And he has an email conversation with</p> <p style="text-align: center;">Page 39</p> |
| <p>1 determined to get to the facts but there wasn't any kind 2 of collective action organised around that.</p> <p>3 Q. Others have observed that the committee in certain 4 respects divided on party lines, but I'm sure those 5 within your party would not agree that you were leading 6 them. They would all say they were occupying 7 a similarly robust position?</p> <p>8 A. I suspect that's true, but also on that committee -- in 9 2009, the committee was very unified. In fact, we only 10 divided over one small section of the final report to do 11 with the bullying of Matt Driscoll, and we unanimously 12 endorse that report.</p> <p>13 Q. On the bottom of the page, you deal with some admittedly 14 hearsay evidence coming from Mr Nick Robinson. I put 15 that to Mrs Brooks and she accepted what --</p> <p>16 A. Yes. That came as a result of -- I was quite critical 17 of the BBC coverage and I had a candid conversation with 18 Nick Robinson at the gates of the House of Commons where 19 he raised that point with me and again, it's the sort of 20 thing you don't forget.</p> <p>21 Q. I think I can move on to section 7. This deals with the 22 issue of surveillance and the activities first of all of 23 Mr Derek Webb. The Inquiry has received evidence from 24 him. You received an apology from Mr James Murdoch 25 before the Select Committee in relation to that?</p> <p style="text-align: center;">Page 38</p> | <p>1 a number of colleagues -- James Mellor and 2 Ian Edmondson -- where they are putting together a team 3 to conduct covert surveillance, and so they commission 4 Derek Webb and take him off the job that he was on 5 before he followed me and then he, Mahmood, says he goes 6 down to the party conference and that he was taking 7 Conrad. I don't know who Conrad is, but he's mentioned 8 in the emails as being part of this.</p> <p>9 Q. Section 8 now, Mr Watson. You say: 10 "Before the 2010 General Election, I made the 11 decision that I was going to get to the facts of the 12 scandal, whatever the consequences. My working 13 assumption was that the company would discredit me in 14 the minds of the public to such an extent that I would 15 be unelectable. The decision to pursue the company was 16 therefore made in the knowledge that this would end my 17 political career." 18 In one sense, that wasn't borne out by events since 19 you were re-elected in May 2010.</p> <p>20 A. Yes, that's right. When I stood down as a minister, it 21 was because my wife asked me to stand down -- the 22 pressure had become too much -- and you know, I guess 23 I was at a crossroads in life. I'd done with it, I'd 24 had enough of it, I didn't want to be part of that world 25 any more, and was trying to decide what I was going to</p> <p style="text-align: center;">Page 40</p> |

10 (Pages 37 to 40)

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| <p>1 do. At various points along the way on that year,</p> <p>2 I thought I was going to stand down from Parliament and</p> <p>3 just get away from it, and in the end I took a decision</p> <p>4 to continue and get to the bottom of the inquiry.</p> <p>5 Q. Thank you. Section 9, Mr Watson. We touched on this</p> <p>6 already. This is fear amongst MPs. You made the point</p> <p>7 in a debate on 9 September 2010. Mr Simon Hughes MP</p> <p>8 made a similar point, and you've told us about a dozen</p> <p>9 MPs have approached you since then, or have --</p> <p>10 A. Yes. At that debate, I -- it was the first time that</p> <p>11 I'd sort of said in the chamber that I was frightened</p> <p>12 and scared, and a number of MPs afterwards said, "I'm so</p> <p>13 pleased you said that, I've felt the same", and I got</p> <p>14 the distinct sense that this was a very solitary fear</p> <p>15 that they'd felt they could then share with colleagues,</p> <p>16 and they weren't the only ones.</p> <p>17 Q. With the agreement of one of your former colleagues,</p> <p>18 Mr Martin Salter, he's provided you with material which</p> <p>19 relates to the Sarah's Law campaign, which you've</p> <p>20 included in this statement. It speaks for itself, but</p> <p>21 are there any particular points you would like to bring</p> <p>22 out for us?</p> <p>23 A. This is the testimony of Martin, really, but I think it</p> <p>24 illustrates that he was prepared to stand out on an</p> <p>25 issue that he felt very strongly about and then went</p> <p style="text-align: center;">Page 41</p> | <p>1 legitimate journalism or not.</p> <p>2 A. It's vulgar and distasteful and it's intimidatory.</p> <p>3 I guess in a free society we should allow tabloid</p> <p>4 journalist to make those kind of comments, but in this</p> <p>5 particular case, with Sarah's Law, I can say that there</p> <p>6 were a number of politicians who felt very, very</p> <p>7 uncomfortable with the campaign that wasn't just run in</p> <p>8 the pages of the newspaper -- there were leaflets handed</p> <p>9 out and stickers at the Labour Party Conference that the</p> <p>10 company had commissioned. There were fringe meetings</p> <p>11 held at the conference. It became a wider political</p> <p>12 campaign that seemed to me to be mixed up with the PR</p> <p>13 objectives of the paper, the politics of the paper, as</p> <p>14 well as the sort of personal branding that the paper was</p> <p>15 taking, and there are ethical issues within all of that</p> <p>16 that could be explored, I think.</p> <p>17 LORD JUSTICE LEVESON: Yes, I understand the point for the</p> <p>18 reasons I've just identified. Yes.</p> <p>19 MR JAY: Is there any difference, in your view, between this</p> <p>20 particular campaign, where obviously feelings might run</p> <p>21 quite high on both sides, and, if I can give an example</p> <p>22 of a more politically neutral campaign, the Times</p> <p>23 cycling campaign which we read about?</p> <p>24 A. Well, I don't think I've yet signed the petition for the</p> <p>25 Times campaign and I've not been attacked in the paper,</p> <p style="text-align: center;">Page 43</p> |
| <p>1 through what most people would accept is an egregious</p> <p>2 invasion of his privacy and, you know, it appears that</p> <p>3 private investigators went to extraordinary lengths to</p> <p>4 find out about his private affairs in an illegal</p> <p>5 fashion.</p> <p>6 LORD JUSTICE LEVESON: Just on one aspect of the complaint</p> <p>7 that Mr Salter makes, concerned with the Sarah's Law</p> <p>8 campaign and the naming and shaming of MPs who refused</p> <p>9 to support the campaign, with the unflattering</p> <p>10 photographs, that's not uncommon in connection with</p> <p>11 a quite different aspect of law and order, namely those</p> <p>12 judges who have been the subject of references by the</p> <p>13 Attorney General for sentences that are unduly lenient,</p> <p>14 and the press not infrequently name them when the lists</p> <p>15 come out. Is that legitimate journalism or does that go</p> <p>16 too far?</p> <p>17 A. I think it goes too far, sir, particularly because</p> <p>18 judges are in a position where they can't answer back.</p> <p>19 At least politicians have the ability to express.</p> <p>20 LORD JUSTICE LEVESON: Actually, I wasn't trying to say it</p> <p>21 was worse or better. I was merely saying whether the</p> <p>22 concept of, as it were, naming and shaming those in</p> <p>23 public positions, MPs or judges or whatever, because</p> <p>24 they don't necessarily follow the line that the press,</p> <p>25 that particular journal wants to take, whether that's</p> <p style="text-align: center;">Page 42</p> | <p>1 so I guess -- I mean, the significance of this one is it</p> <p>2 was an emotive issue. A terrible crime had been</p> <p>3 committed. There was a very harsh remedy proposed by</p> <p>4 the paper that much professional opinion was deeply</p> <p>5 concerned about, and actually the predictions that were</p> <p>6 made did lead to -- there were vigilante attacks on</p> <p>7 innocent people as a result of this campaign. So</p> <p>8 I think it's the sort of -- the particular issue that</p> <p>9 distinguishes this as being particularly unpleasant.</p> <p>10 Q. It's the nature of the issue and the way in which the</p> <p>11 campaign is advanced, I suppose.</p> <p>12 The second example you give -- this is under the</p> <p>13 heading "Guardian, 11 July 2012", 05563. We've heard</p> <p>14 evidence from that from the relevant officer -- I think</p> <p>15 it was Mr Middleton --</p> <p>16 A. Yes.</p> <p>17 Q. -- a couple of weeks ago.</p> <p>18 A. I guess Martin's issue there is he still didn't know</p> <p>19 whether the private investigators had been commissioned</p> <p>20 by News of the World or not, and -- but he couldn't</p> <p>21 understand what the logic would be had he not been --</p> <p>22 what the logic of him being targeted in this way was if</p> <p>23 it wasn't the News of the World.</p> <p>24 Q. The next example, Mr Watson, on page 05564. Summarise</p> <p>25 that for us. It relate to your neighbouring MP, Jane</p> <p style="text-align: center;">Page 44</p> |

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| <p>1 Griffiths.</p> <p>2 A. No, this is still Martin Salter's testimony.</p> <p>3 LORD JUSTICE LEVESON: Everything that's in italics is</p> <p>4 Mr Salter.</p> <p>5 MR JAY: Sorry, yes.</p> <p>6 LORD JUSTICE LEVESON: Is that right?</p> <p>7 A. That's correct, sir, yes.</p> <p>8 LORD JUSTICE LEVESON: Thank you.</p> <p>9 MR JAY: It probably speaks for itself.</p> <p>10 A. It does.</p> <p>11 Q. Under the tenth section of your evidence, you were asked</p> <p>12 to provide examples, if you could, of ministers failing</p> <p>13 to make adequate reform because of personal inhibition</p> <p>14 or whatever, and you do provide us with two examples.</p> <p>15 The first is at page 05566. We need to correct the</p> <p>16 date. The protection of freedoms bill, you moved the</p> <p>17 amendments on 17 May 2011.</p> <p>18 A. I did, yes. It's a typo.</p> <p>19 Q. It wasn't 2001. Have I correctly understood this? Was</p> <p>20 this an attempt by primary legislation to bring in</p> <p>21 substantive amendments to the Data Protection Act,</p> <p>22 which -- in Section 77 and 78 of the Criminal Justice</p> <p>23 and Immigration Act of 2008, the self-same amendments</p> <p>24 could be brought in by secondary legislation?</p> <p>25 A. That's correct, yes. Parliament has ducked its</p> <p style="text-align: center;">Page 45</p> | <p>1 minister and trying to convince him that the time was</p> <p>2 right.</p> <p>3 LORD JUSTICE LEVESON: Because a statutory instrument is not</p> <p>4 going to be as complicated a procedure as legislation?</p> <p>5 A. That's right. I would hope that ministers looking at</p> <p>6 your Inquiry, sir, would realise how easy it is to make</p> <p>7 those amendments.</p> <p>8 LORD JUSTICE LEVESON: That's obviously one of the things</p> <p>9 I'm going to be thinking about.</p> <p>10 A. Good.</p> <p>11 MR JAY: The second example you provide us with, Mr Watson,</p> <p>12 05568 -- this is the draft damages based agreements</p> <p>13 regulations which was considered by a statutory</p> <p>14 instrument committee on 30 March 2010.</p> <p>15 A. That's correct.</p> <p>16 Q. Just before the last election.</p> <p>17 At this time, MPs from all three of the main parties</p> <p>18 defeated the minister's proposals, which you say is</p> <p>19 extremely rare before such a committee. The proposals</p> <p>20 were what? Could you summarise those for us?</p> <p>21 A. This was an instrument to change the CFA arrangements in</p> <p>22 libel cases, and it had received a mauling in the merits</p> <p>23 committee in the House of Lords when it was discussed.</p> <p>24 It was imperfectly drafted and quite flawed, and the</p> <p>25 effect of it would have been to remove many millions of</p> <p style="text-align: center;">Page 47</p> |
| <p>1 responsibility to improve the Data Protection Act and</p> <p>2 I was using the opportunity of this bill to raise that</p> <p>3 point and to try and convince the minister that this was</p> <p>4 an opportunity to put the matter right.</p> <p>5 Q. You were told that none of the three parties would</p> <p>6 support your amendments, so that was the end of that?</p> <p>7 A. I'm afraid so, yes. I wasn't very convincing.</p> <p>8 LORD JUSTICE LEVESON: Is that right? Just so that I've</p> <p>9 understood it, the only purpose of this bill was to get</p> <p>10 somebody to say, "Right, we'll implement the law"?</p> <p>11 A. I was trying to -- being the protection of freedoms</p> <p>12 bill, which was essentially a bill to try and enact</p> <p>13 government policy which was rolling back the intrusive</p> <p>14 state, I thought this was an opportunity for the</p> <p>15 government to further improve it by putting safeguards</p> <p>16 in place that would discourage the illegal personal</p> <p>17 information-gathering market by increasing the</p> <p>18 penalties, and this is the argument that the Information</p> <p>19 Commissioner had been making for many years and it did</p> <p>20 strike me as an omission within the bill that they'd not</p> <p>21 considered using the bill to do that.</p> <p>22 LORD JUSTICE LEVESON: But the 2008 Act does amend the</p> <p>23 law --</p> <p>24 A. Through -- yes, but they could have done it within this</p> <p>25 bill as well. So I was really putting pressure on the</p> <p style="text-align: center;">Page 46</p> | <p>1 people from access to justice in libel cases, in the</p> <p>2 opinion of the members that voted it down, and I think</p> <p>3 the significance of this was that there was a real sense</p> <p>4 that there had not been a proper parliamentary</p> <p>5 discussion, nor a debate in the country about what these</p> <p>6 measures would actually do, and I selectively quoted</p> <p>7 from the merits committee in the house of Lord but it</p> <p>8 really was quite a -- very critical of the measures as</p> <p>9 they were proposed.</p> <p>10 Q. I understand. So the feeling was that these were</p> <p>11 important significant measures, they were worthy of</p> <p>12 greater debate, and to bring them through this rapid</p> <p>13 process was inappropriate, and your colleagues agreed?</p> <p>14 A. That's correct.</p> <p>15 Q. In the last section of your statement, Mr Watson, you</p> <p>16 really deal with the implied deal point, and you ask us</p> <p>17 to look at the diaries of Mr Chris Mullin for the</p> <p>18 period August 1994 to 1998, and of course we can do</p> <p>19 that. This, to be fair, though, is a commentary on</p> <p>20 other evidence, isn't it?</p> <p>21 A. That's correct.</p> <p>22 Q. Can I ask you some general questions. Why did it take</p> <p>23 so long in your view for politicians and the media to</p> <p>24 wake up to the hacking story?</p> <p>25 A. I think they closed their minds to the potential for</p> <p style="text-align: center;">Page 48</p> |

12 (Pages 45 to 48)

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| <p>1 a major scandal at one of their key outlets for their 2 message, and I think the personal relations between 3 politicians and people at the company were too fibrous 4 and close, so that they couldn't divorce their objective 5 thinking. And I think they were frightened.</p> <p>6 Q. So far as it's possible to identify a date -- and it may 7 not be -- when did you conclude that the hacking story, 8 as it were, was a true scandal, in the sense that it 9 extended beyond the one rogue reporter?</p> <p>10 A. It's difficult to say there was a Eureka moment, but 11 I certainly think the Nick Davies story in the Guardian 12 that showed there was a huge payment made to 13 Gordon Taylor certainly was a very big signpost. It 14 just did not chime that the royal correspondent of the 15 News of the World would be involved in targeting a sort 16 of quasi-general secretary of the Professional 17 Footballers' Association, so that very clearly gave the 18 impression to me that there was more to this than met 19 the eye. So quite early on, I think.</p> <p>20 Q. Thank you. Can I raise a couple of points arising out 21 of your recent book, Mr Watson?</p> <p>22 A. Sure.</p> <p>23 Q. You have a copy there. I'm afraid I haven't, but it's 24 been summarised for me. On page 9 you make a point -- 25 I paraphrase now -- as I said, you became a junior</p> <p style="text-align: center;">Page 49</p> | <p>1 a favourable write-up in the Sun the next day, and those 2 are the kind of daily conversations that ministers will 3 have with themselves about the small incidents in their 4 daily lives and how they're reported --</p> <p>5 LORD JUSTICE LEVESON: But is that the Sun or is it the 6 press generally? In other words, you know, a minister's 7 perfectly entitled to think: "This is the policy that 8 I'm thinking of; how will it play out?", in part as 9 a self-check. "Does this work? Is this going to accord 10 with the public mood?" Or are you saying something 11 different?</p> <p>12 A. I'm saying that I can only speak for myself. I can't 13 speak for other ministers.</p> <p>14 LORD JUSTICE LEVESON: No, I appreciate that.</p> <p>15 A. But there was a sense that there was a mystique about 16 the News International stable, that they had unique 17 access to Downing Street and for a minister that was 18 important, and the way you were portrayed in the 19 News International papers was important, and they 20 factored that into their thinking.</p> <p>21 LORD JUSTICE LEVESON: But not the Daily Mail?</p> <p>22 A. No --</p> <p>23 LORD JUSTICE LEVESON: I mention it only as another 24 large-selling newspaper.</p> <p>25 A. I think the point I make about News International being</p> <p style="text-align: center;">Page 51</p> |
| <p>1 minister in May 2006 and you began to realise the close 2 relationship between the Prime Minister and News Corp's 3 chief executive. When ministers formulated policy, they 4 often had an eye on Murdoch's response. He was 5 a constant and visible presence in Downing Street.</p> <p>6 A. Mm.</p> <p>7 Q. Aside from commentary, what is your evidence for that, 8 please?</p> <p>9 A. Well, I just know the -- when you're in the sort of -- 10 I can't give you a hard fact, I'm afraid, Mr Jay, but 11 I know that as a minister, when I discussed issues or 12 policy, there would always be a conversation about: how 13 would this play out? What would -- how would it play 14 with the Sun? I'm ashamed to say my own personal 15 example of that would be -- I made a mistake in 16 a defence question one day. I was asked about the 25th 17 anniversary of the Falklands conflict and I mistakenly 18 said there would be a 25th anniversary celebration 19 rather than a 25th anniversary commemoration, and by the 20 time I got back to the Ministry of Defence there was 21 a sort of notice on my desk to sign saying -- putting 22 the matter right and a press notice saying I'd meant to 23 say it and calming nerves in the foreign affairs 24 community. I concluded it was overkill by the Civil 25 Service and it probably was, but it did receive</p> <p style="text-align: center;">Page 50</p> | <p>1 the ultimate floating voter -- with the Daily Mail, 2 there was a consistency to their editorial position and 3 you knew they were constant in their views of MPs in 4 general, and Labour MPs in particular, and so there were 5 no surprises.</p> <p>6 LORD JUSTICE LEVESON: Well, that might play again as not 7 specific to the Sun but what will the floating voter 8 think about the policy? If you're saying it's not quite 9 that, then I understand, but I just want to press you 10 whether this is because of something specific to 11 News International or rather more general, to floating 12 voter instinct, if you like.</p> <p>13 A. I think News International. They were the ones that had 14 the connections, and everyone was aware of it.</p> <p>15 MR JAY: Page 94 now, Mr Watson. Again, I'm paraphrasing. 16 You have the text there. Were you privately told by 17 Downing Street insiders that Wapping was using its 18 connections to persuade senior politicians to urge you 19 to hold back.</p> <p>20 A. Yes.</p> <p>21 Q. This is, I think, now, when you were on the DCMS Select 22 Committee --</p> <p>23 A. Yes.</p> <p>24 Q. -- and are not holding back, as it were. But 25 Gordon Brown called you to tell you that Rupert Murdoch</p> <p style="text-align: center;">Page 52</p> |

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| <p>1 had telephoned Tony Blair to tell him to call you off?</p> <p>2 A. That's right.</p> <p>3 Q. That's quite a --</p> <p>4 A. I should say that he can't remember the call and both</p> <p>5 Tony Blair and Rupert Murdoch have denied it.</p> <p>6 Q. Well, can you assist us with what your evidence is about</p> <p>7 it?</p> <p>8 A. Well, I can tell you the exact position I was standing</p> <p>9 when I took the phone call, because the idea that</p> <p>10 Rupert Murdoch would call Tony Blair or Gordon Brown to</p> <p>11 phone me is not the sort of thing a backbench MP would</p> <p>12 forget too easily, and I -- you know, it was within</p> <p>13 a wider conversation, but I noted it.</p> <p>14 Q. So what you're telling us is that on the face of it, the</p> <p>15 circumstances are rather implausible, but because</p> <p>16 they're implausible, you remember them. Is that fair?</p> <p>17 A. Well, they certainly seemed implausible back then.</p> <p>18 They're looking more plausible week by week. In fact,</p> <p>19 it was interesting that Peter Mandelson mentioned</p> <p>20 Rupert Murdoch had raised the matter over dinner. He</p> <p>21 said -- I've not read his testimony in full yet, but</p> <p>22 there was clearly a consciousness at the company that</p> <p>23 this committee was being more troublesome than they</p> <p>24 thought.</p> <p>25 Q. If you have a clear recollection of the call, can you</p> <p style="text-align: center;">Page 53</p> | <p>1 Q. At page 147. Can you help us with that? Are we in the</p> <p>2 same place or a different call?</p> <p>3 A. We're in the same place, sir, yes. If I can find the --</p> <p>4 is this the IT insider?</p> <p>5 Q. It is indeed.</p> <p>6 A. Yeah. Would you like me to explain about that call?</p> <p>7 Q. The substance of the call is going to be -- it's too</p> <p>8 delicate for our purposes because it will bear on the</p> <p>9 police investigation, but I think what I'm trying to do</p> <p>10 is to identify (a) whether this is the same call as the</p> <p>11 call you've just been referring to, whether it's the</p> <p>12 same holiday --</p> <p>13 A. No, it's not -- I spent a lot of time in that neck of</p> <p>14 the woods and the person -- it is a different person who</p> <p>15 made contact with me, having read a newspaper article</p> <p>16 regarding a letter I wrote to the Information</p> <p>17 Commissioner, and the significance for me was it was</p> <p>18 someone who was familiar with the IT infrastructure at</p> <p>19 News International, and I was left with the impression</p> <p>20 that there may be more evidence available than</p> <p>21 previously thought. So it was quite a moment for me</p> <p>22 because it -- at that point, it seemed to me that the</p> <p>23 trail was going cold.</p> <p>24 Q. There are many questions I might ask you out of sheer</p> <p>25 curiosity, but I'm afraid it won't be possible to, given</p> <p style="text-align: center;">Page 55</p> |
| <p>1 remember where you were when you received the call?</p> <p>2 A. I can, yes. I was standing on a hill on the edge of the</p> <p>3 Peak District, trying to keep a signal on my phone.</p> <p>4 Q. Right. So this was obviously a recreational stroll?</p> <p>5 A. That sort of thing, yeah.</p> <p>6 Q. Okay. It just gives us a --</p> <p>7 LORD JUSTICE LEVESON: Do we have a date for this?</p> <p>8 A. I could try and date it. Off the top of my head,</p> <p>9 I can't find it, but I can try and hone in on it.</p> <p>10 MR JAY: Let me just press you a little bit further.</p> <p>11 Evidently you're on your mobile phone; you've told us</p> <p>12 that. How does the call come through to you? Was it</p> <p>13 put through a switchboard? Is it a direct call?</p> <p>14 A. No, it was a direct call. Gordon Brown wasn't</p> <p>15 prime minister when he called me. This was after the</p> <p>16 election.</p> <p>17 Q. So it's after the 2010 election?</p> <p>18 A. Yes. It would be late 2010 or early 2011, so I can --</p> <p>19 if you allow me to find the date, I will do.</p> <p>20 Q. Okay. I'm just checking whether there are any other</p> <p>21 matters in your book I'd like specifically to ask you</p> <p>22 about. Yes, there is reference to another phone call</p> <p>23 you received in the Peak District on 27 December,</p> <p>24 I think it's going to be 2010.</p> <p>25 A. That's right.</p> <p style="text-align: center;">Page 54</p> | <p>1 the --</p> <p>2 LORD JUSTICE LEVESON: I think there are limits to the</p> <p>3 extent to which you can indulge your curiosity, Mr Jay.</p> <p>4 MR JAY: I'm afraid there are, so I'm just going to have to</p> <p>5 ask you to put the rest of the book down, Mr Watson.</p> <p>6 But thank you nonetheless.</p> <p>7 I've been asked to put to you questions by other</p> <p>8 core participants. You understand the procedure.</p> <p>9 You're a core participant yourself so of course you</p> <p>10 understand it. But from one core participant, I have</p> <p>11 two questions. First of all: did you ever give stories</p> <p>12 to Ian Kirby and receive payment for them?</p> <p>13 A. No.</p> <p>14 Q. Did you leak information, confidential information, from</p> <p>15 the CMS committee to the Guardian?</p> <p>16 A. No.</p> <p>17 Q. Have you provided any information to Mr Nick Davies of</p> <p>18 the Guardian?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. From another core participant -- you've been</p> <p>21 warned of these questions in line with our standard</p> <p>22 procedures -- what was the nature of your relationship</p> <p>23 with Mr Damian McBride?</p> <p>24 A. We worked at -- for Gordon Brown. I didn't know him</p> <p>25 that well. He was the press guy, I was a minister, so</p> <p style="text-align: center;">Page 56</p> |

14 (Pages 53 to 56)

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| <p>1 I would occasionally socialise with him but that was 2 about it. 3 Q. I think it's right to say, but you'll correct me if I'm 4 wrong, that he was a civil servant and not a special 5 adviser; is that so? 6 A. I -- I don't know, actually. I can't remember. 7 Q. How frequent were your interactions with him? 8 A. I would see him about once a week in the -- you know, we 9 would bump into each other. I had no direct line 10 management responsibility for him and I didn't share his 11 responsibilities, and then there would be the occasional 12 social event, probably once a month, that I would see 13 him. 14 Q. He, of course, was very close to Mr Brown. You were 15 quite close to Mr Brown, presumably, weren't you? 16 A. Yes, I guess you could say that, yes. 17 Q. In terms of identifying camps, you were in one camp, 18 clearly the same camp as Mr McBride and Mr Brown? 19 A. There were just different responsibilities, and, you 20 know, on the press side -- you know, if you're 21 a minister, you have a day job and you don't really 22 cross paths that often. I mean, the portrayal was that 23 there was this kind of tight group of people around 24 Gordon Brown who sort of behaved collectively as 25 a homogenous group. It wasn't that way at all. Page 57</p> | <p>1 of the plan to establish the Red Rag website? 2 A. No. 3 Q. Did you or anyone who worked with you discuss 4 establishing a website to counter what was seen as the 5 influence of the centre right website, Guido Fawkes? 6 A. No, but there was a lot of discussion at the time about 7 the Labour Party's online strategy because it was felt 8 that there was a sort of plan by our opponents to work 9 in an arm's length removed way with sites like 10 Guido Fawkes, but there was no discussion to plan an 11 alternative. 12 Q. Was there a sense then that your opponents were doing 13 better with the blogosphere and it was time that you 14 improved your act, as it were? 15 A. That's right, yeah. That was the general view at the 16 time. 17 Q. What is the nature of your relationship with the website 18 Political Scrapbook? 19 A. I know the guy -- the young guy that runs it. I have no 20 relationship with it in terms of management or anything 21 else. 22 Q. Maybe I should have asked the prior question: what is 23 the website Political Scrapbook? 24 A. It's a centre left-leaning satirical website that does, 25 you know, gossipy tabloid-style stories. Page 59</p> |
| <p>1 Q. Did you text or email him with any frequency? 2 A. Rarely. I would probably get one or two texts, one or 3 two emails a month, but not a lot at all. 4 Q. Can you assist us in general terms with the subject 5 matter of these communications? 6 A. It would be logistics to do with Gordon Brown's 7 movements perhaps or something to do with a Labour Party 8 event. No hard and fast rules to it. Maybe sort of 9 whether there's going to be a meet-up after work, 10 something like that. Nothing significant. 11 Q. Did you have regular meetings during your time in 12 government with Mr McBride and Mr Balls to plan media 13 strategy? 14 A. No. 15 Q. Did you have any meetings with them to plan media 16 strategy? 17 A. No. There was a weekly grid meeting where ministers 18 were invited or I was invited as a Cabinet Office 19 minister, and Damian McBride would have been invited to 20 that, but I rarely went to those meetings. I frankly 21 found them very tedious so used to hardly ever turn up, 22 and to be honest, I'd been so bruised by the press that 23 I avoided -- the portrayal is not as it is, but 24 I avoided most press activities as best I could. 25 Q. Did you or anyone who worked with you have any knowledge Page 58</p> | <p>1 Q. So how often are you in contact with those who run that 2 website? 3 A. I've probably met them once in the last year, maybe 4 twice, at the Labour Party Conference. 5 Q. Have you provided information to them for their use? 6 A. No. 7 Q. There's reference -- I haven't actually seen the 8 relevant speech but I'll ask the question anyway. There 9 was a speech made by Mr Len McCluskey to the Labour 10 Party Conference. I don't know whether you know what 11 that is a reference to, but the question is: did 12 Mr McCluskey share that speech with you before making 13 it? 14 A. No, not at all. 15 Q. On one occasion, you objected to media reporting of your 16 visit to Gordon Brown. You maintain the visit was 17 purely social and you were dropping off a particular 18 DVD. Did you discuss any political matters at all 19 during your visit? 20 A. No, and just to put the matter right, the allegation is 21 that I delivered a Postman Pat DVD for Gordon Brown's 22 children. It's a fact that's been repeated many times. 23 I didn't do that. The present was a Baby Gro for the 24 new baby, and I didn't discuss politics. It was 25 a purely social visit and was very brief. Page 60</p> |

15 (Pages 57 to 60)

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| <p>1 Q. Okay. So we're back in 2006, are we?</p> <p>2 A. That's correct, yes. I think Rebekah Brooks may have</p> <p>3 said that when she was in front of you, but -- I've</p> <p>4 never bothered to put the matter right because it's to</p> <p>5 trivial, but ...</p> <p>6 LORD JUSTICE LEVESON: I'm pleased we've at least sorted</p> <p>7 that out. Yes.</p> <p>8 MR JAY: Did you discuss the subsequently published</p> <p>9 round-robin letter which called for Tony Blair's</p> <p>10 resignation at that visit?</p> <p>11 A. No, absolutely not.</p> <p>12 Q. Did you discuss that letter with Mr Ed Balls?</p> <p>13 A. No. After I'd resigned, there's obviously been lots of</p> <p>14 discussion since, but not before, no.</p> <p>15 Q. I've decided not to ask the last two questions.</p> <p>16 LORD JUSTICE LEVESON: That's your choice, Mr Jay. You're</p> <p>17 responsible for conducting this.</p> <p>18 MR JAY: Okay.</p> <p>19 Can I ask you, please, about the future, Mr Watson?</p> <p>20 A. Sure.</p> <p>21 Q. You touch on this in your evidence. We passed over it</p> <p>22 but we're coming back to it now. You, I think, see</p> <p>23 a greater role for the ICO; is that correct?</p> <p>24 A. Yes, sir. I think one of the issues you've -- that</p> <p>25 people have been contending with this is on notions of</p> <p style="text-align: center;">Page 61</p> | <p>1 below me that -- their digital footprint has been sort</p> <p>2 of left for eternity now in a way that no other</p> <p>3 generation has had to contend with, and so we're going</p> <p>4 to be wrestling with these notions of privacy for years</p> <p>5 to come and there isn't really a body -- a go-to</p> <p>6 organisation that is advising Parliament on public</p> <p>7 opinion on this and changing opinions, and it strikes me</p> <p>8 that any future-proofing might -- of reform might want</p> <p>9 to explore this route.</p> <p>10 I'm not saying give more powers to these</p> <p>11 commissioners; I'm just saying make them more coherent.</p> <p>12 LORD JUSTICE LEVESON: I understand that, and it's very</p> <p>13 interesting, but if one looks at the powers that are</p> <p>14 operated and available to some of those whom you've</p> <p>15 mentioned, they are really to do with the way in which</p> <p>16 the state can interfere with the privacy of individuals,</p> <p>17 maybe the authorisation of interception of</p> <p>18 communications, which is governed by a very substantial</p> <p>19 piece of law, or the way in which there are checks on</p> <p>20 that, and retention of DNA fingerprints.</p> <p>21 All that material is one body of law which</p> <p>22 I recognise, but -- and I see the value of it because of</p> <p>23 the digital footprint that you've just mentioned, but it</p> <p>24 is rather different, isn't it, from the way in which</p> <p>25 society should control, regulate, be concerned with</p> <p style="text-align: center;">Page 63</p> |
| <p>1 personal privacy in the age of information abundance in</p> <p>2 the digital age, and as a society we've not reached</p> <p>3 a settled view on that, nor will we, I think, for some</p> <p>4 years to come, and it strikes me that there is a role</p> <p>5 for the various commissioners that in some way regulate</p> <p>6 the privacy in this country. It's not just the ICO, but</p> <p>7 there's the Interception of Communications Commissioner,</p> <p>8 the Chief Surveillance Commissioner, the Commissioner</p> <p>9 for the Retention and Use of Biometric Information and</p> <p>10 the new Surveillance Camera Commissioner.</p> <p>11 It strikes me that there's a role for wrapping those</p> <p>12 functions up into a single body that could be a privacy</p> <p>13 commissioner and they would have the same powers but not</p> <p>14 more, other than an annual obligation to report to</p> <p>15 Parliament on the illegal personal information market so</p> <p>16 that that can be monitored, but they could also do</p> <p>17 research and policy about notions of privacy and help</p> <p>18 provide social policy-makers form their decisions.</p> <p>19 LORD JUSTICE LEVESON: That's a far more wide-ranging view</p> <p>20 of life than is encompassed by the work of this Inquiry.</p> <p>21 A. Yes, sir. It's -- I hope you don't mind we observing,</p> <p>22 but I think one of the dilemmas that your witnesses have</p> <p>23 is they have a different view of what is private and</p> <p>24 what is public, and that's partly because of the sort of</p> <p>25 disruptive power of the Internet. We have a generation</p> <p style="text-align: center;">Page 62</p> | <p>1 invasions of privacy that are not state-generated but</p> <p>2 press-generated?</p> <p>3 A. Yes, sir. I think they're different, but I think</p> <p>4 a citizen very often wouldn't necessarily distinguish</p> <p>5 between an intrusion of privacy by a state or non-state</p> <p>6 actor, and my real point is I think the idea of privacy</p> <p>7 is changing in the minds of the public, and where these</p> <p>8 commissioners are wrestling with those notions, it seems</p> <p>9 coherent to set them in one place so that those policy</p> <p>10 discussions can be more closely centred.</p> <p>11 LORD JUSTICE LEVESON: It may be, but if I just pick up the</p> <p>12 point you've just made, the state can authorise</p> <p>13 an interception of communication and the statute will</p> <p>14 identify the circumstances in which that can be</p> <p>15 authorised. Then there's a surveillance commissioner to</p> <p>16 check that the thing is being done appropriately. But</p> <p>17 that's the state controlling state activity. It is</p> <p>18 rather different, isn't it, from the control of</p> <p>19 non-state actors?</p> <p>20 A. Yes, it's completely different, but the requirement of</p> <p>21 the state to do that requires public buy-in and</p> <p>22 confidence from the public, and at the moment I don't</p> <p>23 think the public are well-served by policy-makers who</p> <p>24 have these conflicting demands on their time, and like</p> <p>25 Parliament has recently rationalised the Tribunal</p> <p style="text-align: center;">Page 64</p> |

16 (Pages 61 to 64)

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| <p>1 service or the Human Rights Commission, wrapping the</p> <p>2 different -- it's linked bodies together, and I think it</p> <p>3 would be useful if they were all wrapped into one.</p> <p>4 I'm not saying that there are totally different</p> <p>5 requirements on each of the commissioners or separate</p> <p>6 responsibilities, but putting them in one place might be</p> <p>7 useful.</p> <p>8 LORD JUSTICE LEVESON: I see the rationality for that</p> <p>9 argument. I'm just not sure how it fits into the press,</p> <p>10 because the test will always be different.</p> <p>11 A. I think a part of the reason -- when future</p> <p>12 policy-makers require good research and advice, a body</p> <p>13 that becomes professional and skilled at dealing with</p> <p>14 notions of privacy I think is going to be useful to us,</p> <p>15 and can also actually help the press. I mean, the</p> <p>16 ICO -- I mean, I very strongly feel that the press</p> <p>17 deserve a more powerful Freedom of Information Act so</p> <p>18 that they can identify where politicians are failing to</p> <p>19 give them proper information, and one of the things that</p> <p>20 your Inquiry has yielded, by way of example on that, we</p> <p>21 managed to map out the relations -- the number of</p> <p>22 meetings between politicians and executives of newspaper</p> <p>23 groups, partly as a result of the Freedom of Information</p> <p>24 Act, but it took the 30-year Cabinet papers rule to know</p> <p>25 about the Rupert Murdoch with Margaret Thatcher in 1981.</p> <p style="text-align: center;">Page 65</p> | <p>1 really directed to opening up to the press rather more</p> <p>2 information than it presently has?</p> <p>3 A. Yes, absolutely.</p> <p>4 LORD JUSTICE LEVESON: All right. Well, I have the point.</p> <p>5 MR JAY: The second general point, Mr Watson, where you</p> <p>6 refer to the need for an independent regulator to</p> <p>7 replace the PCC, by "independent", you mean what?</p> <p>8 A. I think with independent -- arm's length removed from</p> <p>9 government, with some statutory powers. I think the --</p> <p>10 I think the simple task of that body should be to oblige</p> <p>11 an editor to put a matter right when they make a mistake</p> <p>12 or get it wrong. I understand the remedy is far more</p> <p>13 complex than that but the outcome we want to be pretty</p> <p>14 simple.</p> <p>15 Time and time again, I know the Inquiry's heard that</p> <p>16 politicians -- we shouldn't have politicians regulating</p> <p>17 the press. I've not yet met a politician who actually</p> <p>18 wants that task, but I do think --</p> <p>19 LORD JUSTICE LEVESON: It is interesting that, because I've</p> <p>20 heard two politicians who have said, "Oh, yes, there</p> <p>21 would be lots who'd only be too pleased to get</p> <p>22 involved."</p> <p>23 A. I think --</p> <p>24 LORD JUSTICE LEVESON: And then I've also heard somebody</p> <p>25 say, "No, no, I've never heard of anybody like that."</p> <p style="text-align: center;">Page 67</p> |
| <p>1 Had we had the Freedom of Information Act in 1981, we</p> <p>2 would have known in 1982 that that meeting took place</p> <p>3 and public policy would have been better served by that.</p> <p>4 The Freedom of Information Act is flawed in many</p> <p>5 ways. There is a ministerial veto that I would remove,</p> <p>6 and there is also -- there isn't a statutory obligation</p> <p>7 to handle internal appeals in a timely manner.</p> <p>8 LORD JUSTICE LEVESON: Mr Watson, I quite understand that</p> <p>9 too, and these are absolutely sensible thoughts for</p> <p>10 a politician to have and to take into the political</p> <p>11 debate. But in the context of what I'm trying to do, is</p> <p>12 that not extending the envelope somewhat?</p> <p>13 A. It might be, sir, but if you're looking at the conduct</p> <p>14 of journalism and ethics, then part of the reason</p> <p>15 they've been giving you that they had need to be so</p> <p>16 intrusive in unusual ways into the lives of politicians</p> <p>17 is politicians never give them any information, and the</p> <p>18 Freedom of Information Act is a way that journalism --</p> <p>19 it's a tool of their trade now. They use it every day,</p> <p>20 and there are suggestions that the Act itself will be</p> <p>21 watered down, so I think if we want to support good,</p> <p>22 ethical journalism, we need a legislative framework that</p> <p>23 allows journalists open access to public -- government</p> <p>24 information.</p> <p>25 LORD JUSTICE LEVESON: So this part of your evidence is</p> <p style="text-align: center;">Page 66</p> | <p>1 A. "I've never met an MP who would want to do that." But</p> <p>2 I do accept that there is a fear in the newspaper</p> <p>3 industry that politicians would like to, in some way,</p> <p>4 close down their assertive line of journalism and they</p> <p>5 do require reassurances, in whatever model replaces the</p> <p>6 PCC, I hope, that that could never happen.</p> <p>7 MR JAY: Okay. The third general point, the need, which</p> <p>8 others have identified, to recalibrate, rebalance the</p> <p>9 relationship between politicians and the press. It's</p> <p>10 implicit in your evidence that you share the view that</p> <p>11 there is such a need, but how does one achieve such an</p> <p>12 end?</p> <p>13 A. Ultimately, this is down to the conduct of individuals</p> <p>14 but I do think there are ways you can shape that</p> <p>15 relationship. Certainly transparency is one way, and</p> <p>16 I've mentioned improvement to the Freedom of Information</p> <p>17 Act and the way that government presents information.</p> <p>18 At the moment, ministers publish their diaries every</p> <p>19 quarter but they're not centrally published.</p> <p>20 Information is very inaccessible. And frankly, having</p> <p>21 been on the inside, I think that's probably deliberate,</p> <p>22 to make it harder for people to map out those</p> <p>23 relationships. They could very easily remedy that, and</p> <p>24 it shouldn't take an Inquiry of this stature to force</p> <p>25 them into it. You could just put the matter right</p> <p style="text-align: center;">Page 68</p> |

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| <p>1 tomorrow if you wanted to.</p> <p>2 LORD JUSTICE LEVESON: Do you do that simply by centralising</p> <p>3 the publication of meetings and the like?</p> <p>4 A. I think that's very possible to do, sir, and yes,</p> <p>5 I would. You know, people make -- I think the Civil</p> <p>6 Service are worried about factual errors and making</p> <p>7 mistakes that are then exploited. Frankly, if we get</p> <p>8 the model right, yes, there may be some mistakes, but</p> <p>9 there will be much greater transparency and that would</p> <p>10 go a long way to restoring public confidence in the</p> <p>11 relationship between politicians and the press, I think.</p> <p>12 MR JAY: Those were all my questions.</p> <p>13 LORD JUSTICE LEVESON: Thank you very much. Mr Watson,</p> <p>14 I appreciate --</p> <p>15 MR DAVIES: Sir, there are a few matters which I'd like to</p> <p>16 deal with in Mr Watson's statement.</p> <p>17 LORD JUSTICE LEVESON: Yes?</p> <p>18 MR DAVIES: They're fairly brief. They are mostly things</p> <p>19 which Mr Watson doesn't really have first-hand knowledge</p> <p>20 of, so it may be easier if I just say them and if he</p> <p>21 wants to add to his evidence in the light of what I say,</p> <p>22 he may do so.</p> <p>23 LORD JUSTICE LEVESON: Have you passed them through Mr Jay?</p> <p>24 MR DAVIES: Mr Jay, I think, knows our position on these but</p> <p>25 I don't think they are sensibly --</p> <p style="text-align: center;">Page 69</p> | <p>1 information, as Mr Watson has put it, contained in his</p> <p>2 head. That is his choice in that litigation. It's not</p> <p>3 controlled by us. We tried to stop paying his legal</p> <p>4 fees --</p> <p>5 LORD JUSTICE LEVESON: That's gone to the Supreme Court.</p> <p>6 MR DAVIES: That's gone to the Supreme Court. We were told</p> <p>7 we had to continue paying his legal fees despite the</p> <p>8 fact we didn't want to. It's not within our control.</p> <p>9 Lastly, surveillance of members of the Select</p> <p>10 Committee. As we have informed the Select Committee, no</p> <p>11 evidence has been found to suggest that any member of</p> <p>12 the committee other than Mr Watson was placed under</p> <p>13 surveillance. That is the case after an email search</p> <p>14 carried out for the MSC and after interviews conducted</p> <p>15 by Linklaters with three senior members of the News of</p> <p>16 the World staff.</p> <p>17 So far as Mr Watson is concerned, it is the case</p> <p>18 that he was under surveillance for a period between</p> <p>19 28 September and 2 October 2009. We believe that that</p> <p>20 came about to stand up a tip for a story, not as</p> <p>21 a result of his membership of the committee, and that</p> <p>22 appears to us to be consistent with the terms of the</p> <p>23 emails which Mr Watson refers to in his statement, and</p> <p>24 which we provided to him on 20 March this year.</p> <p>25 LORD JUSTICE LEVESON: Right.</p> <p style="text-align: center;">Page 71</p> |
| <p>1 LORD JUSTICE LEVESON: Speak and we'll see how we get on.</p> <p>2 Statement by MR DAVIES</p> <p>3 MR DAVIES: I think the first three of these are points</p> <p>4 which occur in Mr Watson's statement and have not been</p> <p>5 covered in his oral evidence. The first is submission</p> <p>6 of accounts by News International. Mr Watson says that</p> <p>7 we have not filed accounts up to date. The position is</p> <p>8 that all the accounts have been filed. 62 sets of</p> <p>9 accounts were filed on time. Two were delayed until</p> <p>10 8 May 2012. That was due to the reorganisation which</p> <p>11 has been explained to Companies House. It's now all up</p> <p>12 to date.</p> <p>13 LORD JUSTICE LEVESON: Right.</p> <p>14 MR DAVIES: Second point, the emails relating to Mr Huhne,</p> <p>15 Mr Watson suggests that those were produced voluntarily</p> <p>16 by the Sunday Times. I'm not going to say very much</p> <p>17 about this because of the criminal proceedings but the</p> <p>18 position --</p> <p>19 LORD JUSTICE LEVESON: There was litigation.</p> <p>20 MR DAVIES: There was a production order, which we opposed</p> <p>21 and it was made.</p> <p>22 LORD JUSTICE LEVESON: Yes.</p> <p>23 MR DAVIES: Mr Mulcaire's position. As the Inquiry may</p> <p>24 know, Mr Mulcaire has been resisting answering</p> <p>25 interrogatories in the civil proceedings as to the</p> <p style="text-align: center;">Page 70</p> | <p>1 MR DAVIES: That's all I wanted to say.</p> <p>2 LORD JUSTICE LEVESON: Thank you.</p> <p>3 Is there any observation to any of that?</p> <p>4 A. Yes, sir, there is. Firstly, a former chief reporter of</p> <p>5 the paper has alleged a conspiracy to blackmail with the</p> <p>6 surveillance, and if that is the case, I don't</p> <p>7 understand why James Murdoch would feel the need to</p> <p>8 apologise to a parliamentary committee for the</p> <p>9 surveillance. He said it was inappropriate and</p> <p>10 therefore I can't understand why they would take that</p> <p>11 position.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 A. On the matter of the accounts, I did check the accounts</p> <p>14 in early April, and the company issued a statement that</p> <p>15 said the accounts would be filed by the end of the</p> <p>16 month. So they were clearly eight days late and</p> <p>17 I apologise for not checking.</p> <p>18 LORD JUSTICE LEVESON: Don't worry about that.</p> <p>19 A. I'd better not mention the Huhne production order. On</p> <p>20 Glenn Mulcaire, I merely point that the company paid</p> <p>21 nearly a third of a million pounds to pay his legal</p> <p>22 fees.</p> <p>23 LORD JUSTICE LEVESON: The argument there is that he's</p> <p>24 contractually entitled to that and that's a debate that</p> <p>25 I know has been argued but not yet decided in the</p> <p style="text-align: center;">Page 72</p> |

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| <p>1 Supreme Court, and in relation to production orders, I'm 2 sure you've followed the way in which that has sometimes 3 worked and sometimes, particularly recently, not worked. 4 A. I understand, sir. 5 LORD JUSTICE LEVESON: Right. Mr Watson, this is a topic on 6 which you obviously have very strong views, I understand 7 that. Is there any aspect of your evidences that you 8 feel that we have glaringly omitted? 9 A. I don't think so, sir. 10 LORD JUSTICE LEVESON: Thank you very much indeed. We'll 11 have a break. 12 (11.40 am) 13 (A short break) 14 (11.47 am) 15 LORD JUSTICE LEVESON: Yes, Mr Barr. 16 MR BARR: Good morning. Our next witness is the Right 17 Honourable Alan Johnson. 18 LORD JUSTICE LEVESON: Thank you. 19 MR ALAN ARTHUR JOHNSON (affirmed) 20 Questions by MR BARR 21 MR BARR: Mr Johnson, you've provided the Inquiry with 22 a witness statement. Are the contents true and correct 23 to the best of your knowledge and belief? 24 A. Yes, they are. 25 LORD JUSTICE LEVESON: Mr Johnson, thank you very much</p> <p style="text-align: center;">Page 73</p> | <p>1 police performance? 2 A. Yes, I think that's right and I think their role, which 3 was very much adviser to the Home Secretary, is an 4 important one. 5 Q. You then move to deal with the question of standards, 6 setting out for us in your statement the December 2008 7 Home Office guidance on misconduct. I'm looking now at 8 page 2 of your witness statement. The quotation reads: 9 "Police officers never accept any gift or gratuity 10 that could compromise their impartiality during the 11 course of their duties, police officers may be offered 12 hospitality, for example refreshments, and this may be 13 acceptable as part of their role. However, police 14 officers always consider carefully the motivation of the 15 person offering a gift or gratuity of any type and the 16 risk of becoming improperly beholden to a person or 17 organisation." 18 In the light of what we now know about police 19 relations with the media, do you think this guidance is 20 sufficient or do you think there is room for it to be 21 developed? 22 A. It seems to me to be sufficient. I'd be fascinated in 23 the outcome of this Inquiry, but of course there is an 24 issue here about -- you don't need guidance to know how 25 to act properly and improperly, so I think that</p> <p style="text-align: center;">Page 75</p> |
| <p>1 indeed for the work you've put into the evidence. 2 I appreciate there are many calls on your time and I'm 3 grateful for the assistance. 4 A. Thank you. 5 MR BARR: You have been the Member of Parliament for Hull 6 West and Hessle since 1997. In the last Labour 7 government, you were a Cabinet Minister between 2004 and 8 2010, including, of particular interest to the Inquiry, 9 a period as Home Secretary between June 2009 and May 10 2010; is that right? 11 A. That's correct. 12 Q. You tell us in your witness statement a little bit about 13 the strategic leadership role that the Home Secretary 14 has in relation to the police. The Home Secretary sets 15 overall policy direction, is responsible for the 16 allocation of national funding to forces, for the 17 legislative framework within which the police operate, 18 and there are also some powers of direct intervention; 19 is that right? 20 A. That's correct. 21 Q. You explain the role of the Police Authority, the IPCC 22 and the HMIC. The Inquiry is very familiar with those 23 bodies and so I needn't dwell on the detail, but can 24 I ask you this: is it right that the Home Secretary has 25 a power to ask the HMIC to enquire into aspects of</p> <p style="text-align: center;">Page 74</p> | <p>1 guidance, which I actually thought was much more recent, 2 but it seems that it was 2008, is sensible. I never saw 3 it in my period as Home Secretary. I wouldn't have 4 expected to have read it. I would expect people to act 5 with the professionalism that one expects both from 6 police and politicians. 7 LORD JUSTICE LEVESON: That's a very fair comment, but let 8 me ask you this: from your perspective, having held the 9 office of Home Secretary, do you think that the 10 evidence -- and you may not have seen it or read it or 11 heard about it -- that I have heard about the extent of 12 hospitality demonstrates a lack of good sense? 13 A. That would appear to be the case, sometimes at junior 14 levels in the police and sometimes at very senior 15 levels. 16 LORD JUSTICE LEVESON: So although you and I might easily 17 agree that rules are there for the guidance of the wise 18 and the obedience of fools and that you can't govern 19 everything by rules -- people have to understand what's 20 going on and behave appropriately -- the question then 21 arises whether something doesn't have to be said that 22 makes that point rather more clearly. 23 A. Yes. 24 LORD JUSTICE LEVESON: That's really the issue. 25 A. I think that's a very fair point. From the</p> <p style="text-align: center;">Page 76</p> |

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| <p>1 circumstances that you're inquiring into, it's quite 2 obvious that that guidance probably wasn't sufficient 3 and that more is needed. That would have surprised me 4 as Home Secretary at the time. 5 LORD JUSTICE LEVESON: And perhaps has surprised you as 6 you've read what I've heard in the course of the last 7 few months. 8 A. Yes. Yes. 9 LORD JUSTICE LEVESON: Yes. 10 MR BARR: I don't need to explore what you've told us about 11 the media advisory group's guidance or the National 12 Centre for Policing Excellence guidance because we're 13 familiar with that. You tell us though a little bit 14 about how the operational independence of the police 15 works in practice vis-a-vis your role as Home Secretary, 16 and that what actually happens in practice is that you 17 don't have control over police operations and 18 investigations but you are briefed about more important 19 and significant operations and investigations; is that 20 right? 21 A. Yes. 22 Q. The Home Secretary has responsibility for appointing the 23 Commissioner and the Deputy Commissioner of the 24 Metropolitan Police. That's a role which also involves 25 the Mayor of London, isn't it?</p> <p style="text-align: center;">Page 77</p> | <p>1 Commissioner would have been expected to deal with the 2 media. I wouldn't say it was the main condition that we 3 were looking at. It was basically Tim Godwin's 4 experience, his capabilities in policing, but the 5 ability to connect and communicate with the media -- it 6 may have been more a Mayor of London point than for me 7 but I don't think it was a very prominent feature. 8 LORD JUSTICE LEVESON: You were looking for an experienced, 9 capable police officer, and as I recollect, you were 10 looking at somebody who'd been assistant commissioner 11 for some time, who was the ACPO lead on crime and who 12 had been responsible for a number of important criminal 13 initiatives in London. 14 A. Yes. Actually, there wasn't much controversy about who 15 to appoint between myself and the Mayor of London. 16 MR BARR: Are you able to help us one way or the other as to 17 whether media handling and competence when dealing with 18 the media is a matter that was considered before the 19 papers came to you? 20 A. No, I can't. I'd be surprised if it wasn't, but I can't 21 say that definitely. 22 Q. Can we move now to the question of phone hacking. We 23 can start perhaps by reminding ourselves, at tab 11 of 24 the bundle, of the allegations which the Guardian 25 published on 8 July 2009. In that article, the Guardian</p> <p style="text-align: center;">Page 79</p> |
| <p>1 A. Yes. 2 Q. During your tenure, you were not responsible for the 3 appointment of a Commissioner, but you were responsible 4 for the appointment of the Deputy Commissioner, Tim 5 Godwin; is that right? 6 A. Yes, that's correct. 7 Q. Can you help us a little bit with how that process 8 operated? 9 A. Well, so far as I can recall, it's the same as most 10 senior appointments in other government departments 11 where I have worked. There is a process that sifts 12 candidates to whether they're above the line or below 13 the line on certain pretty straightforward criteria of 14 competence, experience, et cetera. At the end of that 15 process, in this particular case, I believe there were 16 two candidates that we had to -- that we were presented 17 with, and we made the decision based on the -- 18 a submission about the qualities of those two 19 candidates, but then it was very much a decision for 20 myself and the Mayor of London. 21 Q. When you were making your decision with the Mayor of 22 London, did you take into account the individuals' 23 competence dealing with the media or was that not 24 a consideration by the time it reached you? 25 A. It was a consideration, particularly as the Deputy</p> <p style="text-align: center;">Page 78</p> | <p>1 brought to the public's attention the fact that News 2 Group Newspapers had paid out very large sum of money to 3 settle a case. They accused News Group of suppressing 4 evidence, and perhaps for our purposes, if we look at 5 page 2 of 3, just above the top hole punch, the 6 paragraph reads: 7 "But one senior source at the Met told the Guardian 8 that during the Goodman inquiry officers found evidence 9 of News Group staff using private investigators who 10 hacked into thousands of mobile phones. Another source 11 with direct knowledge of the police findings put the 12 figure at 2 or 3,000 mobiles. They suggest that MPs 13 from all three parties and Cabinet Ministers, including 14 former Deputy Prime Minister John Prescott and former 15 Culture Secretary Tessa Jowell, were among the targets." 16 Was this an article that you read on the day it was 17 published? 18 A. Yes. 19 Q. Was it news to you that John Prescott and Tessa Jowell 20 had been the subject of voicemail hacking? 21 A. Not about Tessa, but John was my colleague in East 22 Hull -- so we're fellow Hull MPs -- and he had mentioned 23 it before to me, actually before I was in the Home 24 Office. 25 Q. Over the page, towards the bottom --</p> <p style="text-align: center;">Page 80</p> |

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| <p>1 LORD JUSTICE LEVESON: I'm sorry, that answer might be 2 slightly confusing. You didn't know about Tessa Jowell 3 but you did know about John Prescott? Is that the 4 way -- 5 A. Yes. 6 LORD JUSTICE LEVESON: Yes. Your answer reads "not about 7 Tessa". So was it news to you? Yes, it was news to 8 you. 9 A. It was news to me about Tessa, but not about 10 John Prescott. 11 MR BARR: Over the page, bottom hole punch: 12 "Former Sunday Times editor Andy Neil described the 13 story last night as one of the most significant media 14 stories of modern times. 'It suggests that rather than 15 being a one-off journalist or rogue private 16 investigator, it was systemic throughout the News of the 17 World and, to a lesser extent, the Sun,' he said. 18 'Particularly in the News of the World, this was 19 a newsroom out of control.' 20 So it's plain from the face of the article, isn't 21 it, that the Guardian, a reputable source, is saying 22 senior politicians are being hacked, there's a cover-up, 23 and the truth is thousands of phones have been 24 intercepted and the rogue reporter defence is a sham. 25 A. Mm-hm.</p> <p style="text-align: center;">Page 81</p> | <p>1 Q. You set out in your witness statement what he said to 2 the house. In a nutshell, it was a holding response, 3 wasn't it, whilst the position was investigated? 4 A. Yes. 5 Q. On 14 July, you and Mr Hanson received a submission from 6 the Director General for the Crime and Policing Group 7 after you'd requested some assistance as to whether or 8 not the HMIC should be brought in to conduct an inquiry. 9 First of all -- and it may be an obvious question: what 10 was it that had made the idea of calling the HMIC cross 11 your mind? 12 A. It was seeing my predecessor, Charles Clarke, on the 13 media actually saying that he thought the HMIC had 14 a role here. That's why I asked the department to look 15 into it. 16 Q. If we turn to tab 3 of the bundle, we see the advice 17 that you received. Just looking at the first page of 18 the document, looking at the summary paragraph, it 19 reads: 20 "Although a case can be made for requiring HMIC to 21 carry out a review of the police handling of this case, 22 on balance I consider it would set an unhelpful 23 precedent and create an impression that any time 24 concerns are raised about a specific police 25 investigation, HMIC will investigate; it could lead to</p> <p style="text-align: center;">Page 83</p> |
| <p>1 Q. We'll come to what happened in Parliament in a moment, 2 but before we do that, can you tell us what your 3 personal reaction was when you read that article? 4 A. Well, concern. I think it was only a Guardian story, 5 I don't think it was in any of the other newspapers, but 6 I was obviously concerned. I was actually on my way to 7 my very first ACPO conference. I'd not met Sir Paul 8 Stephenson up until that point, but this was a perfect 9 opportunity to do so. So I raised this with him in 10 a meeting that was hastily arranged in a corner of the 11 Manchester conference centre, five or ten minutes for us 12 to say hello to each other and for me to raise this 13 issue. So it was important enough for it to be the 14 subject of my first conversation with the 15 Metropolitan Police Commissioner. 16 Q. Did you agree with Andrew Neil's comment that if this 17 was true, it was a media story of really very great 18 importance indeed? 19 A. Yes. 20 Q. What happened in Parliament is Dr Evan Harris raised an 21 urgent question for you, which is set out at the top of 22 page 4 of your witness statement. Because you were in 23 Manchester, the response was dealt on your behalf by 24 Mr David Hanson, wasn't it? 25 A. Yes.</p> <p style="text-align: center;">Page 82</p> | <p>1 accusations that we are being led by the media, and that 2 following recent exchanges with John Yates, we did not 3 have full confidence in the MPS. I believe that we 4 should await the outcome of the current CPS reviews, 5 which is likely to be in the next few days. We should 6 also wait to see whether the IPCC sees issues for it to 7 investigate." 8 And that advice to wait and see what the other 9 bodies came up with was advice with which you agreed; is 10 that right? 11 A. Yes. It was very sound advice. There's another factor 12 that's not contained here, and it's the reason why David 13 Hanson at the written -- at the ministerial statement 14 had quite an easy time. It was the Shadow Home 15 Secretary, Chris Greyling, who had a difficult time in 16 Parliament, because of course the subtext to all of this 17 was that the leader of the opposition had appointed 18 Andy Coulson as his media adviser. 19 So not only that advice was very sound; the other 20 issue I had to be conscious of was that I was acting as 21 the Home Secretary, not as a party politician looking to 22 embarrass the Leader of the Opposition. The Coulson 23 stuff is kind of an undercurrent to all of this in terms 24 of the approach of politicians in government to this 25 story.</p> <p style="text-align: center;">Page 84</p> |

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| <p>1 Q. But looking at the factors that are summarised in the 2 paragraph that I've just read, it appears that some of 3 them are essentially presentational, aren't they? 4 There's a concern that there may be accusations about 5 being led by the media or appearing to lack confidence 6 in Mr Yates. Generally speaking, in this sort of 7 territory, how important are presentational 8 considerations as opposed to more substantive -- 9 A. It's much further than presentational, with respect. 10 I mean, for a Home Secretary to decide -- there's lots 11 of police investigations going on, on a whole range of 12 issues. For the Home Secretary to decide to intervene 13 in an operational matter like this, on the basis of 14 a newspaper article in one newspaper, not carried 15 anywhere else in the media, when the Director of Public 16 Prosecutions was looking into the evidence, would have 17 been quite extraordinary. We can talk about benefit of 18 hindsight later, but I think it would have been much 19 more -- these are much more -- I think this is more than 20 presentational. This is about the precedent that you 21 would set. Front page of a newspaper, Home Secretary 22 immediately responds by calling in HMIC -- 23 LORD JUSTICE LEVESON: And it's interfering with the 24 operational independence of the police, at least on one 25 level.</p> <p style="text-align: center;">Page 85</p> | <p>1 evidence in front of me? No, I still don't think it 2 would have been. 3 LORD JUSTICE LEVESON: I'm not questioning that judgment at 4 all, but I am very interested in your view of what you 5 describe as the atmospheric, and indeed your 6 conversation with the Commissioner. A drains-up inquiry 7 means we turn over every single page. 8 A. Mm. 9 LORD JUSTICE LEVESON: But did you appreciate that actually 10 all Mr Yates was doing was seeing whether the article, 11 on its face, provided anything new without necessarily 12 going back to any of the underlying material at all? 13 A. Well, I think I was kind of relying on the 14 Director of Public Prosecutions, who was already 15 examining this -- we were at the stage of 14 July 16 here -- to look at that. 17 I was also quite reassured by -- you may be coming 18 onto this and I apologise if you are, but by one element 19 of what John Yates came back with in that very quick and 20 hasty establishing the facts exercise. He said that the 21 MPS has taken all proper steps to ensure that where we 22 have evidence that people have been subject to any form 23 of phone tapping or that there is any suspicion that 24 they might have been, that they have been informed, and 25 the inference from that was if they haven't already,</p> <p style="text-align: center;">Page 87</p> |
| <p>1 A. Which is the crucial issue, and which is really the 2 guidance. 3 LORD JUSTICE LEVESON: But were you surprised that -- you've 4 commented that this was a very, very serious allegation. 5 It's not just another newspaper article. You're 6 probably quite used to newspaper articles. Were you 7 surprised that actually, within the day, the police were 8 able to say, "Nothing new here, don't need to worry"? 9 A. Well, there was a lot of pressure on them to respond 10 quickly. It was very clear, when the Commissioner spoke 11 to me, that he was asking John Yates not to have 12 a complete drains-up inquiry on this; he was asking him 13 to establish the facts around the case. And it was -- 14 I said in Parliament subsequently, in a debate, when 15 I was actually arguing to have this inquiry that you 16 have to think of the atmospheric at the time. Most of 17 the voices from other parts of the media was: this is 18 the obsession of the Guardian. This was an element in 19 this as well. 20 So surprised that it was done so quickly. I'd have 21 loved, quite honestly, to have -- politicians like to be 22 seen to be doing things. Referring it to the HMIC would 23 have been doing something, and in a sense would have be 24 kind of protected me and been applauded by all kinds of 25 people. Would it have been the right thing to do on the</p> <p style="text-align: center;">Page 86</p> | <p>1 then they will be, so for my friend and colleague in 2 east Hull, John, I could say, "Look, there was this 3 allegation there were lots of phone numbers that 4 Mulcaire had. No one actually informed all the people 5 whose phone numbers were in his possession." 6 That struck me as being very important, because if 7 those phone numbers were in his possession, there must 8 be the suspicion that their phones had been hacked, and 9 I thought, perhaps rather naively, that people like John 10 and Tessa and others would be contacted as a result of 11 that and that that would be a major element in 12 reassuring them about what the MPS were doing. 13 LORD JUSTICE LEVESON: So you read that as: "This is ongoing 14 work that we're now going to do." 15 A. Mm. 16 LORD JUSTICE LEVESON: Not that it's all been done? 17 A. Yes. In fact, I believe that was actually relayed to me 18 in a conversation. 19 LORD JUSTICE LEVESON: I see, and in relation to the second 20 element, of course, the CPS, you appreciated, were only 21 going to look at -- 22 A. Yes. 23 LORD JUSTICE LEVESON: -- the extent to which they'd been 24 given material and whether they'd dealt with it 25 properly?</p> <p style="text-align: center;">Page 88</p> |

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| <p>1 A. I did appreciate that, but the other message from the 2 Metropolitan Police Service was: "If the Guardian have 3 any fresh evidence, will they give it to us? Will they 4 bring it to us?" And that seemed to me to be perfectly 5 straightforward. If there was any fresh evidence, that 6 should be submitted.</p> <p>7 LORD JUSTICE LEVESON: The problem there is the word 8 "fresh", isn't it?</p> <p>9 A. Yes. We now know, yes.</p> <p>10 LORD JUSTICE LEVESON: Yes, I understand that it's very 11 easy -- sometimes that's how it works. It's easy now.</p> <p>12 A. Yes. Yes.</p> <p>13 MR BARR: Were you aware on 14 July that the HMIC through, 14 in particular Mr Baker of the HMIC, had had a word with 15 one of your officials and was of the opinion that some 16 sort of review would be appropriate?</p> <p>17 A. Yes. The way it was relayed back to me -- I wasn't 18 aware of Mr Baker's conversation -- was that Denis 19 O'Connor is perfectly willing to do this, he's up for 20 this, we wouldn't have to persuade him to do it.</p> <p>21 Q. The bottom of page 4 of your statement sets out the 22 second statement which Mr Hanson made, this time in 23 written form to Parliament, and you set out the 24 statement in its entirety. Over the page, on page 5, we 25 see that the words you read out are in the fourth</p> <p style="text-align: center;">Page 89</p> | <p>1 Culture, Media and Sports Select Committee."</p> <p>2 So not only do you have the CPS review, you also 3 have further information from the police.</p> <p>4 "The statement by the Director of Public 5 Prosecutions explained that he was satisfied that the 6 CPS was properly involved in providing advice both 7 before and after the charging of Clive Goodman and 8 Glenn Mulcaire and that the Metropolitan Police provided 9 CPS with all the relevant information and evidence upon 10 which charges were based, and that the prosecution 11 approach in charging and prosecuting was proper and 12 appropriate. He concluded that it would not be 13 appropriate to reopen the cases against Goodman or 14 Mulcaire or to revisit the decisions taken in the course 15 of investigating and prosecuting them. The MPS 16 responses to HASC and the Culture, Media and Sports 17 Select Committee suggests, in a way that the MPS was 18 unable to articulate fully when the story broke on 19 9 July, that the police investigation was 20 proportionate."</p> <p>21 So on its face, you have significantly more 22 information available by this stage. The recommendation 23 is that HMIC should not be asked to review the police 24 investigation and if you agree, a written ministerial 25 statement should be made.</p> <p style="text-align: center;">Page 91</p> |
| <p>1 paragraph down, the paragraph between the hole punches, 2 the one that begins:</p> <p>3 "As mentioned in his statement on 9 July, Assistant 4 Commissioner John Yates is ensuring that the 5 Metropolitan Police Service has been diligent, 6 reasonable and sensible, and taken all proper steps to 7 ensure that where it has evidence that people have been 8 the subject of any form of phone tapping (by 9 Mr Clive Goodman or Mr Glenn Mulcaire) or that there is 10 any suspicion that they might have been, that they have 11 been informed."</p> <p>12 You told us a moment ago that that was very 13 important. Can you help us with whether or not the 14 reassurance that you took from that passage played 15 a role in your decision ultimately not to ask the HMIC 16 to intervene?</p> <p>17 A. No, it played no role at all.</p> <p>18 Q. The matters proceed and there is an update following the 19 CPS' review and you get another briefing, this time from 20 the head of policing powers. We find that at tab 4 of 21 the bundle. It's dated 20 July and again, we can deal 22 with it shortly by looking at the summary paragraph: 23 "We now have the benefit of the DPP's statement 24 following the CPS review and of the MPS's response as to 25 detailed questions from both Keith Vaz and to the</p> <p style="text-align: center;">Page 90</p> | <p>1 Was it at that point that you made the final 2 decision that there should be no request for a review?</p> <p>3 A. Yes. You'll see from the paragraph 14 of that 4 submission, "added to political interference in 5 operational policing decisions", which I may have been 6 accused of. There was also an implied lack of 7 confidence or criticism of the Director of Public 8 Prosecutions. So it was -- it kind of made the decision 9 more concrete.</p> <p>10 Q. We'll come to the reasons next. In addition to those, 11 there was a question of capacity, wasn't there, on the 12 part of the HMIC?</p> <p>13 A. There was, but really, it's my job to make sure they had 14 the capacity. They were dealing with a number of issues 15 and they were interviewing for more staff at the time, 16 but that wasn't a consideration.</p> <p>17 Q. Looking at the briefing note, the only passage of detail 18 I'd like to take you to is paragraph 9, third page, 19 following the internal pagination. This is summarising 20 information from the police. Looking at the last 21 sentence, it says: 22 "He states that whilst other journalists' names 23 appeared in material seized by police, there was 24 insufficient evidence to support any criminal conspiracy 25 on their part."</p> <p style="text-align: center;">Page 92</p> |

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| <p>1 Did that information affect your decision?</p> <p>2 A. No.</p> <p>3 Q. Are we to understand that what did affect your decision,</p> <p>4 effectively, was the significance of an interference by</p> <p>5 the Home Secretary --</p> <p>6 A. Yes.</p> <p>7 Q. -- with a police matter and --</p> <p>8 A. Yes.</p> <p>9 Q. -- the assurance you'd had from the statements made by</p> <p>10 the CPS?</p> <p>11 A. Yes.</p> <p>12 Q. Looking at this, wasn't one of the difficulties that</p> <p>13 some of the information that you were relying upon, and</p> <p>14 perhaps significant elements of it, came from the very</p> <p>15 people that you had to decide whether or not should be</p> <p>16 investigated?</p> <p>17 A. That's always the case. If you're thinking of calling</p> <p>18 in the HMIC to investigate the police -- usually the</p> <p>19 Metropolitan Police, I would guess, as they're the</p> <p>20 biggest force -- you would always be relying, to a large</p> <p>21 extent, on the advice you're receiving from the police</p> <p>22 as to why they are pursuing this properly and why</p> <p>23 there's no reason to call anyone in to independently</p> <p>24 examine what they're doing. They would, of course, have</p> <p>25 been offended by a Home Secretary calling in independent</p> <p style="text-align: center;">Page 93</p> | <p>1 Secretary has enough officials, enough civil servants,</p> <p>2 enough advisers, their special advisers, et cetera, for</p> <p>3 them to be able to make that decision, and if they want</p> <p>4 to send someone over, it doesn't have to be part of</p> <p>5 a laid-down procedure. If they want to have a system</p> <p>6 where a senior official goes and talks to the police</p> <p>7 force concerned, they can do that now.</p> <p>8 Q. With the benefit of hindsight, would you accept that</p> <p>9 this decision turned out to be a missed opportunity to</p> <p>10 get at what had happened a little earlier?</p> <p>11 A. Not even with the benefit of hindsight do I think that.</p> <p>12 Obviously knowing what we know now -- as I said in</p> <p>13 Parliament, it would be great for me to say what</p> <p>14 a brilliant Home Secretary I was and how I saw through</p> <p>15 this, but with the benefit of hindsight, with everything</p> <p>16 that has happened since even, HMIC may well -- don't</p> <p>17 forget we weren't that far away from a General Election</p> <p>18 either. I don't know how long the HMIC would have</p> <p>19 taken. It may have just come back and reinforced the</p> <p>20 MPS's --</p> <p>21 LORD JUSTICE LEVESON: The real point is this, isn't it?</p> <p>22 It's not whether you call the HMIC in or anything else.</p> <p>23 What you have to be able to do is to rely on the</p> <p>24 information you're getting from the police.</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 95</p> |
| <p>1 people to look at how they'd approached this because it</p> <p>2 is, I think, more than an implied criminal; it's an</p> <p>3 explicit criticism.</p> <p>4 Q. Is there any scope in the future for improving the</p> <p>5 process by which this type of decision is made? Perhaps</p> <p>6 I could float one suggestion, which might be that</p> <p>7 somebody from the Home Office goes to see the police to</p> <p>8 explore in perhaps a little bit more detail what the</p> <p>9 ground looks like before an intervention decision is</p> <p>10 made?</p> <p>11 A. I think you could do that. At the moment, I could have</p> <p>12 asked Stephen Rimmer to go over and discuss this.</p> <p>13 I don't see how -- you have to remember, lots of these</p> <p>14 cases will not have the benefit of a front-page story in</p> <p>15 the Guardian. It will be people who are perhaps</p> <p>16 vulnerable, who have a real genuine complaint but</p> <p>17 no one's reporting it apart from them and people who say</p> <p>18 there's been a miscarriage of justice, the police have</p> <p>19 acted unfairly. So when you're deciding whether to call</p> <p>20 in the HMIC, number one, it shouldn't just be media-led.</p> <p>21 Ironically, I know, that's a large element of this</p> <p>22 Inquiry. It shouldn't just be because a newspaper, even</p> <p>23 the great sainted Guardian, which I read every day, is</p> <p>24 saying this should happen. There has to be a bit more</p> <p>25 basis for it than that, and in the end, I think the Home</p> <p style="text-align: center;">Page 94</p> | <p>1 LORD JUSTICE LEVESON: And the difference between this case</p> <p>2 and the example you've just given is that in this case,</p> <p>3 not merely was it a newspaper but it raised important</p> <p>4 concerns, sufficient for you to talk immediately to the</p> <p>5 Commissioner about, which actually went to far more</p> <p>6 than: was a crime properly investigated? Therefore it</p> <p>7 was all the more important that what you were told was</p> <p>8 full, complete and thorough.</p> <p>9 A. Mm.</p> <p>10 LORD JUSTICE LEVESON: So the question might arise whether</p> <p>11 it was sufficient simply to do the exercise that</p> <p>12 Mr Yates decided to do on 9 July rather than for him to</p> <p>13 have said, "Actually, we ought to, if not take up the</p> <p>14 drains, at least do a bit more."</p> <p>15 A. I wish he had said that and I wish they had done a bit</p> <p>16 more, but if you're asking me, with the benefit of</p> <p>17 hindsight was that the right decision, it's very</p> <p>18 difficult to divorce yourself from the atmospherics at</p> <p>19 the time, the position at the time.</p> <p>20 LORD JUSTICE LEVESON: I understand that.</p> <p>21 A. So I think for the Home Secretary to receive those</p> <p>22 assurances from the police, to see the outcome of the</p> <p>23 DPP's re-examination of the CPS evidence -- we hadn't</p> <p>24 got to the New York Times article or any of that stuff</p> <p>25 yet, or Milly Dowler. At that stage, deciding not to</p> <p style="text-align: center;">Page 96</p> |

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| <p>1 call in someone independently to examine it I think was 2 a sound decision. I wish I had called them in, but -- 3 LORD JUSTICE LEVESON: I'm not so sure, because I understand 4 the point that you're making, that you make the judgment 5 on the basis of the evidence and having regard to the 6 constitutional position of the police, you and HMIC. 7 A. Yes. 8 LORD JUSTICE LEVESON: So I understand precisely what you're 9 saying. 10 A. Yes. 11 MR BARR: Just to develop that a little bit, if you'd been 12 told by the police that in fact they had a very 13 considerable volume of evidence which suggested 14 widespread criminality and phone hacking, and that the 15 reason it hadn't been pursued further in 2006 had been 16 because of other more serious policing matters, 17 terrorism in particular, you would have expected either 18 the police to have done something about that or you 19 would have wanted to take action yourself; is that 20 right? 21 A. Yes. Let's be clear what I was told. I was told that 22 there was a body of evidence there in the inquiry that 23 Yates hadn't dealt with, Hayman had dealt with. They 24 had selected the clearest evidence to kind of, if you 25 like, provide what they needed to deal with Goodman and Page 97</p> | <p>1 being involved -- 2 LORD JUSTICE LEVESON: Or possibly. 3 A. Possibly. The constant refrain here was that it didn't 4 go any wider than Goodman and Mulcaire. 5 MR BARR: Move on now to 2010. In September 2010, the 6 New York Times published an article, a very lengthy 7 article, which again put the spotlight on what was 8 alleged to have gone on. At tab 16 -- I won't go 9 through the whole article because it is lengthy, but 10 just to pick up on an illustrative passage or two, 11 page 3, following the internal pagination, in the 12 paragraph by the top hole punch, it says: 13 "News of the World was hardly alone in accessing 14 messages to obtain salacious gossip. It was an 15 industry-wide thing,' said Sharon Marshall, who 16 witnessed hacking while working at News of the World and 17 other tabloids. 'talk to any tabloid journalist in the 18 United Kingdom and they can tell you each phone 19 company's four digit codes. Every hack on every 20 newspaper knew this was done." 21 Then, at the top of page 6, following the internal 22 pagination, the last sentence of that top paragraph: 23 "A dozen former reporters said in interviews that 24 hacking was pervasive at News of the World. 'everyone 25 knew,' one long-time reporter said. 'the office cat Page 99</p> |
| <p>1 Mulcaire, but yes, there were lots of other stuff there 2 but actually it was immaterial to the fact that Goodman 3 and Mulcaire had been found guilty and been imprisoned. 4 Then came the -- and, you know, Yates was the head 5 of counter-terrorism. We had a lot of things going on 6 at the time in counter-terrorism. It wasn't so much 7 saying, "Look, we could go a bit further and look for 8 a bit more stuff, but we have other things to do"; it 9 was a very clear -- 10 LORD JUSTICE LEVESON: No, you've misunderstood Mr Barr. 11 He's not saying that was happening in 2009. What he's 12 suggesting is -- and I'll slightly change your question, 13 Mr Barr -- that you might have been told: "There's a lot 14 of material here, there are some difficult legal issues, 15 there may be other people involved, but we took 16 a stance -- we took a decision on what we had to do in 17 2006 because then there were all sorts of terrorist 18 concerns." 19 A. I see, I see. 20 LORD JUSTICE LEVESON: And that was a reasonable decision at 21 the time. I think that's what Mr Barr was driving at. 22 A. I'm sorry, forgive me. I understand. 23 LORD JUSTICE LEVESON: No, no, it's -- 24 A. And I would still -- yes, I would want -- if I knew that 25 there were -- they did have evidence of other people Page 98</p> | <p>1 knew." 2 So again, an article with some cause for concern. 3 By this stage, you're out of government, but you tell us 4 in your witness statement that you exercised your right 5 as a former Home Secretary to go back and inspect 6 papers. Why did you do that? 7 A. Because I was interested to refresh my memory as to what 8 I was told at the time. 9 Q. And it confirmed that you were given an account vastly 10 different from the allegations that were published in 11 2010? 12 A. Yes. 13 Q. Then we come to the summer of last year, when the 14 hacking story became very important piece of news 15 during July. At this stage in Parliament, as you've 16 mentioned, it's right to say that you were very 17 supportive of a public inquiry, weren't you? 18 A. Mm-hm. 19 Q. Notwithstanding that it might lead to what's happening 20 now? 21 A. Yeah. 22 Q. You were also very blunt in explaining why, and at the 23 top of page 8 of your witness statement we can see that 24 you've described the police as having been either 25 evasive, dishonest or -- Page 100</p> |

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| <p>1 LORD JUSTICE LEVESON: I think that's our question, Mr Barr, 2 but he did describe it because it's in an article that 3 is exhibited.</p> <p>4 MR BARR: Yes, it's in the parliamentary record.</p> <p>5 LORD JUSTICE LEVESON: Yes.</p> <p>6 MR BARR: Could I ask you why it was that you came to the 7 conclusion that the police were either evasive, 8 dishonest or lethargic?</p> <p>9 A. Because it's quite obvious that -- there was no new 10 evidence -- that all the evidence was there and had been 11 there since 2006.</p> <p>12 Q. Does that take us back to the passage we read earlier 13 about the assurances that you've been given --</p> <p>14 A. Yes.</p> <p>15 Q. -- back in 2009. At this stage, perhaps we could also 16 look at tab 2. There's a letter to you from John Yates, 17 dated 11 July. If we look at the second paragraph of 18 that, it says:</p> <p>19 "The reason that a new investigation has been 20 commenced and the situation has subsequently changed so 21 markedly is that in January 2011, News International 22 began to co-operate properly with the police. It is now 23 evident that this was not the case beforehand. This has 24 caused a new team to look more closely at information 25 contained within the original material. The emerging</p> <p style="text-align: center;">Page 101</p> | <p>1 Q. You were aware, weren't you, that Mr Hayman was 2 publishing articles in the Times?</p> <p>3 A. Because I read them, yes.</p> <p>4 Q. Did you have any view about the appropriateness of 5 a senior police officer leaving office and moving 6 immediately to work for a newspaper?</p> <p>7 A. No, I can't say that I did. I thought it was quite 8 useful to get a senior police officer's perspective on 9 some of these issues.</p> <p>10 Q. Does that remain your position now?</p> <p>11 A. Not quite, because it depends, you know, what the 12 circumstances were in terms of him being offered this 13 job, but it seemed to me a perfectly valid thing to do, 14 and not unique, I don't think, because other former 15 chief constables and senior police officers have given 16 their view on issues in newspapers.</p> <p>17 Q. You suggest for the future that the relations between 18 senior police officers and the media should be 19 transparent and that contact with the media should be 20 confined to senior levels. Would you like to expand 21 upon those views at all?</p> <p>22 A. Well, just because it's become clear that at fairly 23 junior levels there was a lot of contact, and indeed 24 some accusations, which are a matter for the courts, 25 about money changing hands, et cetera, and I think</p> <p style="text-align: center;">Page 103</p> |
| <p>1 findings are rightly a matter of great concern and have 2 led me to make the very public apology you will have 3 seen yesterday."</p> <p>4 So what did you make of that?</p> <p>5 A. I actually quoted this to the Prime Minister in 6 a question, which was a bit unfortunate, seeing as it's 7 headed "private and confidential" and it was on the 8 floor of the House, but I pointed out that in January 9 2011 was when Andy Coulson resigned from 10 Downing 10 Street and I asked the Prime Minister whether the two 11 dates were coincidental.</p> <p>12 Q. Were you satisfied by this explanation as a response 13 from the police or not?</p> <p>14 A. Not really. I'm not in a position to judge that, but it 15 seemed to me that of those three -- dishonesty, 16 evasiveness or lethargy -- I think they were lethargic.</p> <p>17 Q. Moving now to the question of the social relationships 18 between the media and the Commissioner and the Assistant 19 Commissioner, what level of awareness did you have about 20 those sorts of contacts?</p> <p>21 A. None, in the sense I didn't know who was meeting who 22 socially.</p> <p>23 Q. Did you know that Neil Wallis had been employed by the 24 Metropolitan Police Service?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 102</p> | <p>1 it's -- to put junior police officers in that kind of 2 situation would be wrong. For senior officers, I think 3 there has to be -- in this 24/7 media age, when the 4 police need the public to help them on so many different 5 police inquiries, it's very important there's 6 a relationship with the media, but it should be people 7 who are senior enough to take the can for problems that 8 might occur in that who deal with the media or -- 9 sorry -- sorry, sir.</p> <p>10 LORD JUSTICE LEVESON: No, please.</p> <p>11 A. If there are junior people doing it, then they're doing 12 it with the authority of senior police officers.</p> <p>13 LORD JUSTICE LEVESON: There you are, you've answered what 14 I was just about to raise, because speaking entirely for 15 myself and without having fully considered it, I see 16 very great advantage for public confidence in, for 17 example, community policing, that local newspapers 18 should be able to access the neighbourhood police 19 officers to talk about crime or the fear of crime or 20 what's happening in their neighbourhood, and to 21 constrain that would seem to me to be going too far.</p> <p>22 A. Yes.</p> <p>23 LORD JUSTICE LEVESON: Equally, if there's a specialist 24 officer, for example, on sex crime in a borough in 25 London and there is a concern, it seems to me reasonable</p> <p style="text-align: center;">Page 104</p> |

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| <p>1 that a crime reporter should be able to speak to an 2 appropriately experienced officer to help reassure or 3 obtain evidence or whatever.</p> <p>4 A. Yes.</p> <p>5 LORD JUSTICE LEVESON: That was my question and then after 6 I half-interrupted, you then provided the --</p> <p>7 A. I agree with that. I agree with that completely. 8 Of course, there is a big difference here. In this 9 whole discussion about the media between -- you just 10 sparked this thought about the local media and national 11 media. I mean, local media -- you know, the Hull 12 Daily Mail and the Yorkshire Post are very important 13 newspapers in my political life, but they're not -- they 14 don't get involved in the kind of things that national 15 newspapers get involved in. So as long as the -- as 16 long as everyone knows what the limits of their 17 association with the police are and as long as someone 18 in authority understands the basis on which PCSOs or 19 neighbourhood policing teams are dealing with the media 20 and that it's transparent, then I think that's perfectly 21 healthy and I think your point is very valid.</p> <p>22 MR BARR: Moving now from police matters to the relationship 23 between politicians and the media, I'd like to start by 24 asking you some high level questions and first of all 25 for a reaction to this quotation from Tony Blair in</p> <p style="text-align: center;">Page 105</p> | <p>1 rightly, but it ended up as a front-page splash in one 2 newspaper that he had either had it or hadn't had it. 3 I can't remember which it was.</p> <p>4 So yes, those things, you had to watch what you 5 said, not when you were talking to the Hull Daily Mail 6 or the Yorkshire Post, but when you were talking to 7 national newspapers, in case -- GM crops was another 8 one, Frankenstein foods. The issues I dealt with: 9 student fees, human fertilisation and embryology bill. 10 The Government need to get very important and sometimes 11 quite complex information across, but, you know, the 12 slightest slip, it turns into something personal against 13 a minister rather than an issue about the actual policy.</p> <p>14 MR BARR: What features of the press' coverage was it that 15 made it so difficult for you to get your message across 16 to the public? What were the techniques that were 17 objectionable?</p> <p>18 A. Well, the newspaper itself would have an agenda. The 19 journalists on that newspaper knew they had to follow 20 that agenda. So, for instance, on Europe, you know, 21 I remember Gordon Brown being castigated after 2007 for 22 not having a referendum on the EU. He was pilloried. 23 I remember the kind of stuff that appeared in the 24 papers. Now, there was no way you were going to get 25 a balanced view on that. It wasn't my ministerial</p> <p style="text-align: center;">Page 107</p> |
| <p>1 1987: 2 "The truth becomes almost impossible to communicate 3 because total frankness, relayed in the shorthand of the 4 mass media, becomes simply a weapon in the hands of 5 opponents." 6 Were you concerned that the way in which the media 7 reports what politicians said, including yourself, made 8 it such that you had to be very careful what you said?</p> <p>9 A. Yes. And I think -- I mean, Tony Blair's point -- if 10 I can think of an example, the MMR issue. You know, you 11 remember there was a complete media storm which actually 12 stopped children being inoculated properly against MMR 13 and led to the return of diseases that we thought we'd 14 eradicated years ago. I think that's a very good 15 example of the media actually militating against 16 properly government, and to take that a stage further, 17 I seem to remember there was a great deal of prying as 18 to whether Tony Blair's son, who was due to be 19 inoculated at the height of all this, whether he'd had 20 the MMR jab or not, and that was used against the 21 Prime Minister as an argument -- I forget which way it 22 went, whether he did or didn't --</p> <p>23 LORD JUSTICE LEVESON: I think for some time he wasn't 24 prepared to discuss it.</p> <p>25 A. He wasn't prepared to discuss his own children, quite</p> <p style="text-align: center;">Page 106</p> | <p>1 responsibility, but it's an example of one of those 2 issues.</p> <p>3 To use immigration, which was my bailiwick, there 4 are lots of complex issues that you have to weigh up on 5 an issue like immigration, but certain newspapers had 6 decided the population was going to hit 70 million in 7 a few years -- you don't hear much about that now -- and 8 there was a real difficulty in explaining, for instance, 9 what the points-based immigration system would do to 10 journalists who came from a paper who, you were quite 11 clear, was out to say that there was an open-door 12 policy. There's never been an open-door policy on 13 immigration.</p> <p>14 It's an example of the kind of care that has to be 15 taken and the barrier between you and the public -- 16 I mean, I'm an Enoch Powell. The politician who 17 complains about the media is like the sailor who 18 complains about the sea, but -- and I haven't got 19 a solution for this, but it's just an illustration of 20 how careful you need to be and the difficulties you face 21 dealing with complex political issues where they are 22 personalised to the extent that Tony Blair was 23 mentioning in that speech.</p> <p>24 Q. Just before he left office, Tony Blair made a now very 25 well-known speech and he identified what he considered</p> <p style="text-align: center;">Page 108</p> |

27 (Pages 105 to 108)

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| <p>1 to be a number of traits in media coverage which had 2 developed. Can I put those to you for your comment? 3 "First, scandal or controversy beats ordinary 4 reporting hands down." 5 Do you agree? 6 A. For some newspapers on some issues, yes. 7 Q. "Second, attacking motive is far more potent than 8 attacking judgment. It is not enough for someone to 9 make an error; it has to be venal, conspiratorial." 10 A. I think you're going to find me agreeing with Tony Blair 11 on most of this, yes. 12 Q. "Third, the fear of missing out means today's media, 13 more than ever before, hunts in a pack. In these modes, 14 it is like a feral beast, just tearing people and 15 reputations to bits, but no one dares miss out." 16 A. Yes. 17 Q. "Fourth, rather than just report news, even if 18 sensational or controversial, the new technique is 19 commentary on the news being as, if not more, important 20 than the news itself." 21 A. Certain newspapers on certain stories, yes. 22 Q. Can we move now from the general to your personal 23 experience. You tell us in your witness statement that 24 you occasionally meet journalists for meals. Is there 25 any particular spectrum of the press from which you draw</p> <p style="text-align: center;">Page 109</p> | <p>1 someone who was sympathetic. 2 Q. What were you seeking to get out of these meals? 3 A. I think it's what they were seeking to get out of me. 4 Q. We'll come to that in a moment. 5 A. What was I seeking to get out? Well, I was obviously 6 seeking to get my point across as to why we were 7 pursuing a particular case, at a particular time on 8 fairly complex issues. Why, for instance, Nice was the 9 best way to approve drugs. It was always a controversy 10 whether drugs had been allowed. 11 So whether it's on immigration or whatever, it's 12 a chance to get your view across to the person who 13 actually writes the stories. 14 Q. What were they looking for? 15 A. They were looking for that. I think they wanted greater 16 understanding, but gossip was a -- and I don't blame 17 them for this. Everyone's interested in gossip, you 18 know, whether -- what's happening in Cabinet, who's said 19 what, none of which I revealed, obviously, at any stage. 20 Q. Did you have any personal dealings with Rebekah Brooks? 21 A. Yes, I did, but it was rather spoilt by our first 22 meeting. When I was running for deputy leader of the 23 Labour Party, my team were very excited that 24 News International wanted to meet me, so as I walked 25 into this room where there was Rebekah, Trevor Kavanagh,</p> <p style="text-align: center;">Page 111</p> |
| <p>1 your contacts? 2 A. Well, once again, you have to differentiate. There's 3 the kind of industry press. So when I was at health, 4 the health correspondents were very, very knowledgeable 5 about their subjects and you would have a completely 6 different discussion. Education, similarly. So they -- 7 a lunch with them, it wasn't kind of watching every word 8 you said or fear of being misreported. It was quite 9 a productive discussion because you could actually learn 10 from people who had been -- as a minister, flitting 11 through these departments, from people who had been 12 dealing with that subject for many years. I think about 13 the education correspondent for the Independent, who was 14 tremendously knowledgeable. 15 Then you have the political lobbyists, where you 16 kind of do have to make sure, whether it's on the record 17 or off the record, about what you're saying in the 18 course of a pleasant lunch or dinner. 19 Q. Was there a different atmosphere with those titles which 20 had constituency of floating voters compared to, say, an 21 established support of the left or right? 22 A. No. Generally you enjoyed the meal more if it was 23 someone you liked and you were perfectly capable of 24 liking someone who came from a newspaper that was 25 hostile to your political party, as you were of liking</p> <p style="text-align: center;">Page 110</p> | <p>1 Les Hinton, I shook her hand and said, "Hello, Rachel", 2 and I don't think that went down very well. So getting 3 the name wrong wasn't a good start. 4 There was also some contact about a clinician called 5 Mohamed Taranissi, who ran an unregistered fertility 6 clinic and had been the subject of a Healthcare 7 Commission inquiry and a Panorama documentary and 8 I remember that Rebekah, when I was health secretary, 9 was keen for me to look into that. 10 Q. That was an example of them pushing a particular story? 11 A. Yes, but not in an overbearing way. She was keen -- 12 when I met her, she mentioned it and said that she'd 13 send me something through the post. 14 Q. You said, in answer to my last question, that your team 15 were excited about the prospect of you meeting 16 Rebekah Brooks. Why the excitement? 17 A. This is a political team, of course. I was seeking 18 deputy leadership of the Labour part. Because -- as we 19 were excited to meet the Daily Mirror and whatever 20 newspaper may kind of give their seal of approval. 21 Q. So you were hoping to get her support -- 22 A. Yeah, absolutely. 23 Q. I see. Moving to the future, what do you see as the 24 best way forward to ensuring the public has confidence 25 in what is passing between its politicians and</p> <p style="text-align: center;">Page 112</p> |

28 (Pages 109 to 112)

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| <p>1 journalists?</p> <p>2 A. I'm not sure whether there's a -- there's -- I believe</p> <p>3 in self-regulation of the press. I'm not looking for</p> <p>4 some kind of bible of dos and don'ts. I think the</p> <p>5 Ministerial Code is sufficient to tell ministers what</p> <p>6 they should or shouldn't be doing. For politicians who</p> <p>7 are not ministers, there's basic common sense.</p> <p>8 How can the public be reassured about this? I think</p> <p>9 your Inquiry might contribute to that. But I think</p> <p>10 generally there's a healthy scepticism -- not cynicism,</p> <p>11 but healthy scepticism amongst the public about both of</p> <p>12 those professions and I don't think anything that we do</p> <p>13 will change that in terms of --</p> <p>14 LORD JUSTICE LEVESON: But we need to improve it, don't we?</p> <p>15 A. Yeah, but I'm not sure how.</p> <p>16 LORD JUSTICE LEVESON: We need to improve the lot in which,</p> <p>17 for example, politicians are held, not least because</p> <p>18 it's critically important for our democracy -- here am</p> <p>19 I telling you this -- that we attract the very best into</p> <p>20 public life, and if they feel they're just going to be</p> <p>21 traduced all the time --</p> <p>22 A. I just don't know -- I agree with that. I agree with</p> <p>23 that. I just don't know how you're going to do it.</p> <p>24 I had an experience, which I may as well relate here,</p> <p>25 with the News of the World, for instance. This is the</p> <p style="text-align: center;">Page 113</p> | <p>1 these fictitious stories.</p> <p>2 LORD JUSTICE LEVESON: That's part of the point. That's one</p> <p>3 side of it. Let's just focus a little bit more on the</p> <p>4 general political dialogue. Of course politicians have</p> <p>5 inevitably got to deal with journalists -- that's their</p> <p>6 mechanism for getting their message across -- but do you</p> <p>7 think there is room for the House -- and of course, all</p> <p>8 this is for politicians, not for me -- to conclude that</p> <p>9 there should be slightly different approaches to those</p> <p>10 who are opposition spokespersons, on the opposition</p> <p>11 front bench, because of the risk that you carry forward</p> <p>12 what you've done in opposition into when you get into</p> <p>13 government?</p> <p>14 I'm actually picking up something that</p> <p>15 Alastair Campbell was talking about, that "we had</p> <p>16 a relationship and actually we didn't change it once we</p> <p>17 got into government and we should have done".</p> <p>18 A. Mm.</p> <p>19 LORD JUSTICE LEVESON: I wonder whether there isn't scope</p> <p>20 for saying that Parliament should provide some</p> <p>21 assistance, so that everybody is aware -- and you might</p> <p>22 say, "Well, actually, all the MPs in the country are</p> <p>23 presently aware of precisely what's going on."</p> <p>24 A. Yes.</p> <p>25 LORD JUSTICE LEVESON: But I would hope to be a little bit</p> <p style="text-align: center;">Page 115</p> |
| <p>1 kind of thing that you have to kind of accept as part of</p> <p>2 your life. They were running a front-page story about</p> <p>3 me when I was health secretary. This is January 2008.</p> <p>4 It's the Saturday before publication. My special</p> <p>5 adviser rings me up and says, "The front page story in</p> <p>6 News of the World tomorrow is about you having an affair</p> <p>7 with a district nurse called Sarah from Exeter." So</p> <p>8 I rang the editor of the News of the World and he said,</p> <p>9 "Yes, we've had this all corroborated. It was in her</p> <p>10 blue Toyota and you were listening to Mozart at the</p> <p>11 time."</p> <p>12 I pointed out to him that I'd never been to Exeter</p> <p>13 as health secretary, that I was a government minister in</p> <p>14 London with a constituency with Hull. "How the hell do</p> <p>15 you think I was going to drive a Toyota to Exeter?" He</p> <p>16 said, "The story's been corroborated. The woman herself</p> <p>17 has three children. She's putting her family on the</p> <p>18 line." And I said, "Well, run the story. It will upset</p> <p>19 a lot of people in my family -- no smoke without fire</p> <p>20 and all that -- but run the story and it will be</p> <p>21 a really good pension fund when I take you to court."</p> <p>22 The story was absolute rubbish and he didn't publish</p> <p>23 it, but with that level of checking of facts, the fact</p> <p>24 that that could be all over the front page of the -- and</p> <p>25 sort of, in a way, damage your life forever, some of</p> <p style="text-align: center;">Page 114</p> | <p>1 more enduring than the current MPs, not that they</p> <p>2 haven't got long and healthy lives in front of them, but</p> <p>3 to provide some steer that just provides some framework</p> <p>4 within which people can exercise their discretion. Do</p> <p>5 you think that's a good idea or not?</p> <p>6 A. I tend to the view that this is about culture and</p> <p>7 changing the culture. Why are some elements of our</p> <p>8 media so spiteful in this country? You don't see it in</p> <p>9 other countries. Why is such personal spite directed?</p> <p>10 Women politicians get a tough time. Patricia Hewitt,</p> <p>11 Ruth Kelly, ministers I replaced -- I had a far tougher</p> <p>12 time -- I'd take over their department doing exactly the</p> <p>13 same things and suddenly there was no press furore about</p> <p>14 it. It's that spite. It's the picking on the families.</p> <p>15 It's the nastiness, the nastiness, real nastiness that</p> <p>16 you have to face. Now, that's a cultural thing.</p> <p>17 I take the point that I wasn't in opposition.</p> <p>18 I came in straight into government in '97, but I take</p> <p>19 the point that I think he's making, that we'll never go</p> <p>20 back to those days of fawning over major -- or I hope we</p> <p>21 don't go back to those days -- fawning over major media</p> <p>22 proprietors in the hope that we'll get a better deal.</p> <p>23 I mean, I think all of this should confine that to the</p> <p>24 past.</p> <p>25 Whether you can introduce anything, even in fairly</p> <p style="text-align: center;">Page 116</p> |

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| <p>1 light touch regulation --</p> <p>2 LORD JUSTICE LEVESON: Not even regulation, necessarily.</p> <p>3 A. I'm not sure.</p> <p>4 LORD JUSTICE LEVESON: Not even in regulation, just guidance</p> <p>5 for those doing these jobs.</p> <p>6 A. Perhaps a bit more transparency. I do take your point</p> <p>7 that in opposition, where I was thinking, you know,</p> <p>8 there's less interest -- you're not in government so</p> <p>9 there's nothing -- there's no Ministerial Code or</p> <p>10 anything. You kind of make it up as you go along in</p> <p>11 opposition, I guess, but I wasn't focusing on that point</p> <p>12 that Alastair made, that if you're doing that in</p> <p>13 opposition before you move into government, then you</p> <p>14 forge relationships that actually cause you a problem</p> <p>15 once you're in government, and I think that would cause</p> <p>16 me to think about that again.</p> <p>17 But the press in other countries does not have this</p> <p>18 spiteful approach. It might be a lot duller, by the</p> <p>19 way, and less interesting and sell fewer newspapers,</p> <p>20 although with social media all of that is changing.</p> <p>21 Most politicians can put up the attacks on them.</p> <p>22 It's the fact that they know that the press and the</p> <p>23 media, some elements of it, are looking to attack their</p> <p>24 families, and I think that's difficult to legislate for.</p> <p>25 LORD JUSTICE LEVESON: All right.</p> <p style="text-align: center;">Page 117</p> | <p>1 first.</p> <p>2 LORD JUSTICE LEVESON: But actually I wonder whether what</p> <p>3 you've just said doesn't contain a mutual inconsistency.</p> <p>4 Because once you say that all the press has to be</p> <p>5 included, then I'm not quite sure why it isn't being</p> <p>6 imposed on them.</p> <p>7 A. Yeah, there is a contradiction there, but it's ludicrous</p> <p>8 to have a system of regulation where the public can</p> <p>9 complain about an article and then find that because</p> <p>10 that newspaper hasn't signed up to the process, that</p> <p>11 they're beyond --</p> <p>12 LORD JUSTICE LEVESON: Yes, so --</p> <p>13 A. -- beyond the system. So it has to be self-regulation</p> <p>14 in the sense that it is not -- you know, we're not doing</p> <p>15 anything North Korean here. We're not interfering with</p> <p>16 the freedom of the press and no one would want to do</p> <p>17 that, and we're not setting down a great set of rules</p> <p>18 that would prevent the media doing the kind of things</p> <p>19 that they've done, whether it's exposing thalidomide or</p> <p>20 all the other great exposures that they've made. But</p> <p>21 that does cover every part of the media and does give</p> <p>22 the public some assurance that if something damaging is</p> <p>23 said about them in the media -- and these are not people</p> <p>24 who have power. These are people who are often the</p> <p>25 families who are affected, that they have some form of</p> <p style="text-align: center;">Page 119</p> |
| <p>1 MR BARR: That, I think, sir, covers the remaining questions</p> <p>2 that I had.</p> <p>3 LORD JUSTICE LEVESON: Thank you. There's one other matter</p> <p>4 that I wanted to raise with you. You used a phrase,</p> <p>5 just as we got on to talking about politicians, when you</p> <p>6 talked about supporting self-regulation. I'd just like</p> <p>7 to explore with you what you mean by that, because</p> <p>8 I think that phrase means very, very different things to</p> <p>9 different people, and they understand different things</p> <p>10 by it. Do you mean by that that you think that the</p> <p>11 present system, the PCC and its code, is sufficient?</p> <p>12 A. No.</p> <p>13 LORD JUSTICE LEVESON: Do you mean by that that the</p> <p>14 regulation ought to be independent of government,</p> <p>15 independent of politicians and conducted by the press,</p> <p>16 or broadly independent of the press?</p> <p>17 A. I think it's the second. The trouble with the situation</p> <p>18 at the moment is it's voluntary whether the press enter</p> <p>19 into it. There's one major national newspaper that's</p> <p>20 not signed up to it. So all the press has to be</p> <p>21 included. It has to be completely independent of</p> <p>22 government. Self-regulation in the sense that the press</p> <p>23 have -- are not having this imposed on them, there's</p> <p>24 a consensus that this is the right way for them to</p> <p>25 proceed. So it's more your second example than the</p> <p style="text-align: center;">Page 118</p> | <p>1 redress, and the redress -- you can't escape that</p> <p>2 redress by saying, "We're not signed up to that. Sorry,</p> <p>3 we're not part of it."</p> <p>4 LORD JUSTICE LEVESON: Or: "Even if we are, we're going to</p> <p>5 leave it."</p> <p>6 A. Or: "We're going to leave it and we'll do nothing about</p> <p>7 it."</p> <p>8 LORD JUSTICE LEVESON: So does that mean that there has to</p> <p>9 be some structure somewhere that sets up an independent</p> <p>10 regulatory regime, which obviously has appropriate</p> <p>11 representation from the press upon it? Does that really</p> <p>12 encapsulate what you're saying?</p> <p>13 A. Yes. If the press were -- I'm sorry.</p> <p>14 LORD JUSTICE LEVESON: Because that means, once I talk about</p> <p>15 a structure, that probably means that the structure has</p> <p>16 to have been set out, however far back from the front</p> <p>17 line it is, by Parliament.</p> <p>18 A. Yeah. Well, I suppose you can -- it's not inconsistent</p> <p>19 to say that Parliament can set out a structure, like we</p> <p>20 set out a structure for independent police complaints,</p> <p>21 we set out a structure for HMIC, we set out a structure</p> <p>22 for a number of independent --</p> <p>23 LORD JUSTICE LEVESON: There's the example that was given</p> <p>24 yesterday: regulation of lawyers.</p> <p>25 A. Yeah. That's something I've never had to deal with.</p> <p style="text-align: center;">Page 120</p> |

1 **Yeah, Parliament setting a structure which allows**
 2 **self-regulation and a consensus that this is the proper**
 3 **way to do it, so that actually the press are engaged,**
 4 **not because they have to be but because they --**
 5 LORD JUSTICE LEVESON: I'm just going to press you, because
 6 you've used the two words "self" and "consensus" again.
 7 Do you mean -- and if you do that's fine, but I just
 8 want to test it -- that the press ought to be regulating
 9 themselves -- because that's self-regulation, "We do it
 10 ourselves" -- or do you permit of independent regulation
 11 that involves press interests but has a very substantial
 12 independent element? And by "consensus", do you mean
 13 that the press have to sign up to it because that runs
 14 against, as I have suggested, the idea that everybody
 15 has to be in.
 16 **A. Well, the press have to be part of it. Everybody has to**
 17 **be in it, is where I start from. Probably there are**
 18 **different ways of defining self-regulation, but the**
 19 **important thing to me is that the press are not being**
 20 **dragged kicking and screaming to a regime that they**
 21 **fiercely disagree with. There may be an independent**
 22 **element there, they may have to accept that there's an**
 23 **independent element there, but within that independent**
 24 **element, there is also -- there is media involvement in**
 25 **this.**

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1 LORD JUSTICE LEVESON: Yes.
 2 **A. There are ways that you could change the current system**
 3 **that I think could move to the kind of system I'd like**
 4 **to see. I wouldn't throw the whole of --**
 5 LORD JUSTICE LEVESON: I'd be very interested to know how
 6 you could change the current system to fit in with the
 7 requirements that you've identified, and as regards the
 8 kicking and screaming point, the issue may be that
 9 anything -- in one sense, anything that in any sense
 10 impedes the way the press can do its business as it
 11 wants to do it --
 12 **A. Oh well.**
 13 LORD JUSTICE LEVESON: -- might lead to kicking and
 14 screaming.
 15 **A. Yeah.**
 16 LORD JUSTICE LEVESON: I'm not saying it would but it might.
 17 **A. It's worth a trying, to see if the kicking and screaming**
 18 **occurs or not.**
 19 LORD JUSTICE LEVESON: If you do have an idea as to how it
 20 might be done using modification of present models, I'd
 21 be very interested to hear about that, but that's up to
 22 you.
 23 **A. Thank you.**
 24 LORD JUSTICE LEVESON: Thank you very much, Mr Johnson.
 25 Yes, Mr Garnham --

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1 MR GARNHAM: There's an single question --
 2 LORD JUSTICE LEVESON: I understand.
 3 Questions by MR GARNHAM
 4 MR GARNHAM: Mr Johnson, you said in answer to Mr Barr
 5 a little earlier that all you were told in July 2009
 6 about the MPS investigation in 2006 -- I say that to
 7 locate what you were talking about -- you said you were
 8 told that there was a body of evidence in the inquiry
 9 that Mr Hayman had dealt with, that they -- that's the
 10 Met -- selected the clearest evidence to provide what
 11 they needed to deal with Goodman and Mulcaire, yes,
 12 there was lots of other stuff there, but that was
 13 immaterial to the fact that Goodman and Mulcaire had
 14 been found guilty.
 15 My one question is: what were you told about the
 16 other stuff, to use your word, that the Met had which
 17 was immaterial to the Goodman and Mulcaire conviction?
 18 **A. None. The general flavour of this was that they had**
 19 **used enough evidence to convict Mulcaire and Goodman.**
 20 **There was other evidence against Mulcaire and Goodman --**
 21 **not against anyone else, against those two people -- but**
 22 **what they'd used was sufficient to get them imprisoned.**
 23 MR GARNHAM: Thank you very much.
 24 LORD JUSTICE LEVESON: Thank you. Mr Johnson, thank you
 25 very much.

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1 2 o'clock.
 2 (1.04 pm)
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