Q. Do you share Lord Mandelson's view that there is evidence of a deal being done between the Conservative Party and Mr Murdoch?

A. I have absolutely no knowledge of any -- anything like that, so I can't really comment on it.

And also, by the way, in the years since I left office, obviously I've had a lot of responsibilities in the Quartet, I have a lot of work that I do in Africa and in different parts of the world, so I wasn't -- I really wouldn't be in a position to know.

Q. Even though, to offer a comment, if it's clear from what you're saying that Mr Murdoch didn't do deals with you, it might be said it flows from that it's unlikely that he would be doing deals with anybody else, or would you not go that far?

A. I know of absolutely nothing to support that, but I don't -- I'm simply saying there's things I can comment on and things I can't, from knowledge. All I can say is that he never made such an approach to me, so ...

Q. Do you feel that the Sun overstepped the mark with its personal attacks on Mr Brown, particularly in relation to the letter he wrote to the mother of the soldier killed in Afghanistan?

A. Yes, I do. I think that was out of order, actually, and I said that at the time.

Q. Did you discuss that with Mrs Brooks or not?

A. I think I did, actually, but I think as well, to be fair, I think even within the organisation it was acknowledged that that was not -- not right, really.

And I think -- one of the things I think is important in this is that, you know, if -- because newspapers will change their support from time to time, by the way. Not all of them do, but they will, but I think what I think is very important, you know, when we're talking about the culture, is that if you switch support, it doesn't mean the person you disagree with is a bad person; it simply means you disagree with them.

I think one of the ugliest aspects of modern politics -- and maybe it's always been like this but I think even more so today -- is that people don't seem to feel they can have a disagreement with people. They disagree with them -- they might disagree with them about an aspect of policy or so on. You might think they have the wrong policies for the country. It doesn't mean they're a bad person; it just means you disagree with them.

Q. We heard from Mr Murdoch of a telephone conversation he says he had with Mr Brown, the upshot of which Mr Brown said that he would or was declaring war on News International. Do you have any direct evidence you can give us as to whether such a conversation occurred or not?

A. No.
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<td>1</td>
<td>I think and hope -- actually, subsequent to that particular incident, things were a little calmer, but there was no need to do that, and I think, actually, I think that's probably accepted within that organisation too.</td>
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<td>LORD JUSTICE LEVESON: Do you think it's just become a little bit more personal? This is really the inference from a fair bit of what you've been saying, that...</td>
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<td>A. The thing is, the world in which we live today, especially -- this is where social media has not had the impact some of us thought it would have when it first came along. So what I thought at the beginning of this -- because this obviously was developing during my time as Prime Minister -- was that the social media would operate, if you like, as a kind of discipline or -- &quot;discipline&quot; is the wrong word, but an alternative source that might be more independent, more objective, actually than the mainstream or conventional media. It's not how it is. If you read a lot of what people say -- you know, we actually than the mainstream or conventional media.</td>
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<td>I'm not sure how the discipline operates, if you like, as a kind of discipline or a very, very aggressive form of writing and people bursting into the room. People just -- they can't -- you know, the way a lot of debate is conducted is highly personalised, very aggressive, and it always -- you know, I just -- look, I'd taken my own decision that should go out on the attack on this and say this is part of the story about him having visited Gordon Brown, there were those of my people who felt very strongly that they fact had been a prime organiser of it and, you know, part in the so-called coup in September 2006, and in that coup, he was a government minister. He effectively had taken a very, very aggressive form of writing and people sending, you know, stuff out on the Internet, which is, you know, I think unnecessarily cruel, aggressive, unpleasant and so on.</td>
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<td>Now, to a degree, politics has always been a bit like that, but I think the flipside of a social change that I support, which is that people are less deferential, more willing to speak their mind -- the flipside of that, if you like, is that it can turn into a very, very aggressive form of writing and people sending, you know, stuff out on the Internet, which is, you know, I think unnecessarily cruel, aggressive, unpleasant and so on. Now, what you can do about it -- because this is primarily what I would describe as a cultural question and it's quite hard to see how you -- we can get on to this maybe in the solutions. It's quite hard to see how you would, as it were, legislate, and I don't think you can, but I think the first thing to do is to surface it as an issue, because it is an issue, and I think what is very hard for politicians in today's world is that you have to try and shut out this noise that's going on. It's not how it is. If you read a lot of what people say -- you know, we actually than the mainstream or conventional media.</td>
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<td>A. (Nods head) Q. Flowing out of his statement, really. It's under tab 19 in your bundle you'll find his witness statement, 05557. A couple of points he makes. He says at the bottom of the page that he understands that you were in receipt of emails from Rebekah Brooks at the time -- this is the time of his resignation in 2006 -- that will demonstrate that it was her intention to exact retribution for the resignation. We know you didn't in fact have a personal email, but apart from that obvious point, is there any other comment you can make on what he says there?</td>
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<td>A. No, I mean, look, I didn't use text or email at the time, something, if I may say, for which I'm profoundly grateful now, but I don't recall anything of that nature, whether they were sending emails to -- I don't know. I really -- I have no knowledge of that at all.</td>
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<td>I don't think so. And by the way, the issue to do with Tom Watson's resignation or dismissal was perfectly simple. I mean, I was, at the time, Prime Minister. He was a government minister. He effectively had taken part in the so-called coup in September 2006, and in fact had been a prime organiser of it and, you know, from my perspective, obviously as a minister, he was going to have to go, and I think he resigned literally moments before I was about to issue the letter of dismissal.</td>
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<td>Q. He also alleges, on a similar theme, that Mrs Brooks texted people close to the Prime Minister, telling them that he had to be sacked. I think it's clear from your answer that was going to happen anyway? A. It was going to happen anyway. Look, you know, he's perfectly entitled to his point of view, but you can't really remain a minister in the government if you call for the Prime Minister to go, at least not in normal circumstances.</td>
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<td>Q. At page 620 of your book, you say: &quot;I reined back my folk, who wanted to go into 'kill mode' on it.&quot; He says that that must be a reference to special advisers and MPs working with Mrs Brooks. Is that correct or not? A. No, it has nothing to do with Rebekah Brooks at all. Look, the fact is -- this is to go over history now, but when that coup began and then I think there was some story about him having visited Gordon Brown, there were those of my people who felt very strongly that they should go out on the attack on this and say this is part of a conspiracy to get rid of the Prime Minister and, you know, I just -- look, I'd taken my own decision that...</td>
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Page 5

Page 6

Page 7

Page 8
A.  Yes.  I mean, look, I think a certain amount of comment is legitimate.  There were things that happened that it's perfectly legitimate for people to comment on, but I thought that some of the papers, particularly the Mail group, took it too far and it turned into a sort of personal vendetta.  I mean, I -- for the purpose of this hearing, I actually asked her solicitors to go back, I think, from the period of roughly mid-2006 to -- I think the last interaction was actually November 2011, and I think there was something like over 30 different -- either letters before action or legal actions started, and, you know, even -- the trouble is that what happens with these attacks is that even though you may end up getting an apology, you may end up getting some damages, but in a sense, who cares?

The story's there.  It's been written.  It then kind of goes into the fabric of what is written about someone, and I -- you're always going to feel sensitive about your own family, but I thought and do think that the attacks on her and on my children were just unnecessary and wrong.

I don't think there's any -- I'm not saying that all the stories written about her couldn't have been written but I think when you add up that number of legal interventions, I think if we were operating in a proper system, after sort of intervention number ten, you would expect someone to be saying, "Hang on, are we getting this right?" I think when you come to over 30, it indicates a certain pattern.  So that's how I feel.

I just don't think it's a necessary part of the political debate, you know.  I suppose it's the way it is, but -- yeah, anyway, I've said what I've said.

A.  There's absolutely no truth in it.  I know this appeared and it was a Mail on Sunday story.  As we said at the time, it was completely wrong, and as I've just been indicating to you, in my conversations about Tom Watson, you know, this is not somebody I was going to influence one way or another, even if I had thought it appropriate to do so, and I most certainly would not have thought it appropriate.

Q.  On the theme of personal attacks, we've been speaking quite generally, but can I bring it sort of home, as it were.  We know your wife has been the subject of personal attacks over the years.  Is it your feeling that some of those are legitimate or inevitable, given her position, but others have plainly overstepped the mark?  So far as it's possible to have a general view, could you help us with that?

A.  Yeah, that's absolutely right.  And so -- look, I always say to people about this invasion of privacy, by the way, that -- I think what many people who are in public life there is a line beyond which it is not appropriate to go.  You've clearly said that you believe that it's been exceeded, and equally you've said -- and make sure I'm not putting words into your mouth -- that the ability to obtain redress is simply unsatisfactory because it is no real redress.

Q.  I think Mr Watson told us that he arrived with a Postman Pat DVD for Mr Brown.  He gave evidence from that chair on exactly those lines.

A.  Yeah, the -- well.  No, I'm sure.
I say, it's full on, full frontal, day in, day out. And that is not journalism, in my view. You know, that's an abuse of power, actually.

So I think -- it's not necessary to do. It has nothing to do with having a good political debate or not. It is a good political debate, and I just don't think it need happen in that way and, you know, I've felt that some of the stuff crossed the line completely.

But I also felt, frankly -- because in a way, for both me and my wife -- if you're the Prime Minister, the Prime Minister's wife, you know, there's a lot of privileges that come with that position. I actually felt more anxious a lot of the time about ministers who would get into a situation where, if they were doing something that one of the media groups didn't like and they were going after -- I mean, it was pretty hard for them. I think in certain circumstances I would say -- and I look back on some of these and actually regret them, where I was thinking: "Look, I'm going to have to let this person go, even though I'm not sure it's really justified to do that."

MR JAY: This is the retired Treasury solicitor?

A. Yeah.

LORD JUSTICE LEVESON: It doesn't have the same prominence.

A. Yeah, there are the two points. Now, I look back and think, actually, I was at fault because I should just have pushed back harder, but it's easy to kind of say that now. At the time it's very difficult.

MR JAY: You do make one interesting point in your book, in relation to your eldest son, something which entered the public domain at the time. We needn't go into the details of that, but what you said: "Police stations serve many admirable and necessary purposes but they aren't places to keep secrets."

Was that based on gut reaction, suspicion or evidence, Mr Blair?

A. I think more general gut reaction, I suppose, which is not to say, by the way -- just so that I put this absolutely on the record, since I had protection people who worked with me for a very long time and I don't believe anyone has ever leaked any information of any sort. So again, one shouldn't say this is about all police officers, most of whom I'm sure don't do this, but I think most people in public life, if you get into a tangle that involves the police, probably think that the information will come out pretty quickly.

But that should not be taken as a -- I mean, that is just a reflection and certainly should not be taken as an indication in respect of -- certainly the people I've worked with I've found to be of the highest integrity and quality.

Q. I return to the issue of spin. I think we agreed that it was borne out of the unfair treatment, in your eyes, of Mr Kinnock's Labour Party, which required a disciplined and possibly a ruthless handling of the press. Is that right?

A. Yeah, but you see, I draw a very clear distinction between what I would say is a very tough professional media operation and ruthless in the handling of the press in the sense of -- when I read this stuff about...
how people felt bullied and harassed and intimidated and so on. I mean, we actually did a -- we tried to deal with this issue all the way through, and I remember we decided to put the official spokesman of the Prime Minister on the record. I think that was the first time. We published the minutes. That was the first time. I gave monthly press conferences. That was the only time that this happened up till then. I went to the liaison committee at the House of Commons, which is the committee that brings all the Select Committee chairs together and would be cross-examined for a morning.

We tried to deal with it, and if you read the lobby notes, by the way -- they're all there -- you know, I think it's very hard to argue, when you read those lobby notes, that you have a situation where the media are kind of cowed and bullied. When you read those, it's a fierce cross-examination usually of the Prime Minister's spokesman.

I would also say, by the way, my last few years in office -- and this is why I think this issue to do with how we run our media operation is not really to do with the way the world of politics is, if you don't get a tension distorted in some way, so maybe that gives rise to that.

Briefing against people -- I just want to make this clear: I couldn't abide that. If I ever thought anyone was doing it, I would be absolutely down on them like a ton of bricks. I remember, for example, stories --

The best evidence of that is reading the lobby notes from Mr Marr -- favouritism, being malleable with the press, because I think it antedated us coming to power and I also think it's a separate question, but when I --

you know, Alistair Campbell, as you will know -- you'd have to describe him as a combative figure. He is. But my later press secretary was David Hill, who was in many ways the antithesis of that, and Tom Kelly, who was actually a civil servant. Life didn't get any easier.

I understand there's an easy symmetry in this of saying, "Well, on the one hand you had the media and on the other hand you had the spin people", and so on, but you're asking me my opinion. I don't really buy that.

I think there were issues to do with the way we ran our media operation and I've commented on some of those and can comment further, but I don't think that was the reason we were in this problem.

Q. There's a lot of evidence out there, some of it received by the Inquiry, of bullying of journalists -- that's from Mr Marr -- favouritism, being malleable with the truth, feeding journalists stories, briefing against colleagues. Either all this evidence is untrue, completely overblown or there is a kernel of truth in it. I might ask you to consider whether you accept that kernel?

A. If you take someone like Andrew Marr, who is a very good journalist, I would be astonished if he felt that he'd been bullied or intimidated. If he did feel that, then I'm sorry about it, and I certainly wouldn't have known about it. And if I had known, I would have disagreed strongly.

But I suspect he is feeding back this thing that has grown up. You know -- and also, some of these issues are different. For example, there will always be an interaction with newspapers. If you're going to launch a major campaign, and let's say there's a particular newspaper that's been interested in this type of campaign -- let's say you were going to do a big thing on anti-social behaviour. It would make sense to talk to the Mirror, the Sun, maybe, about that. We probably, in the later part, would have hesitated before talking to some of the papers that were utterly hostile for fear of the fact that you would simply have the story distorted in some way, so maybe that gives rise to that.

So, look, I would be astonished if, in any set of circumstances today, with the way the media is and the way the world of politics is, if you don't get a tension and back and forward -- and I have no doubt that if people wrote a story we thought was completely untrue, we'd be on the phone saying, "It's completely untrue, you shouldn't be writing it", but I think that's a very different thing from saying it was part of the policy to go and bully journalists.

The best evidence of that is reading the lobby notes. That was twice a day. You can read the notes, see who was under pressure and who wasn't.

Q. I think the thesis being advanced is that the masters of the dark arts, whether they be Lord Mandelson or Mr Campbell, tended to pick on junior reporters or producers, which is what Mr Marr says at page 161, and let off people like Mr Marr himself.
Q. On the topic of briefing, Mr Powell, your Chief of Staff, in his book at page 194, says: "It was the special advisers like Damian McBride, Charlie Whelan and Ed Balls who were the specialists in character assassination."

So it was the other camp who were good at it but your camp either never did it or were bad at it? Is there some truth there?

A. What I used to say to Jonathan was: "Look, it's not correct about us. You don't actually know it's correct about them." So, you know, I had my issues with some of those people, but towards the end of my time in government, in the morning meetings I used to have, if someone began with the words: "There's been a briefing in the press and we have to find out who it is", I used to say, "End the conversation here. I do not want to hear any more about this. You end up spending hours and arguing things, trying to work out who's briefed whom and all the rest. It's a complete pointless exercise. Let's go and talk about policy."

So I don't -- people have suspicions all over the place, but even in respect of those three people -- and from time to time, certainly with two of them, I had serious issues -- but if you ask me: do I know that they were doing it? I don't. And therefore I think if the allegation against my people has been made that I think is unfair because it's not based on real evidence, I shouldn't attribute the same to them.

Q. If, as I think you are not, you are not accepting even a kernel of truth in a thesis which may be exaggerated, how is it that this mythology has built up around you that people like Lord Mandelson, Mr Campbell, at your instigation, were the masters of these so-called dark arts?

A. It's got to the point where I almost hesitate to dispute it with you, because I know these people just say, "Oh, how dare he dispute the fact that actually they were out using black arts and briefing against this person and that person?" The fact is, you know, I never authorised or said to someone: "Go out and brief against" -- I hate that type of stuff. It's the lowest form of politics.

It's just a complete diversion from everything that is important.

Now, I don't doubt, by the way -- look, in any system you will have people that will say things or do things or brief things that they shouldn't be doing, but I simply say to you my view is that the -- what I think a part of the media felt -- and this is the odd thing, and I used to comment on this sometimes -- is that to the outside world, when you're Prime Minister, you seem as if you're all powerful, and for that first period of our time in government, it looked as if we were carrying everything. You know, the opposition were very poor, we didn't just win one landslide, we then went on to win two, and I think part of the media frankly felt we were far too powerful, we had to be taken on and curbed and so on.

But, you know, in relation to this stuff with black arts, look, I don't -- I don't know whether Peter was doing it or Alastair was doing it, but if they -- all I know is that my interactions with them, we were aware that you start doing all that stuff, all it does is blow back on you. I'm a real believer in this regard that what goes around comes around.

So for me, the important thing was to have a strong effective media operation. I think that what Alastair produced for us in Downing Street was that, but I think it was a perfectly proper media operation.
A. Look, it's certainly a possible analysis, and I'm not saying we don't bear any responsibility for this situation -- don't misunderstand me -- as a political class, but I think if I'm frank about it, the primary responsibility is not having confronted it and dealt with it.

What I don't really accept, frankly, is this notion that when we came along in 1997, it was all operating fine, but then it got bad. In 1992, we weren't around.

I think -- and the other thing I would say, because I think this is very important in fairness to the media, and I tried to say this in my speech in 2007: I think a large part of this is due to the world in which we now operate and the media that has changed and the technology that's changed. I mean, this is a huge differential. You have 24-hour news channels. These guys have to say something. You know, they can't stand out there and say exactly the same thing they were saying a few moments ago.

So I think the environment within which we work, both of us, is far more raw and brutal and, in a sense,

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<td>Is that a possible analysis?</td>
<td>A.</td>
<td>Is the one hand, the political classes on the other -- and accidentally or unwittingly, they've created something which has grown beyond either of their contributions. Is that a possible analysis?</td>
<td>You have to be very careful of trying to do this by regulation as opposed to a shift in culture.</td>
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<td>A. Look, it's certainly a possible analysis, and I'm not saying we don't bear any responsibility for this situation -- don't misunderstand me -- as a political class, but I think if I'm frank about it, the primary responsibility is not having confronted it and dealt with it. What I don't really accept, frankly, is this notion that when we came along in 1997, it was all operating fine, but then it got bad. In 1992, we weren't around. I think -- and the other thing I would say, because I think this is very important in fairness to the media, and I tried to say this in my speech in 2007: I think a large part of this is due to the world in which we now operate and the media that has changed and the technology that's changed. I mean, this is a huge differential. You have 24-hour news channels. These guys have to say something. You know, they can't stand out there and say exactly the same thing they were saying a few moments ago. So I think the environment within which we work, both of us, is far more raw and brutal and, in a sense, really -- I don't think this is as difficult as people</td>
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<td>crude in terms of its interaction. So I think one of the things that -- this isn't because you've got a whole lot of bad people that have come along on either side, I think, but the world has changed and the question is -- and by the way, I notice this question being raised in many different countries -- is: how do you create, in this new media environment, a culture of political dialogue, debate and exchange that informs the public, that allows strong political views to be heard and doesn't end up as just a kind of race to the bottom of aggression? That's a proper question to ask. It's got nothing to do with who's to blame or who put the poison in or not. Your thesis is a perfectly possible thesis; I'm just telling you, frankly, how I see it. I'm going to look at the future in a moment, Mr Blair, but I've been asked to put to you two other sort of general points for consideration. The first is the issue about the fusion of news and comment, which you've articulated very clearly. The question is: how would you achieve the disconnect -- the desegregation, rather -- between the two, without interfering in the essential press freedom to set the agenda?</td>
<td>you have to be very careful of trying to do this by regulation as opposed to a shift in culture. Although I do notice, I think it's actually in the PCC code -- I hadn't realised this until I read the Inquiry papers -- that there is supposed to be a distinction between news and comment.</td>
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<td>A. Right. Well, if it's there, presumably someone, when they put it there, thought it might be possible to distinguish between those things, but -- I mean, I can't say with a certain section of the media anyone would recognise that distinction as being made. MR JAY: The second general point is that even if one were to want to segregate news and comment in clause 1, as the code suggests that's what we should be doing, how would that be attained without destroying the personality of a newspaper? One has a certain idea, I suppose, of the personality, the brand of the Mail and of the Sun. Why would one want to change those?</td>
<td>A. I don't think you would want to change them, but do you really -- I don't think this is as difficult as people</td>
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<td>are making out. The fact is that you can have a style of news and comment and the editorial line that creates a personality for the newspaper without news stories. This is my point. They're perfectly entitled, in a partisan way, to say, &quot;We're going to run X story rather than Y story&quot;, but within that story, I don't see how it really interferes with essential freedoms to say that the facts should be accurate. I find this a slightly bizarre -- I actually find it quite hard to understand what's being said here, unless you say, in which case fine -- look, if you say, &quot;Actually, it's not our job. We're not about conveying facts to you.&quot; Look, if you take the situation in the United States of America, which is a newspaper market I know a little bit better now, you have what I think is the main -- there's a sort of National Enquirer, which is not -- that's a sort of lively paper but no one takes it as a paper of record, particularly. You may find the National Enquirer has some issues with what I've just said, but it wouldn't be regarded as where you would go first to for the news. Then you have your papers like USA Today, Wall Street Journal, New York Times, Washington Post, Los Angeles Times, and in those papers, each of them has</td>
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<td>with the social media, a lot of which is, I mean, deeply 12</td>
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<td>opinionated and pretty factually inaccurate. 13</td>
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<td>unfortunately is usually the true colour of reality, 14</td>
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<td>What then becomes the case is you get -- it's not 17</td>
<td>A. I'm never sure about this, really. I think one of the 17</td>
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<td>merely the blurring of news and comment. You then get 18</td>
<td>reasons why the papers that actually do try and present 18</td>
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<td>this very violent and aggressive genre of attack which 19</td>
<td>thing -- I mean, look, I suppose it's the more 19</td>
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<td>I don't think is necessary for the paper to have 20</td>
<td>upmarket papers that do that, try and present it in 20</td>
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<td>a personality. But, you know, maybe newspaper people 21</td>
<td>a very straight way, but no, I think -- look, you can 21</td>
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<td>would disagree with that. 22</td>
<td>still be lively and interesting and -- I think it really 22</td>
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<td>LORD JUSTICE LEVESON: Why is it that our papers are 23</td>
<td>is a very pessimistic view of the world that says you 23</td>
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<td>different to the American papers, particularly given the 24</td>
<td>9 paragraph 11A of your statement -- you only identify 24</td>
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<td>First Amendment?! 25</td>
<td>8 the press, which you identify quite succinctly under 25</td>
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<td>A. Disaggregated market in America. There are lots of 2</td>
<td>7 first limb, which relates to, I suppose, the excesses of 2</td>
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<td>different sort of -- the feel in politics in California 3</td>
<td>the press, which you identify quite succinctly under 3</td>
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<td>is very different from that in Texas, for example. You 4</td>
<td>paragraph 11A of your statement -- you only identify 4</td>
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<td>have a far more diverse set of media outlets. 5</td>
<td>6 there the same sort of aggression that you've described 5</td>
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<td>LORD JUSTICE LEVESON: But there isn't the same -- or is 6</td>
<td>within the UK papers? 6</td>
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<td>there the same sort of aggression that you've described 7</td>
<td>A. I don't -- I mean, no doubt -- I don't want to go right 7</td>
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<td>within the UK papers? 8</td>
<td>outside my expertise but I think certainly in those main 8</td>
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<td>A. I don't -- I mean, no doubt -- I don't want to go right 9</td>
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<td>quite a strong set of standards operating there. You 10</td>
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<td>write a story, and will say, &quot;Is this really correct? 13</td>
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<td>journalists and ask -- you know, on the paper, if you 14</td>
<td>Do you have proper sources for this?&quot; and so on. 14</td>
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<td>write a story, and will say, &quot;Is this really correct? 15</td>
<td>But I think the biggest difference is we're 15</td>
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<td>think this is probably an area in which you're able to 24</td>
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<table>
<thead>
<tr>
<th>Page 33</th>
<th>Page 34</th>
<th>Page 35</th>
<th>Page 36</th>
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| underpinning I'm not sure and would like to think further about, because I can see all sorts of even halfway houses on this that might work. But the absolutely key thing is that it's seen as and is genuinely independent of the media and the government. LORD JUSTICE LEVESON: Is it possible, in your view, that it could work if it is entirely consensual; in other words, it's up to a particular newspaper, whether it's in or out? A. I think it's difficult, if you think it's really important, to say that someone's able to exclude themselves from it. I don't think in other walks of life you would have that. LORD JUSTICE LEVESON: I think in other walks of life you most certainly wouldn't have it. A. Yeah. LORD JUSTICE LEVESON: But the question is whether the significance that we all rightly attach to freedom of expression should mean that a totally different approach is necessary in the case of the press and is necessary for others who are also independent of government, like lawyers. A. Yes, I think because it is the press, you have to take immense care on the rules, right, and on what you're saying are the canons of behaviour that are acceptable or unacceptable. So for example -- a very good example of this is that I don't think you could say, whatever people like me might want, that -- you should say the press can't be partisan in their support of particular people or causes or political parties. So in that sense, they're different from broadcasters. So I think the rules have to be drawn up carefully. I find it difficult to see why, if they are -- you say that it's up to you whether you abide by it or you don't. LORD JUSTICE LEVESON: Yes. Well, you solve that, don't you, by saying that nobody's attempting to regulate content itself? A. (Nods head) LORD JUSTICE LEVESON: You may be seeking to regulate fact and comment, that sort of thing. You may want to complain about invasion of privacy or other potentially tortious behaviour, or even behaviour that's criminal which the police haven't investigated for whatever reasons. A. Yes, that's right. So I think you distinguish a number of categories here. There's behaviour that's criminal, that, for some reason, hasn't been investigated. That certainly. You have things that are very specific, to do with allegations that are made, intrusions of privacy or whatever, where it's very much an adjudicatory procedure. I think the third category that is most difficult is when you're talking about what I've been talking about as what I see as the political problem, and that, I think, is harder to deal with in the context of regulation, frankly. I think there you have to see: is it possible? And as I say, I think this will be most beneficial if it were led by the media themselves, or a section of them or, you know, where you actually have a situation where people said, "Look, this is actually about good journalism." Just the same as there's good behaviour or bad behaviour, whether they're politicians, lawyers, whoever else it is: "This is a profession. It has certain standards. How do we make sure those standards are upheld?"

LORD JUSTICE LEVESON: It may be that that actually is done in paragraph 1(3) of the code: "The press, while free to be partisan, must distinguish clearly between comment, conjecture and fact." The fact that they've not done it and the fact that it's not in force, which is essentially your thesis, is a different point, and really goes to your enforcement mechanism rather than to the existence of the fundamental principle within which journalism ought to operate. A. Yes, I think that's right. I think where I would say this one is, in one sense, qualitatively different, is that whereas -- whether X happened or it didn't happen is what I can see is a relatively simple decision to make. You weigh up the evidence, decide whether it happened or not. I think it is, actually, to be fair, inherently more difficult to separate the news and the comment. On the other hand, I think it is possible to do so, but I would, in that instance, expect that the way that that was enforced would be as much through a change in culture as specific attempts to try and -- I can see you could get into all sorts of issues now. LORD JUSTICE LEVESON: I understand entirely. All that could happen is that somebody who complained that they'd been the subject of unfair treatment because of the mismatch between fact and comment should be allowed to complain and get some sort of redress in some way, whatever it is. That's actually what the PCC should be doing at the moment. A. No, absolutely, and I think in a sense, the question really is -- the standards that should apply are
<table>
<thead>
<tr>
<th>Page 37</th>
<th>Day 79 - PM</th>
<th>Leveson Inquiry</th>
<th>28 May 2012</th>
</tr>
</thead>
<tbody>
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<td>1</td>
<td>actually pretty clear. The question is: are they going to be applied or do we simply say, &quot;Well, this is too difficult&quot;?</td>
<td>1</td>
<td>So it has to work for people who can't afford it.</td>
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<td>2</td>
<td>All I'm saying about that one is -- you know, this refers back to the question you put to me a little earlier. I can see why that's the tough one to do.</td>
<td>2</td>
<td>It has to be speedy and it has to be effective. In other words, it has to achieve a result.</td>
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<td>I personally think you can do it, but I accept that that is more about -- as I would say, it's a kind of cultural change. So I'm not saying you don't have it there, but I think it's always inherently going to be more difficult to make that judgment than it is to make a judgment about: is your privacy intruded upon or not?</td>
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<td>A. Mm-hm.</td>
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<td>5</td>
<td>MR JAY: I think those were the all the questions I had, but there may be further --</td>
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<td>LORD JUSTICE LEVESON: If it can be done collusively by mediation, that's fine. I've no problem about that.</td>
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<td>LORD JUSTICE LEVESON: Let's pursue the future a bit more. I'm very conscious that you said that you wanted to think about the issues a bit more, and I'd be very grateful for your assistance. As I've said to a number of people, as a lawyer and a judge, I'm very used to looking backwards and trying to decide what happened and reaching conclusions about the facts in that way, but as many people have said, including those at the seminars which started off this Inquiry, it's not necessarily a given that a judge will be the best person to make recommendations for the future. It was put rather less kindly than that, but I can live with that.</td>
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<td>So whatever assistance you can give, who have thought about how you change things for the future, I'd be very interested. Let me give you some potential issues.</td>
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<td>First of all, I agree with you entirely that whatever comes out of this must be independent of government, independent of the state, independent of Parliament but independent of the press. It has to have expertise on it or available to it, but must command the respect of the press but equally the respect of the public. Secondly, it seems to me that it can do lots of different things. I would like to think about a system -- and I don't have answers, I'm merely throwing up questions -- that provides redress particularly to those who can't afford to litigate. You comment that your wife has started 30-odd sets of proceedings, and in different circumstances she wouldn't have been able to do so.</td>
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<td>Second is some sort of mechanism to resolve disputes. So that can be consensual, the complaint-solving thing, but a mechanism in the absence of consensual resolution.</td>
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<td>The second is some sort of mechanism to resolve disputes. So that can be consensual, the complaint-solving thing, but a mechanism in the absence of consensual resolution. I would also like you to think about whether I can't cope with another problem, which relates to prior notification. I well understand the reasons that the European Court gave for rejecting Mr Mosley's complaint. His evidence was very clear: &quot;If you can stop my leg being chopped off, why would you not want to stop it being chopped off, rather than trying to stitch it back on afterwards?&quot; So I understand the point, but I equally understand that there is an argument that in some circumstances requiring prior notification would lead to litigation and would kill the story. So there has to be some way of drawing a line.</td>
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<td>I share this with you -- and I don't think I'm not saying things that I've not said before. One possibility might be to say there is some mechanism within the regulatory regime that allows the press to say, &quot;Look, we have this story, we don't feel we ought to notify the subject of it for these reasons: he'll destroy the evidence&quot;, or whatever -- it doesn't matter -- and to get a view. That view doesn't bind the editor. He's perfectly entitled to say, &quot;Thank you very much. I reject it.&quot; If, however, that independent person, who is really there as a check for editorial enthusiasm, says, &quot;I take that point, I think that's reasonable&quot;, then the editor ought to be able to prove that in a court at a subsequent challenge, to say, &quot;I took reasonable steps.&quot; It's a Reynolds-type point.</td>
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<td>Thirdly, it seems to me that this is more about -- as I would say, it's a kind of cultural change. My point is that we have to achieve a result for people who can't afford to litigate. In other words, it has to work for people who can't afford it.</td>
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| LORD JUSTICE LEVESON: If either he doesn't ask or alternatively he does ask and gets the answer: "No, we think you ought to notify", then again, that doesn't mean he shouldn't publish, it's up to him, but then perhaps there should be a potential regime for exemplary damages. I'm just throwing out ideas. And then you get a decision. But then I have another mechanism for swift resolution of privacy, small libel-type issues. Not the enormous stuff, perhaps an inquisitorial regime which can be done without lawyers, but some mechanism for members of the public to be able to challenge decisions and get a swift response. On top of all that, one has to have a mechanism that means that sanctions work. I recognise entirely the parlous financial position of much of the press, but it's important that sanctions are taken seriously. Add to all that mix the Internet. A. Mm.

| LORD JUSTICE LEVESON: Or whether the line should be drawn between conversations in a pub through tweeting, which I appreciate can go to millions, through blogs, which equally can be followed by millions or only by a few, into the press. Because I am struck by the fact that what the BBC does is covered by quite different rules to what the Guardian or News International does, or Associated Newspapers do, and yet you could look at their websites and on the face of it they're doing similar things. A. Yes.

| LORD JUSTICE LEVESON: Now, I'm not suggesting the press should become impartial. I entirely agree with everything you've said about that, and that is the importance that a free press brings to our society, and although I know people continually repeat that I am out to undermine freedom of the press, I will carry on saying -- this is rather repetitious evidence, as you feel you've been driven to do over the years -- that I have absolutely no interest in imperilling the freedom of expression or our free press. Absolutely none. But it does seem to me it ought to be possible to find a way of solving all that without imperilling what is important to our society. I recognise immediately that that's the task -- and you're entitled to say this -- that was given to me by the Prime Minister last July, and why should you take it on. Of course there's no compulsion, but because these are issues that you have thought about, if you can provide me with some view, I'd be very grateful and welcome receiving it. A. Well, thank you, sir. I mean, I will do that. I mean, look, I think this is a very difficult task, and I think some of these questions are difficult -- not just for our country, by the way, but as I say, I think this is a debate that increasingly will take place around certainly the democratic world, as to how you deal with these questions. Rather than giving you responses now, I'll -- some of these, I think, are very, very tough questions indeed, especially around some of the things to do with social media. I think in a curious way, the easiest ones to deal with are those that deal with the issues to do with intrusion and privacy and so on. I think the other ones are a lot harder. But I do think this is -- and I think the other thing that hopefully can come out of this is that you do get something of a political consensus around it. LORD JUSTICE LEVESON: I have absolutely no doubt that a political consensus is very important, if not critical, because one of the greatest concerns that I have is that, in the absence of such a consensus, the whole thing will become too difficult, for the very reasons you identified at the very beginning of your evidence, and I have no doubt that any Prime Minister, of whatever political situation, will have all sorts of ideas and policies which they will want to implement, if given a chance to do so. I am not sure that this issue is high enough on the agenda -- it may be today and during the currency of this Inquiry, but whether it remains so is difficult. A. (Nods head)

| LORD JUSTICE LEVESON: And yet what troubles me -- and I've said this many times before -- is that if you recount our history since the war, there have been four or five efforts, and it's always ended up too difficult. A. (Nods head)

| LORD JUSTICE LEVESON: When I said to Mr Paxman that I didn't want my report to end up on the second shelf of a professor of journalism's study as yet another failed attempt, his only comment was to say, "As high as the second shelf?" A. Yeah, that sounds like Jeremy.

| LORD JUSTICE LEVESON: So even the bottom shelf is, in his view, obviously a possibility. A. Yeah, look, I think there is a chance to get this in a better place, actually, and I -- there would be many parts of the media that would disagree with this, but I think there are a lot of people in journalism and in the media who, if the framework within which they are operating is different, it will also give them, frankly,
the freedom to be -- to do their job properly, without
believing that they are in some competitive rush to the
bottom, because I think -- as I've tried to say
throughout, I think part of all of this is to do not
with particular individuals or particular newspapers or
bits of the media, but is to do with the way the world's
changed, and I think this has probably been growing and
building up for a long period of time, and now I think
it is a sensible moment in which we say, "Look, how do
we protect absolutely our democratic freedoms but make
sure that they are working within a system that is
mature enough also to be fair to people?"

LORD JUSTICE LEVESON: I agree. The reaction to the whole
Inquiry has been itself illuminative. In part,
aggressively defensive of the media’s position; in other
parts, recognising that something else has to change.
I hope that the press will work with a solution rather
than against a solution, by recognising that the last
thing I want to do is to imperil freedom of speech or
a free press, and that if any suggestion I have might
have that possibility, as I've talked about them -- and
I have no doubt at all that they will pore over the
words I've just uttered to you -- then I will expect to
be told so, because that is not my intention. But to
get a solution that will work and that is sensible most
certainly is.

A. Well, I think people who are in -- from my side on
politics -- I mean, those people who are engaged in the
political side -- should try and help do that. I think
if it's done in the right way, I think it can improve
the quality of political debate and the quality of our
democracy, but then I think you're right in recognising
this will be very tough. But I think the absolute key
to it will be to try and establish a basis that people
genuinely think is protective of press freedom but
allows a situation which -- I mean, most people in my
position have been uncomfortable with for a long time --
to have that resolved in a way that is right and proper
and fair.

LORD JUSTICE LEVESON: I'm not in any sense suggesting that
they shouldn't continue to hold politicians and judges
to account for everything that they do.

A. I'm sure they will.

LORD JUSTICE LEVESON: Mr Blair, thank you very much indeed.

A. Thank you, sir.

LORD JUSTICE LEVESON: Thank you. That concludes the
business for today, Mr Jay.

MR JAY: Yes.

LORD JUSTICE LEVESON: Right. Thank you very much indeed.

(3.12 pm)
interferes 28:7
interfering 26:22
International 2:2,22 42:1
Internet 6:9
intervention 11:10
interventions 11:9
intimidated 17:1
intra 12:11
intruder 1:13
intrusion 43:13
invasion 12:8
investigated 34:20
investigating 32:21
investigation 1:10 14:6,7,22
invidious 13:22
involve 39:1
involved 1:16
involves 16:10
issue 2:18 6:18
issues 18:10 19:4
involved 1:16
involved 16:10
involves 16:10
investigation 1:10 14:6,7,22
K
keep 15:24
Kelly 18:4
kernel 18:19,21
key 3:34 46:6
kill 8:13 40:7
kind 3:23
kind 5:16 10:25
kind 15:17
kiddies 38:1
Kinnock's 16:19
knew 2:3
know 2:16 3:10 3:6 4:9,25
known 2:51 6:24 7:1,10
knowledge 7:17
knowledge 8:7,25
knowledge 19:23
knowledge 10:21
knowledge 12:13,18,12
knowledge 2:15
knowledge 12:13 15:10
knowledge 14:18 1:1
knowledge 19:24 2:14
knowledge 2:9 22:9
knowledge 10:13 24:2
knowledge 7:8 10
knowledge 25:21
knowledge 29:21
knowledge 35:12
knowledge 32:10
knowledge 42:10
knowledge 3:4
knowledge 18:25
knowledge 18:27
knowledge 28:15
knowledge 29:21
knowledge 35:12
knowledge 18:27
L
Labour 1:21 2:2
labor 12:16
landing 14:1
landslide 24:3
large 25:17
late 19:21
launch 19:6
law 32:11
lawyers 37:19
lead 40:6
leaked 1:6
led 34:35
left 5:19
leg 39:20
legal 10:21
legislative 6:16
legitmate 10:6
let 10:11 12:21
letter 3:22
letters 10:20
let's 19:7
levy 1:19
LEXIPOP 1:5
lexicon 2:22
liberal-type 41:9
lies 14:9
life 11:24 12:11
lighthouse 7:25
limbs 32:6
line 11:25 12:1
line 13:8 28:4 40:8
line 41:20
lines 9:8 11:22
listen 5:12
listening 7:25
listening 38:17
litigation 40:6
little 5:2 7:17 11:7
live 5:15
live 10:3
lives 28:18
lobby 17:13 20:18
long 16:5 45:8
look 7:13 8:7,19
looking 25:9
looking 25:20
Lord 1:5 31:25
Los 28:25
lot 1:17 7:31
low 1:23
luke 10:18
LYNTON 48:3
M
Mail 9:20 10:14
main 28:16 30:9
mainstream 5:19
major 19:7
making 11:23
make 14:20
mail 29:8
mailable 18:16
Mandelson's 3:2
mansion 22:3
Mandelson's 3:1
market 3:20 10:8
market 28:15
mark 30:1
Marr 18:16 22
mass 20:18
masses 20:1
master 20:21
matters 19:7
matter 40:15
mature 45:12
McBride 22:2
mean 41:12
means 30:1
mean 14:8,10
measuring 36:2
measuring 35:10
measures 30:1
measures 11:18,18
meeting 22:12
members 11:19
members 11:19
mentioned 2:18
merely 29:18
merely 38:15
message 9:14
measures 15:1
measures 41:6
mediation 39:6
media's 45:15
meetings 22:12
mint 6:6
minister 5:15
millions 41:22,23
mind 6:6 21:24
mistake 19:7
mistake 7:17
mistake 19:7
Mirror 19:11
mix 4:18
mix 40:25 41:19
Mm-mmm 39:4
model 19:21
mode 8:14
modern 4:13
moment 26:16
moment 37:16
moment 39:4,
months 8:1
Monday 1:1
money 38:24,25
monthly 17:7
more 19:21
Mosley's 39:24
mother 3:22
motive 6:1
mouth 12:3
move 19:23
Mowlam 19:22
MPs 8:16
Murdock 2:19
mythology 23:5
N
N 48:2
name 39:14
National 28:17
nature 1:14 7:16
necessarily 37:23
necessary 11:14
need 14:3 25:13
need 29:20
need 33:20
need 5:3 13:6
needn't 15:21
never 3:19 21:13
next 21:13 23:26
next 21:13 31:19
new 26:7
next 28:24
next 22:2
next 22:24
next 29:22
next 11:19
next 29:21
newspaper 19:8
newspaper 27:28 13:5
newspaper 33:8
newspapers 4:6
next 19:30
next 1:14 42:2
next 45:5
nobody's 34:13
Nod 7:1 15:5
noise 6:20
notes 17:14,16
notice 26:5 27:3
notification 39:23 40:6
notify 40:14 41:3
notion 25:11
November 10:19
November 11:19
November 11:18,18
November 34:2 37:18
November 39:10
nothing 5:18
objective 5:18
object 21:6
Page 51
| wonder | 20:2 | world | 5:17 |
| words | 12:4 15:8 | || work | 3:8 22:17 |
| | 22:13 33:7 | | 25:24 33:3,7 |
| | 39:3 45:23 | | 39:1 41:15 |
| | 45:17,25 | | 45:7 |
| worked | 16:5,15 | working | 8:16 |
| | 45:11 | world's | 3:9 5:10 |
| | 6:19,22 20:11 | | 23:24 25:17 |
| | 26:4 30:21 | | 31:8,15,25 |
| | 43:6 | world's | 45:6 |
| wouldn't | 3:10 |write | 30:14 |
| | 18:25 28:21 | writing | 6:8 |
| | 33:15 38:19 | | 20:15 |
| | written | 10:25 | 11:1,7,7 12:16 |
| | 29:5 | wrong | 4:19 5:17 |
| | 9:21 11:5 | | 12:21 21:4 |
| | 24:22 | wrote | 3:22 20:13 |
| | | | X 28:5 36:7 48:2 |
| | | X | Y 28:6 |
| | | yeah | 9:9 11:16 |
| | | 12:7 15:13,15 | 16:22 33:16 |
| | | 44:17,20 | years | 3:6 10:5 |
| | | 17:20 42:13 | York | 28:24 |
| | | | 05557 7:3 |
| | | | 1 27:7,18 48:3,5 |
| | | | 1(3) 27:8 35:20 |
| | | | 10 47:1 |
| | | | 11 12 14 1A 32:9 |
| | | | 161 20:24 |
| | | | 19 7:2 |
| | | | 214 22:1 |
| | | | 1992 25:13 |
| | | | 1997 25:12 |
| | | | 2 00:1 4 |
| | | | 2006 7:7,22 |
| | | | 2007 25:16 |