

<p>1 Wednesday, 13 June 2012</p> <p>2 (10.00 am)</p> <p>3 MR JAY: The first witness today is the Right Honourable</p> <p>4 Nick Clegg, please.</p> <p>5 LORD JUSTICE LEVESON: Thank you.</p> <p>6 MR NICHOLAS WILLIAM PETER CLEGG (affirmed)</p> <p>7 Questions by MR JAY</p> <p>8 MR JAY: You kindly provided us with a witness statement</p> <p>9 signed and dated 30 April of this year, together with</p> <p>10 one exhibit. Is this the formal evidence you're</p> <p>11 tendering to this Inquiry?</p> <p>12 A. Yes.</p> <p>13 LORD JUSTICE LEVESON: Deputy Prime Minister, thank you very</p> <p>14 much indeed for the statement. As I've said to I think</p> <p>15 all your predecessors sitting there, I'm very grateful</p> <p>16 to you for the obvious work that's been put into</p> <p>17 compiling the material for the Inquiry. Thank you.</p> <p>18 MR JAY: Mr Clegg, first of all you deal with the broader</p> <p>19 role of the Inquiry and state that "A strong, free,</p> <p>20 diverse press is the lifeblood of a democratic society",</p> <p>21 but would you agree that a free press needs to be</p> <p>22 balanced against the responsibilities attendant on that</p> <p>23 press?</p> <p>24 A. Yes. It is a balance, isn't it? I think a free press</p> <p>25 self-evidently is the lifeblood of a free and democratic</p> <p style="text-align: center;">Page 1</p>	<p>1 positive effect sometimes.</p> <p>2 I think the balance to strike, however, is to make</p> <p>3 sure that politicians are not too -- how can I put it?</p> <p>4 Not too weak-kneed in face of pressure which they don't</p> <p>5 agree with or is unwarranted or is unjustified in</p> <p>6 a mature democracy. The pressure is one thing.</p> <p>7 Intimidation is another. And I think it's very</p> <p>8 important to point the finger not just at the press but</p> <p>9 the political class. The more the political class allow</p> <p>10 themselves over time to be intimidated or cajoled or</p> <p>11 pressured, of course the more it becomes</p> <p>12 a self-fulfilling prophecy.</p> <p>13 Q. You refer specifically in paragraph 6 to "highly emotive</p> <p>14 and partisan coverage" and then, in paragraph 8,</p> <p>15 newspapers needing to "tread a careful line between</p> <p>16 legitimate expression of forceful opinions and simply</p> <p>17 projecting propaganda". How do you achieve that last</p> <p>18 objective, in other words keeping on the right side of</p> <p>19 that careful line?</p> <p>20 A. Well, this is the \$10 million question. The Press Code,</p> <p>21 the Editors' Code itself has very clear, powerful</p> <p>22 wording saying that it is important the press should</p> <p>23 distinguish between fact, conjecture and opinion.</p> <p>24 I think it's fair to observe that that's not always</p> <p>25 readily recognisable in the content of what is published</p> <p style="text-align: center;">Page 3</p>
<p>1 society, and the freedom of the press needs to be</p> <p>2 protected at all times at all costs, but it needs to be</p> <p>3 balanced against the risks of abuse of power, and this</p> <p>4 is not just in the press and media domain, but when</p> <p>5 concentrations of power or power as wielded</p> <p>6 unaccountably occurs, you need to try and find some</p> <p>7 remedies and safeguards against that.</p> <p>8 Q. You deal with four specific areas, first of all covering</p> <p>9 the interaction between politics and the media. They</p> <p>10 start at paragraph 4 of your statement. I'm going to</p> <p>11 invite you to elaborate on each of those orally, as you</p> <p>12 see fit.</p> <p>13 The first specific rubric is media influence over</p> <p>14 government policy, which is paragraphs 5 to 8.</p> <p>15 A. Yes. I mean, the point here that I was seeking to make</p> <p>16 is that the media are entirely entitled and individual</p> <p>17 newspapers or newspaper groups are entirely entitled to</p> <p>18 hold strong views and to seek to promote those views and</p> <p>19 to seek to persuade, pressure governments to adopt those</p> <p>20 views. That is entirely legitimate and should be</p> <p>21 defended at all costs. And also, of course, it provides</p> <p>22 a very important corrective in the political system, so</p> <p>23 whether it was the Daily Mail on the Stephen Lawrence</p> <p>24 Inquiry, the Guardian on hacking, when the media picks</p> <p>25 up the cudgels like that, it has a very powerful and</p> <p style="text-align: center;">Page 2</p>	<p>1 day in, day out in our press, but I personally cannot</p> <p>2 see any means by which you would seek to regulate,</p> <p>3 legislate; I think that would be very dangerous.</p> <p>4 I think it is a principle which is stated in the</p> <p>5 code, and the more the press abides by its own code the</p> <p>6 better, but I would be very wary indeed, as a sort of</p> <p>7 liberal who believes passionately in the freedom of the</p> <p>8 press, I'd be very wary indeed of going down a slippery</p> <p>9 slope trying to somehow intrude from outside in trying</p> <p>10 to distinguish between fact, opinion and comment. They</p> <p>11 blur constantly and I don't think you could legislate to</p> <p>12 unravel them.</p> <p>13 LORD JUSTICE LEVESON: But you're not suggesting that it's</p> <p>14 not a principle which the press ought themselves</p> <p>15 follow -- or not follow?</p> <p>16 A. Well, it's a stated principle in the code.</p> <p>17 LORD JUSTICE LEVESON: Of course it is, although various</p> <p>18 people have said various things about that.</p> <p>19 A. Yes.</p> <p>20 LORD JUSTICE LEVESON: As you probably are aware.</p> <p>21 I entirely understand that it's not something that you</p> <p>22 would ever want to try and legislate for, because</p> <p>23 content is sacrosanct --</p> <p>24 A. Exactly.</p> <p>25 LORD JUSTICE LEVESON: -- for reasons of free speech and the</p> <p style="text-align: center;">Page 4</p>

<p>1 like, but that's not to say that there shouldn't be 2 internal controls so that at least it's thought about, 3 by the press themselves. 4 A. Yes. And in a sense, I think the public is entitled to 5 believe that that is or should be the case already, 6 given the unambiguous wording and intent of the code. 7 I mean, I think most people would view a code as being 8 exactly that, a code which is adhered to, not a sort of 9 pick and choose menu of aspirations. So I really think 10 the onus in respecting the code is on the press itself, 11 and if out of this process there were to be greater 12 respect for the code that the press itself believes in, 13 has formed, has drafted, I think that would be a good 14 thing. 15 My simple observation is I think it's a cul de sac 16 to believe that that issue, how you distinguish between 17 comment, fact and conjecture, could somehow be fixed 18 from some external route. 19 LORD JUSTICE LEVESON: As you correctly make the point, 20 there are no bright lines, inevitably, because your 21 selection of facts, each one of which may be accurate, 22 may themselves lead to an inferential comment, whereas 23 if you select the facts differently, then the comment is 24 different. 25 A. Yes. I think we're going to stray into very Page 5</p>	<p>1 as I said earlier, it's quite right, legitimate, to be 2 expected that the media will want to seek to persuade 3 politicians of their points of view. I just think that 4 that relationship should be laced with a healthy degree 5 of scepticism about the motives of both sides in that 6 relationship, and a certain sort of distance, and that 7 clearly, that distance, that scepticism which I think 8 should exist as it happens between the political class 9 and any vested interest in society, not just the press 10 but the trade unions, the City of London, I mean the 11 point of good government is that you do not allow 12 yourself to be unduly swayed by one interest or another. 13 It's an old-fashioned liberal view which I strongly 14 believe in. That is clearly threatened or can be 15 undermined when you get, as I say, a relationship of in 16 effect clientalism where party X feels it owes it to 17 press group Y because press group Y is supporting party 18 X. 19 The press have an incredibly valuable asset in their 20 possession, which is unique amongst any vested interest 21 in British public life, which is their ability to 22 promote politicians and political parties in a way which 23 then leads to an increased number of votes, and that, 24 after all, is the heart of what the democratic contest 25 is all about. Page 7</p>
<p>1 philosophical territory here, but I think the idea that 2 there are such things as facts which speak in a sort of 3 unalloyed form for themselves and are not in any way 4 tempered by the way they're ordered, the way they're 5 presented, the language which is used around them -- 6 I don't believe intuitively in the idea that there is 7 this thing called pristine fact which can somehow be 8 entirely isolated from the context in which it's 9 presented and perfectly accurate facts can be 10 nonetheless presented in a form to make a wider 11 subjective point. 12 MR JAY: Thank you. Your second general points starts, 13 Mr Clegg, at paragraph 9, the relationship between the 14 media and political parties, and here again you state in 15 paragraph 10 it's a question of balance and one needs to 16 get the balance right, and you set out the problems. 17 May I ask you to elaborate on those points, please. 18 A. The point I make here is that to get the balance right, 19 mutual interest between politicians and the media will 20 always exist, but mutual dependency, and what I call 21 political clientalism must be avoided. 22 I think that it is right, inevitable, legitimate, 23 and to be expected, that politicians will seek out the 24 media, because you can't do your job as a politician 25 unless you seek to convey your views via the media, and Page 6</p>	<p>1 LORD JUSTICE LEVESON: What we've called throughout the 2 Inquiry the megaphone that the press actually have and 3 can use to effect. 4 A. Yes. Exactly. I guess my point is that us politicians 5 must be clear to put this relationship in perspective. 6 I think sometimes there has been a tendency in the past 7 to say if tabloid X produces an editorial the day before 8 the General Election supporting party Y, then party Y 9 will inevitably win. Actually, experience shows that 10 the public, thankfully, are much smarter than that, 11 don't just do what their newspapers tell them to do, and 12 of course increasingly derive their information from 13 such a wide array of media and different sources that 14 this kind of automaticity of support X will lead to 15 increase of vote Y doesn't really -- I don't think it 16 ever frankly existed quite in the way that is assumed in 17 the Westminster political imagination, and I think that 18 is less so as time has gone on. 19 MR JAY: You return to this point in paragraph 25, where you 20 stress the need to maintain a clear distinction between 21 different domains of power. The relationship should 22 remain conceptual and at arm's length and with clear 23 boundaries, but again the question is how is that 24 appropriate relationship achievable and achieved? 25 A. Well, transparency is a major component of this. The Page 8</p>

<p>1 more that relationships flourish in the shadows, the 2 less accountable by definition they are, so the more 3 transparency there is, the more information there is in 4 the public domain about interactions between politicians 5 and the press and, as I've said earlier, any other 6 vested interest in society, the better. That's why 7 I think some of the steps that we've taken recently in 8 this Coalition government, we've changed the ministerial 9 code such that there will be regular publications for 10 the first time of interactions between people like me 11 and editors, proprietors and so on, I think that's 12 a significant step forward.</p> <p>13 And dare I say it, I actually think this Inquiry 14 itself, by shining such a sustained spotlight on the 15 relationship not just between the media and the press in 16 this module but, before it, the media and the police, 17 I think will have quite a dramatic and lasting effect, 18 which will lead to that greater scepticism and wariness 19 which I think is part of a healthy relationship.</p> <p>20 I can't stress enough, I don't -- the idea that 21 politicians and the press should operate in hermetically 22 sealed silos separate from each other is completely 23 unrealistic and it's totally right they should seek each 24 other out. It's just the manner in which they do so and 25 the spirit in which they approach each other.</p> <p style="text-align: center;">Page 9</p>	<p>1 worked, and it clearly hasn't -- I mean, the PCC, I have 2 to stress, I think it's populated by some very good 3 people who try and do a very good job and do it very 4 diligently, but it is a relatively toothless operation 5 and, as I said, it's run by the people it's supposed to 6 hold to account.</p> <p>7 I'm sure we'll cover this later, I'm very happy to 8 enter into detail on my own thoughts on this, but 9 I think we're moving to a phase where everybody -- we've 10 given enough opportunities to that pure judge and jury 11 self-regulation method to prove itself, and each time it 12 seems to have come a cropper. There's a much more 13 difficult question about what do you replace it with in 14 a way which doesn't fetter or hinder or trample upon the 15 freedom of the press.</p> <p>16 Q. In paragraph 16 you touch on the issue of lobbying from 17 the media, but we'll pick that point up a little bit 18 later, Mr Clegg.</p> <p>19 Your fourth general point is corporate governance 20 and the culture of impunity. I think it was Ms Harman 21 yesterday used the same term. You independently have 22 alighted on it, the culture of impunity. Can I ask you 23 to develop that point, particularly the point of 24 corporate governance, please, Mr Clegg?</p> <p>25 A. The point I was simply making is it -- I mean, it just</p> <p style="text-align: center;">Page 11</p>
<p>1 Q. Your third point, commercial interests of the media, 2 flows on really from the second point, and the point is 3 that the media are often lobbyists in their own 4 interests.</p> <p>5 A. Sure.</p> <p>6 Q. By which you mean their commercial interests, but can 7 I ask you specifically about paragraph 14 and previous 8 attempts to address media standards which of course 9 falls within the terms of reference of this Inquiry. 10 But do you feel, Mr Clegg, that specific lessons need to 11 be learnt from that?</p> <p>12 A. Well, what I was referring to there was that the Calcutt 13 report did not initially recommend any statutory 14 underpinning or basis for the new regulatory 15 recommendations that were made by Calcutt. Calcutt 16 later concluded that was a mistake and said that relying 17 on arrangements which are in the gift of the press 18 themselves, asking the press to be judge and jury of 19 their own affairs, is based on a self-evident flaw. 20 You're asking a vested interest to judge itself when 21 things go wrong, which -- I can't think of any other 22 vested interest in society which is so immune to the 23 normal standards of accountability when things go wrong. 24 That, then, of course, gets us into the very 25 interesting territory of if pure self-regulation has not</p> <p style="text-align: center;">Page 10</p>	<p>1 beggars belief that we now know that illegal activities 2 appear to be taking place on an almost industrial scale 3 and the basic mechanisms of internal accountability and 4 internal scrutiny, namely the corporate governance of 5 the individual newspapers and the press groups 6 concerned, just didn't pick that up. Or maybe did pick 7 it up and did nothing about it. I don't know. That 8 just seems to me to be in a sense stating the obvious, 9 that is a failure of corporate governance on quite 10 a significant scale.</p> <p>11 Elsewhere in my written evidence, I suggest that if 12 a journalist feels they need to do things which are 13 intrusive and unusual in order to pursue a story which 14 is self-evidently in the public interest, I don't think 15 we should be squeamish about that. I think it's right 16 that journalists and investigative journalists will use 17 methods to really get to the truth which is actively 18 being hidden by others. If truth is being hidden by 19 others, then you have to get out a spade and shovel to 20 get to it, and I think we should never prevent 21 journalists from doing that. But I think the means in 22 which they do that should be clearly understood by those 23 who oversee their work in the newsroom and in the 24 newspaper, and that is an issue of corporate governance. 25 Again, this is a challenge for the press rather than</p> <p style="text-align: center;">Page 12</p>

<p>1 something for us to try and micromanage from outside the</p> <p>2 newsroom, but I would have thought that when journalists</p> <p>3 take those steps, they shouldn't just be operating solo</p> <p>4 in the shadows. There should be some basic arrangements</p> <p>5 by which people are aware of what they're doing and that</p> <p>6 the chain of command, if you like, understand that it's</p> <p>7 being done for the right reasons.</p> <p>8 Q. Thank you. May I move forward in your statement to</p> <p>9 question 4, which is page 13802, paragraph 28.</p> <p>10 A. Yes.</p> <p>11 LORD JUSTICE LEVESON: Just let me sound a note that I'd</p> <p>12 like to come back to that last point later, because it</p> <p>13 does raise some quite interesting questions about where</p> <p>14 the balance should lie between investigative journalism,</p> <p>15 which everybody agrees is in the public interest, and</p> <p>16 the approach of the state when illegal behaviour by</p> <p>17 journalists is revealed. That's a topic which we</p> <p>18 discussed yesterday and I'd welcome your views on, but</p> <p>19 we can come back to it later.</p> <p>20 A. If I may, sir, just on that point, and we'll come to it</p> <p>21 later, I think it depends very heavily on what our</p> <p>22 understanding and definition is of the public interest.</p> <p>23 I think if you're not clear about what the public</p> <p>24 interest is, and we have a rather fungible unclear</p> <p>25 definition, it's actually defined in rather different</p> <p style="text-align: center;">Page 13</p>	<p>1 A. Yes.</p> <p>2 LORD JUSTICE LEVESON: And at some stage we possibly may</p> <p>3 have the chance to get back to it. I'm sorry, Mr Jay.</p> <p>4 MR JAY: Paragraph 28, Mr Clegg, on General Elections. May</p> <p>5 we just take as a vignette, if that's the right way of</p> <p>6 describing it, the last General Election and your</p> <p>7 experience.</p> <p>8 A. A vignette? It's not how it felt, but anyway.</p> <p>9 Q. Yes. There was, I suppose, one good moment. After the</p> <p>10 first TV debate -- there were three debates, as we know,</p> <p>11 on 15, 22 and 29 April -- there was a -- it has been</p> <p>12 described as a spike in your poll ratings, but then</p> <p>13 there was coverage in some elements of the press which</p> <p>14 was hostile to you.</p> <p>15 First of all, what was your view as to the objective</p> <p>16 reality of the spike, if I can put it in those terms?</p> <p>17 Was it synthetic or did it genuinely reflect an</p> <p>18 underlying increase in support for you?</p> <p>19 A. I think my view at the time was fairly sort of pragmatic.</p> <p>20 I was conscious of the fact that from the public's point</p> <p>21 of view many people weren't really aware of who I was</p> <p>22 and what the Liberal Democrats were putting forward in</p> <p>23 the General Election, so the widely watched television</p> <p>24 debates were -- the new bit in that for the public was</p> <p>25 the fact that I was there saying stuff that was</p> <p style="text-align: center;">Page 15</p>
<p>1 ways by different organisations, I think that creates</p> <p>2 a lot of -- the potential for a lot of</p> <p>3 misunderstandings.</p> <p>4 LORD JUSTICE LEVESON: I think you're absolutely right, and</p> <p>5 it's one of the reasons why I think it's very difficult</p> <p>6 to create hard law that defines the situation, and it's</p> <p>7 probably better to retain an element of flexibility, and</p> <p>8 that's where your point about appropriate internal</p> <p>9 controls in my thinking becomes much more important. To</p> <p>10 protect the journalists who are doing important work in</p> <p>11 the public interest --</p> <p>12 A. Yes.</p> <p>13 LORD JUSTICE LEVESON: -- without allowing what literally</p> <p>14 might be a get out of jail free card to those who aren't</p> <p>15 in truth working in the public interest but are simply</p> <p>16 prepared to dig around for stories that have no public</p> <p>17 interest at all.</p> <p>18 A. That's right. Exactly. And issues of corporate</p> <p>19 governance like that could be where a new regulatory</p> <p>20 mechanism could help. It could help to sort of maintain</p> <p>21 the right sort of standards, non-statutory though they</p> <p>22 might be, in the day-to-day operation of those kind of</p> <p>23 checks and balances within the newsroom.</p> <p>24 LORD JUSTICE LEVESON: Yes, but at the same time one has to</p> <p>25 see how the criminal law interfaces with that.</p> <p style="text-align: center;">Page 14</p>	<p>1 different to David Cameron and Gordon Brown, and that</p> <p>2 had an effect, self-evidently, at a time when the public</p> <p>3 was weary of the outgoing government and was not fully</p> <p>4 persuaded of the most prominent alternative, the sort of</p> <p>5 Conservative proposition, so there was an appetite for</p> <p>6 something different, and to that extent I think it was</p> <p>7 perhaps not, with hindsight, that surprising that when</p> <p>8 an alternative, something different, was put forward,</p> <p>9 people responded to that.</p> <p>10 But I have to say personally I never got that swept</p> <p>11 away with it, because I've seen even in my time in</p> <p>12 politics that fortunes go up and down quite rapidly.</p> <p>13 It's a volatile business and you should never pin your</p> <p>14 hope on one spike or one opinion poll. They -- it tends</p> <p>15 not to work like that. As indeed it didn't in the</p> <p>16 event. Our final result in the -- on election day fell</p> <p>17 far short of the expectations which were hyped up around</p> <p>18 the time of that first television debate.</p> <p>19 Q. There was one comment piece in the Guardian on 18 April,</p> <p>20 which was three days after the first debate, written by</p> <p>21 Mr Yelland, it's under tab 30 in this bundle, and of</p> <p>22 course he was editor of the Sun in the late 1990s, if my</p> <p>23 recollection is right. I think 1998 to 2002 or 2003.</p> <p>24 He made the point that your rise could lock Murdoch and</p> <p>25 the media elite out of UK politics. He indicates,</p> <p style="text-align: center;">Page 16</p>

1 I suppose, what -- well, his assessment of your lack of
 2 proximity to the Murdoch press. Is that fair?
 3 **A. I think he makes a perfectly fair point, which is just**
 4 **a statement of fact, that for large parts of the press**
 5 **in the run-up to the General Election -- I don't think**
 6 **I'm putting it too strongly when I say the Liberal**
 7 **Democrats were a subject of indifference at best and**
 8 **derision at worst, and that -- and he describes his own**
 9 **experience as editor of the Sun, that there was almost**
 10 **a sort of instruction to deride or ignore the Liberal**
 11 **Democrats.**
 12 **So if that's what you're used to in the press, it**
 13 **must come as a bit of a shock, I guess, when you**
 14 **suddenly have these people who you've been either**
 15 **ignoring or deriding suddenly doing well in a General**
 16 **Election campaign. I think self-evidently the reaction**
 17 **of some parts of the press was pretty ferocious after**
 18 **that because things from their point of view were not**
 19 **going according to plan. If you've placed your bets in**
 20 **favour of other parties and suddenly this upstart party,**
 21 **if you like, intrudes on the plan, you panic a bit and**
 22 **you start lashing out a bit, which is what happened, and**
 23 **that's exactly how I saw it.**
 24 **I didn't find it surprising. I still don't find it**
 25 **surprising. That's the nature of politics, that's the**
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1 nature of the alignment between particular parties and
 2 particular press groups. And if you have aligned
 3 yourself with one team, the blue team or the red team,
 4 and suddenly the yellow team comes in, you want to get
 5 them off the field of play, and you do that by the time
 6 honoured fashion, not going after the ideas but going
 7 after the -- how can I put it? You go after the man,
 8 not the ball. Again, that doesn't -- that's just --
 9 that's as old as the hills.
 10 **Q. There was a -- I suppose it might be described as**
 11 **a backlash against you following the first debate, and**
 12 **we've collected some of the media pieces between tabs 26**
 13 **to 29, the Daily Mail, the Express, the Telegraph and**
 14 **the Sun. The Sun perhaps the most vitriolic at tab 29.**
 15 **A. Yes.**
 16 **Q. But I suppose you'd say that if we're not going to**
 17 **legislate for the fusion of fact and comment, or in any**
 18 **event, this sort of thing is inevitable and you just**
 19 **have to accept it. Is that your view?**
 20 **A. Well, the editorial of the Sun on that day said:**
 21 **"That is why the Sun makes no apology for repeating**
 22 **the obvious warning: vote Clegg, keep Brown."**
 23 **Which has to be one of the worst political**
 24 **predictions in modern times. But just because they made**
 25 **such spectacularly inaccurate predictions doesn't mean**
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1 **that I or I think any politician should seek to somehow**
 2 **prevent them from making those predictions or issuing**
 3 **those warnings to the leaders.**
 4 **As it happens, to be fair that is exactly what**
 5 **editorials are about. Editorials are about expressing**
 6 **partial opinion, and I would defend the right of the Sun**
 7 **or any other newspaper to express vociferously partial**
 8 **partisan views to my dying breath. They seem to be**
 9 **barking up the wrong tree in this particular instance,**
 10 **but that's their prerogative.**
 11 **Q. Thank you. Can we move now to paragraph 62 of your**
 12 **witness statement, please, which is at page 13810.**
 13 **We're out of general elections now to the issue of media**
 14 **campaigns. Again, can I ask you to develop orally the**
 15 **points you're making there about newspapers being**
 16 **valuable campaign tools, but also whether newspapers**
 17 **genuinely act in the public interest as reflecting their**
 18 **constituency?**
 19 **A. On the first point, do they act as effective campaigners**
 20 **in their own right, yes, they do. Often with great**
 21 **effect and fairly often, I think, to the benefit of the**
 22 **country at large. Some the campaigns I mention here,**
 23 **the Daily Mail's outstanding campaign on bringing the**
 24 **murderers of Stephen Lawrence to justice, that was**
 25 **a brave campaign, entirely justified. The Guardian's**
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1 **dogged campaign, if that's what you call it, to not take**
 2 **no for an answer and keep plugging away at this issue of**
 3 **phone hacking. I suspect if they hadn't stuck to their**
 4 **guns, we wouldn't be sitting here today.**
 5 **I remember being very involved with a number of**
 6 **media outlets on the campaign to give retired Gurkha**
 7 **soldiers the respect and the support they deserved here.**
 8 **Again that's something I would welcome.**
 9 **My only point is: as a politician, you quite rightly**
 10 **need to be dispassionate about which campaigns you act**
 11 **upon and which you don't. If we get to the point where**
 12 **the intensity of the campaign determines whether it's**
 13 **successful, you know, that would not be right. It has**
 14 **to be whether the campaign is right in content, as these**
 15 **three examples I've used are. And again, I think it is**
 16 **one of the great virtues of our press, certainly**
 17 **compared to slightly more insipid press cultures in**
 18 **other developed democracies, that we have these, we have**
 19 **this campaigning zeal in our press. I think readers**
 20 **appreciate it and it's something I think we should**
 21 **celebrate.**
 22 **Q. But are there any risks which you perceive?**
 23 **A. Well, the risk, as I said earlier, is just simply that**
 24 **government in particular, and politicians in government,**
 25 **always have to be clear that they are deciding things in**
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1 **the public interest and for the benefit of the country**
 2 **as a whole and not just in response to the loudest**
 3 **voices in the strongest campaigns in the press. That is**
 4 **in a sense stating the obvious, but I don't think one**
 5 **should underestimate how powerful a well-organised,**
 6 **orchestrated, sustained press campaign is, and of course**
 7 **the overwhelming temptation for politicians to want to**
 8 **respond positively to campaigns on the whole, because**
 9 **they think that will then communicate itself positively**
 10 **to the public.**
 11 **But as before, I think as long as politicians remain**
 12 **objective as much as they can and sceptical but open to**
 13 **new ideas, I think it can be a healthy thing.**
 14 Q. Thank you. May I move on now to a separate topic. This
 15 is under question 7 and starts at paragraph 36 of your
 16 statement, our page 13804. This is the issue of your
 17 own personal approach to engaging with media
 18 proprietors, editors, et cetera.
 19 **A. Mm-hm.**
 20 Q. In paragraph 36 you point out that the meetings or
 21 engagements or interactions fall into three main
 22 categories. There are the formal meetings, interactions
 23 at social events and informal discussions. You
 24 differentiate between those in your exhibit. May we
 25 look, please, at your exhibit 1, which is tab 2. It

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1 starts at 13817. We're looking first of all at meetings
 2 before you entered government, and it starts 26 February
 3 2008.
 4 **A. Mm.**
 5 Q. As with others, if one scans the next four pages, you
 6 see a range of proprietors, editors, broadcasters.
 7 **A. Mm.**
 8 Q. And it's impossible, really, to pick out any patterns.
 9 Would you agree with that?
 10 **A. Yes. I mean, looking back on it, the -- I'm not sure**
 11 **this is an irony, but the interesting thing is that**
 12 **I actually feel that the regularity of my contact not**
 13 **just with editors and proprietors, but with journalists,**
 14 **political editors and so on, was actually much more**
 15 **intense in opposition than it is in government. I think**
 16 **that's partly actually because of the physical location**
 17 **of where I was working. If you're in opposition, you**
 18 **work in Westminster, so you physically share the same**
 19 **space in Westminster as journalists do, and Portcullis**
 20 **House is a -- wander through that, and you'll always**
 21 **have passing conversations with any number of**
 22 **journalists.**
 23 **The interesting thing is, of course, if you're in**
 24 **government, you move into Whitehall and you're**
 25 **considerably more cut off, and so the nature of my**

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1 **interaction with proprietors, editors, political editors**
 2 **and so on is in a sense much more formal, and I would**
 3 **say much more sparing now than it was when I was in**
 4 **opposition. Not that the intensity of that contact in**
 5 **opposition necessarily shifted the underlying**
 6 **indifference towards the Liberal Democrats which**
 7 **I alluded to earlier.**
 8 Q. I just raise one matter in relation to this list, and
 9 it's really a point which doesn't simply apply to you
 10 but applies to virtually everyone else. Under the
 11 column "What discussed", we see always "general issues"
 12 save when of course it's the party conference. It may
 13 be said to be oppressive and possibly counter-productive
 14 to have a whole list of topics discussed on particular
 15 occasions, but do you think that more information might
 16 be routinely supplied or not?
 17 **A. Yes, I mean I have -- I think you'd be hard pushed to**
 18 **provide a sort of verbatim account. I'm not sure if**
 19 **anyone would want to -- I mean, all of these meetings**
 20 **are a whole lot less intriguing and surprising,**
 21 **I suspect, to the outside world than it might initially**
 22 **seem. A lot of them are fairly humdrum. But I suppose**
 23 **one could just, you know, in very telegraphic form just**
 24 **mention two or three issues which were prevalent in**
 25 **a discussion.**

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1 **Frankly, I just simply do not remember the precise**
 2 **content of a huge number of these interactions, not**
 3 **least those stretching back some years.**
 4 LORD JUSTICE LEVESON: Particularly where you've not been
 5 asked previously to record them and there hasn't been
 6 a formal system.
 7 **A. Yes.**
 8 LORD JUSTICE LEVESON: Of course there can't be a note,
 9 because that would ultimately destroy the informality of
 10 some contact, but at significant times, do you have an
 11 observation on the idea of noting, as it were, in two or
 12 three words general topics, just so that actually you
 13 would be able to refer back and say, "No, actually, we
 14 never talked about X or Y, but Z"?
 15 **A. I have no problem with that at all. As it happens now,**
 16 **if I now meet an editor or a proprietor on my own,**
 17 **I will as a routine matter of course, if something is**
 18 **raised which touches on official government business, of**
 19 **course relay that to officials in my private office. So**
 20 **there's not a great leap between that and just jotting**
 21 **down on a piece of paper or telling someone that these**
 22 **were the things that were raised.**
 23 **Invariably, not always, but these conversations are**
 24 **distinguished as much as anything else by informality,**
 25 **humour and gossip, but normally there will be two or**

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<p>1 three issues which predominated.</p> <p>2 LORD JUSTICE LEVESON: And those first three categories are</p> <p>3 very important and I understand that and one doesn't</p> <p>4 want to do anything to minimise the sort of links which</p> <p>5 then are part of you putting out your message and them</p> <p>6 challenging you, holding you to account, whatever form</p> <p>7 of language you want to use.</p> <p>8 A. Yes. But as I said earlier, editors and proprietors</p> <p>9 have a unique ability to access politicians, often on</p> <p>10 their own, in a way that people from other domains of</p> <p>11 public, corporate, economic life do not. And sometimes</p> <p>12 beyond the politics, they will make points which are --</p> <p>13 which comes back to some of the earlier conversations we</p> <p>14 had about the press being lobbyists on their own behalf,</p> <p>15 quite understandably they have their own commercial</p> <p>16 interests, they have their own vested interests, and</p> <p>17 they want to communicate those.</p> <p>18 But they're in a category of their own because</p> <p>19 they're able to do that in a -- how can I put it -- in</p> <p>20 a context of intimacy that is not extended to anybody</p> <p>21 else.</p> <p>22 LORD JUSTICE LEVESON: And that's part of the trouble.</p> <p>23 A. That can be, yes.</p> <p>24 LORD JUSTICE LEVESON: Or part of the risk is a better word.</p> <p>25 A. Yes. I had a number of conversations with editors and</p> <p style="text-align: center;">Page 25</p>	<p>1 A. I just think it would be unfair of me to pretend that</p> <p>2 I can remember. But all of those meetings were, of</p> <p>3 course -- I became leader in February 2008. Many of</p> <p>4 these people didn't know me from Adam. So in the first</p> <p>5 year or two, I was just keen to take opportunities to</p> <p>6 explain who I was, what my thinking was, what my</p> <p>7 ambitions were for my party. I'm afraid I simply don't</p> <p>8 remember.</p> <p>9 Q. There were two occasions only when I think you met with</p> <p>10 Rupert Murdoch. The first is 16 December 2009.</p> <p>11 A. Yes.</p> <p>12 Q. It was a dinner, Rebekah Brooks, John Witherow.</p> <p>13 A. Yes.</p> <p>14 Q. So was it just the four of you?</p> <p>15 A. No, no, no. There were a fairly large number of people</p> <p>16 there. As it happened, I was at the very end of the</p> <p>17 table where the children sit, so to speak, and didn't</p> <p>18 have -- I only had very fleeting interaction with</p> <p>19 Rupert Murdoch before the dinner, and as I said goodbye</p> <p>20 at the end. I felt I was an observer as much as</p> <p>21 anything else.</p> <p>22 Q. On 13 January 2010, we see dinner with a group of people</p> <p>23 from the Telegraph stable.</p> <p>24 A. Yes.</p> <p>25 Q. Did you enjoy sort of more pride of place on that</p> <p style="text-align: center;">Page 27</p>
<p>1 proprietors of news organisations who were very hostile</p> <p>2 to the BSKyB bid. Quite understandably and rightly,</p> <p>3 they took the opportunity to say to me, "We don't like</p> <p>4 it for X, Y, Z reason". I didn't act on their views,</p> <p>5 and obviously made it clear that this was a process</p> <p>6 being dealt with in its own sort of box, if you like,</p> <p>7 quasi-judicially by, as it turned out, two secretaries</p> <p>8 of state over a period of time. But nonetheless,</p> <p>9 I can't think of any other area where a commercial</p> <p>10 interest would be able to come to a senior politician</p> <p>11 and privately say, "I don't think your government should</p> <p>12 do X or Y because it harms our commercial interests."</p> <p>13 But the best antidote to that is that politicians,</p> <p>14 as I said earlier, just listen, keep their distance, and</p> <p>15 refer the issue where it impinges on formal business to</p> <p>16 the formal government system.</p> <p>17 MR JAY: There are two particular lunches we might discuss.</p> <p>18 22 April 2008 with James Murdoch and Rebekah Wade.</p> <p>19 A. Which --</p> <p>20 Q. That's page 13817.</p> <p>21 A. Yes.</p> <p>22 Q. And then there's another one just James Murdoch, 16 July</p> <p>23 2009, 13819. On those occasions, it may be difficult to</p> <p>24 remember, but did Mr James Murdoch discuss issues such</p> <p>25 as Ofcom, BBC licence fee, for example?</p> <p style="text-align: center;">Page 26</p>	<p>1 occasion or were you at the end of the table again?</p> <p>2 A. That was -- that was very much a sort of series of</p> <p>3 meetings and lunches and indeed dinners in the run-up to</p> <p>4 the General Election and the discussion was very much</p> <p>5 there centred on what my plans were for the General</p> <p>6 Election, manifesto ideas. They were purely political</p> <p>7 and purely centred on me trying to persuade the</p> <p>8 Telegraph, a paper which I never had any illusions would</p> <p>9 not come anywhere close to ever endorsing the Liberal</p> <p>10 Democrats -- would nonetheless give us a fair hearing.</p> <p>11 Q. Thank you. About two months or less before the General</p> <p>12 Election, on 16 March 2010, you made a small addition to</p> <p>13 the original version of your exhibit, that after the</p> <p>14 lunch with Mr Mohan and Mrs Brooks, there was a brief</p> <p>15 meeting with Mr Murdoch and Mrs Brooks; is that right?</p> <p>16 A. I think "meeting" is quite an ambitious noun for what</p> <p>17 happened. My recollection of it was -- was it as I was</p> <p>18 leaving the lunch? Anyway, Rupert Murdoch was in the</p> <p>19 building and I exchanged literally a few sentences with</p> <p>20 him of perfectly civilised, amicable greeting in</p> <p>21 a corridor in the building where the lunch was being</p> <p>22 held.</p> <p>23 Q. Thank you. Since entering government, which is the</p> <p>24 second phase, as it were, you group these under two</p> <p>25 rubrics. The first is the smaller, more formal meetings</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 and phone calls, which starts at 13820. How many of 2 these would be one-to-one without even an adviser there? 3 A. Oh, I think a fair number of them. There was not really 4 any pattern to that. Sometimes an adviser would sit in 5 and sometimes not, and it would usually be decided 6 fairly spontaneously, partly depending on my judgment of 7 what the person I was talking to would prefer. So there 8 was not really any rule. 9 Again, I'm afraid I just don't recollect, but a fair 10 number of these would have been meetings where I would 11 have met particular individuals on their own one to one. 12 Q. We see one meeting with Mr Paul Dacre, 22 July 2010. 13 A. Yes. 14 Q. Was that one to one, do you think? 15 A. Yes, that was. The only time I met Mr Dacre since I've 16 been in government was in my office, and I remember 17 distinctly I made an attempt to interest him in the case 18 for electoral reform and he explained to me his concerns 19 about the BSKyB bid, which of course had been announced 20 the month before. I think we made as little impression 21 on each other on both points. 22 LORD JUSTICE LEVESON: Ships that pass in the night? 23 A. No, no, I mean I said to him, you know, "I hear what you 24 say", and the Telegraph Group had also, I remember, 25 raised with me their reservations about the bid, and to</p> <p style="text-align: center;">Page 29</p>	<p>1 been fewer meetings with editors and proprietors, and 2 possibly since the summer of last year there have been 3 even fewer, but I haven't added them all up, but that's 4 certainly -- 5 A. There was a -- there was a phase where I remember, and 6 I'm sure this is reflected in the sort of chronology set 7 out here, there was a phase where I was very proactively 8 on this -- in the run-up to the referendum in May 2011, 9 where I of course was very keen to try and interest 10 people in the press in the case for a change to the 11 electoral system, so I think that may be reflected in 12 the rhythm of some of these entries, and that after May 13 and the summer of last year that then sort of subsided 14 a bit. 15 Q. In paragraph 39 of your statement, you deal generally, 16 page 13805, with the content of these discussions 17 without alighting on any particular event, and you make 18 it clear that in opposition the discussions tended to be 19 quite general, focusing on general policy issues of 20 concern to their readers rather than on media policy 21 itself or the commercial interests of a particular news 22 organisation, although on occasion media policy and 23 commercial issues did arise. That's the sense of it, 24 isn't it? 25 A. Yes. Yes.</p> <p style="text-align: center;">Page 31</p>
<p>1 be fair to Mr Dacre, he was very specific, he said, 2 "I know you can't comment on this, and you can't comment 3 on this", and I said, "Absolutely not, this is 4 a quasi-judicial decision being dealt with by the 5 Secretary of State for Business at the time." 6 MR JAY: Others may have been bending your ear about the bid 7 as well. On 17 August 2010 there was a lunch, 8 Mr Harding, Rebekah Brooks and James Murdoch. Did you 9 get as it were quiet words from the other side on that 10 occasion or not, to the best of your recollection? 11 A. No, I don't. I remember distinctly having -- it must 12 have been very much sort of in the air at the time about 13 when we as a government would hold a referendum or 14 a change to the electoral system, it was a politically 15 charged question. I remember we devoted quite a lot of 16 time to that. That was obviously something close to my 17 heart and I was keen to take every opportunity, whether 18 it was with Mr Dacre, Mr Harding or Rebekah Brooks or 19 James Murdoch, to put my case for change. In the event, 20 I don't think I made much of an impression, but that 21 I do remember in the lunch. That was a subject of 22 conversation. I do not remember the bid coming up in 23 that lunch at all. 24 Q. The impression is, and you've confirmed this orally, 25 Mr Clegg, that since being in government, there have</p> <p style="text-align: center;">Page 30</p>	<p>1 Q. Move forward to paragraph 41, where you make reference 2 to Mr Michel. 3 A. Mm-hm. 4 Q. You explain that you've met him in opposition both 5 socially and formally. Can I ask you, please, to tell 6 us about that? 7 A. I've known -- Fred Michel and I first met each other 8 many, many years ago, I can't even put a date on it, 9 well before I even thought of entering into British 10 politics, when I recollect -- I mean this must have been 11 a decade or more and it might be even more ago, he was 12 working at the time for a centre left think tank, the 13 name of which I've forgotten. That's when I first came 14 across him. Then our paths crossed from time to time 15 and then latterly our children go to the same school in 16 southwest London. So I very much knew him well before 17 he was employed in his current capacity and I knew him 18 socially as well. 19 Q. You haven't seen him, you say, since September 2010 and 20 you haven't discussed the BSKyB bid with him. 21 A. No. Not discussed the BSKyB bid with him. Again, as it 22 happens, since the General Election in May 2010, my 23 social contact with him, as it says here, is very, very 24 infrequent indeed. In fact, there's one dinner where we 25 were both invited to, someone we both know, in Putney in</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 September of 2010.</p> <p>2 Q. Thank you. Paragraph 47 now, please, Mr Clegg. The</p> <p>3 issue here is the extent to which political support by</p> <p>4 the media for any individual party or policy is</p> <p>5 discussed at such interactions, and you make it clear</p> <p>6 that the topic is certainly raised as far as you are</p> <p>7 concerned.</p> <p>8 A. Mm.</p> <p>9 Q. Are we to understand that -- this is the last sentence</p> <p>10 of paragraph 47 -- this is only in relation to</p> <p>11 newspapers that share your party's liberal values; is</p> <p>12 that right?</p> <p>13 A. Well, I'll give you an example. Before the last General</p> <p>14 Election, I never once entertained for a millisecond that</p> <p>15 the Daily Mail or the Sun or the Daily Telegraph would</p> <p>16 come out in support of the Liberal Democrats, but that</p> <p>17 didn't mean that I felt it was a waste of time to try</p> <p>18 and seek to explain to them what I stood for, what my</p> <p>19 plans were for the party, so that if not in their</p> <p>20 editorial stance, but nonetheless in their coverage,</p> <p>21 they would give us fair hearing, and I would still do</p> <p>22 that today.</p> <p>23 Then there were other newspapers, I suppose notably</p> <p>24 the Independent, the Guardian, the Observer, where</p> <p>25 I felt there was just a much stronger convergence of</p> <p style="text-align: center;">Page 33</p>	<p>1 Labour Party at that time was because of their support</p> <p>2 for electoral reform, which they thought was most likely</p> <p>3 to happen if the Liberal Democrats did well in the</p> <p>4 General Election, so it was very much a sort of</p> <p>5 issue-specific endorsement, if you like, which of course</p> <p>6 was the subject of discussion.</p> <p>7 I observe, by the way, not to sort of make any wider</p> <p>8 point, but I observe that as it happens, that support</p> <p>9 didn't last very long, because the Guardian, for</p> <p>10 perfectly understandable -- I don't agree with it, but</p> <p>11 perfectly -- reasons which are entirely legitimate for</p> <p>12 them to hold, were disillusioned with the creation of</p> <p>13 the Coalition and the Liberal Democrat entry into it,</p> <p>14 and when the referendum on electoral reform happened,</p> <p>15 which was the issue upon which they had supported us,</p> <p>16 the Guardian was quite sort of ambivalent towards it, so</p> <p>17 it just shows these things can change very quickly.</p> <p>18 Q. But in the example you've given, there can be no</p> <p>19 question of any implied deal because your policy has</p> <p>20 been the same for decades, certainly since the merger of</p> <p>21 the Social Democrats and the Liberals in 1987 or</p> <p>22 whenever it was, but is there a danger here of the sort</p> <p>23 of discussion you're describing becoming transactional?</p> <p>24 I'm talking more generally, not you particularly.</p> <p>25 A. Yes, I think there is. I mean without sounding semantic</p> <p style="text-align: center;">Page 35</p>
<p>1 world view, if you like, which I hoped would lead to</p> <p>2 a more explicit form of endorsement, which happily did</p> <p>3 occur. But as I said in my written evidence, I don't</p> <p>4 think one should get sort of overly -- hung up is not</p> <p>5 the right word, but I don't think one should devote an</p> <p>6 undue focus on the editorial written by a newspaper in</p> <p>7 the week of a General Election because I actually don't</p> <p>8 think that shifts very many votes one way or the other.</p> <p>9 My own view is what has a much, much bigger effect on</p> <p>10 the public's view of politicians as people and their</p> <p>11 parties is the sustained prism through which they are</p> <p>12 described over a sustained period of time, and that is</p> <p>13 immeasurably more important.</p> <p>14 Q. In relation to the three papers you've named, were there</p> <p>15 direct and explicit discussions along the lines of you</p> <p>16 asking the editor or whoever whether they would be</p> <p>17 supporting the Liberal Democrats at the election?</p> <p>18 A. Yes. Yes. Yes. And as is reflected in one of the</p> <p>19 exhibits in the bundle, there were -- for example, if</p> <p>20 one were to look back on the editorial written by the</p> <p>21 Guardian in support of the Liberal Democrats in the</p> <p>22 run-up to the General Election -- well, the editorial</p> <p>23 speaks for itself. They were very explicit that the</p> <p>24 reason why they were, from the Guardian's point of view,</p> <p>25 breaking with existing precedent of supporting the</p> <p style="text-align: center;">Page 34</p>	<p>1 about it, any discussion is a transaction. It's</p> <p>2 a transaction of views and opinions. And of course</p> <p>3 there is -- if you have a conversation between two</p> <p>4 entities, two people, parties, who both want something</p> <p>5 from each other, you have the ingredients for</p> <p>6 a transaction. I don't think you can legislate against</p> <p>7 that, but as I say, you need to guard against that</p> <p>8 becoming a means by which good government is warped and</p> <p>9 the public interest is undermined.</p> <p>10 Q. Paragraph 51, media influence on public policy.</p> <p>11 LORD JUSTICE LEVESON: Just before you change subject to</p> <p>12 that, just on the same topic, could I ask this: it has</p> <p>13 been suggested -- it's also been denied, but it has been</p> <p>14 suggested that there is a difference between the</p> <p>15 approach to journalists that was certainly adopted by</p> <p>16 the Labour Party after 1992 and up to the 1997 General</p> <p>17 Election, which then they took into government, which,</p> <p>18 as I say, there's been difference of opinion. Some say</p> <p>19 that was a mistake, some say that that would seem</p> <p>20 reasonable. I appreciate that your position looks at</p> <p>21 the whole problem from a slightly different perspective,</p> <p>22 but I'm interested in your view as to whether there is</p> <p>23 or should be a slightly different relationship between</p> <p>24 the way that you try to tell your story when you're in</p> <p>25 opposition, the way in which you do when you're in</p> <p style="text-align: center;">Page 36</p>

<p>1 government, and whether there are risks there. To some 2 extent you've commented by saying there's just less 3 contact and it's more policy specific, but there is 4 a more general issue there which I'd be very interested 5 for your view on from your perspective.</p> <p>6 A. There is a general issue because your function clearly 7 in government is utterly different. You are no longer 8 just single-mindedly seeking to promote your views and 9 the sort of partisan advantage of your political party. 10 You suddenly wear another hat, which is a wider duty to 11 the public. And there are certain issues where you have 12 a very big duty to, I don't know, inform the public of 13 changes in the way in which benefits and welfare operate 14 and are accessible to them, or public health issues 15 where government has an objective role and needs to get 16 its message across on issues of overwhelming public 17 interest. We serve the nation.</p> <p>18 I think it's fair to say that the skills of sort of 19 partisan political promotion in opposition aren't quite 20 the same skills as that of public information that you 21 adopt in government, which is why the division of labour 22 between government press officers who are officials 23 working on behalf of the government and not a political 24 party and political media appointees is a very important 25 one to get right.</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Well, it's clearly a big learning exercise for any party 2 and any set of individuals who enter into government for 3 the first time. It's a very different sort of 4 environment to work in, but to be honest, I was in such 5 a different position to that of the Labour Party in 6 1997. I explained earlier, we didn't have any big media 7 groups who were sort of batting for us. In fact, we 8 were constantly batting for any attention whatsoever. 9 It was a completely different dynamic. We came at it 10 from a different trajectory.</p> <p>11 I also think of course coalition government is one 12 of the many, many differences. If you are a single 13 party going into government with the team you had in 14 opposition transplanted directly to government, 15 everything remains intact. Coalition is a mix and match 16 of different teams, and the Prime Minister and I had to 17 fuse two teams together from two totally different 18 political perspectives in pursuit of a new whole, 19 a coalition government, and that by definition means you 20 can't carry on doing what you did in opposition going 21 into government because you are working in a completely 22 different political setting.</p> <p>23 LORD JUSTICE LEVESON: So your experience doesn't really 24 allow you to comment one way or the other about the 25 underlying point because it's so different?</p> <p style="text-align: center;">Page 39</p>
<p>1 LORD JUSTICE LEVESON: Yes. Do you think there is or has 2 been demonstrated to be a risk that the mechanism for 3 selling the message has been taken sometimes from 4 opposition into government in a way that has undermined 5 the -- integrity is too big a word, but the balance with 6 which the message is actually being told?</p> <p>7 A. I mean, I think the comments both in this Inquiry and 8 elsewhere from people like Alastair Campbell sort of 9 speak for themselves, where he I think says, "With 10 hindsight, we just kept up this frenzied tempo of 11 wanting to dominate the headlines every single day that 12 we had successfully deployed in opposition and we sort 13 of carried it through in government", and if 14 I understand it correctly, I hope I'm not putting words 15 into his mouth, I think his sort of feeling is that, 16 with hindsight, they should have been less concerned 17 about the press earlier.</p> <p>18 LORD JUSTICE LEVESON: I think that's absolutely right and 19 it was his evidence that I was reflecting upon when 20 I was asking the question. I just wondered whether 21 you'd seen the temptation of that as you stepped from 22 opposition into government, and whether it's simply 23 a mindset that all new ministers have to get into so 24 that they actually do understand that their role is now 25 different.</p> <p style="text-align: center;">Page 38</p>	<p>1 A. I think what I'm seeking to say is there was simply in 2 my experience, because of the circumstances of my party, 3 the creation of the Coalition and so on, simply no 4 prospect that we would merely carbon copy what we were 5 doing in opposition the moment we walked into 6 government, so it was sort of -- it was just inevitable 7 that we were going to do things quite differently in 8 government than we were doing in opposition.</p> <p>9 LORD JUSTICE LEVESON: Yes.</p> <p>10 MR JAY: Paragraph 51 to 56 deals with the safeguards which 11 exist within your party in relation to the evolution of 12 policy to avoid pressure from outside organisations, or 13 unacceptable pressure from outside organisations 14 intruding. Can I ask you, please, to summarise those 15 paragraphs for us?</p> <p>16 A. Quite simply, it's not something I'm immensely proud of 17 as leader of the Liberal Democrats, we just have a very 18 open, deliberative, democratic process of policymaking 19 and, like any leader of the Liberal Democrats, sometimes 20 frustratingly painstaking, it takes a while and it's 21 based on a series of working groups which look at policy 22 X and produce papers which are then debated in our party 23 conferences and then amended and voted on, but I think 24 it is a -- you know, I think it is a wonderful 25 inoculation, if you like, against undue influence over</p> <p style="text-align: center;">Page 40</p>

1 our own party policy because it's done in such
 2 a systematic and open way, and it's not up to the
 3 individual leader -- I sometimes wish it were -- to
 4 simply rewrite great swathes of party policy. It's
 5 something we do in open, deliberative fashion. And
 6 I will always defend that. I think it's a good way of
 7 making policy and I think it's a very good way of making
 8 sure that all views are properly reflected.

9 LORD JUSTICE LEVESON: So it is something you are immensely
 10 proud of?
 11 A. Yes.

12 LORD JUSTICE LEVESON: There's a "not" in there --
 13 A. Oh.

14 LORD JUSTICE LEVESON: No, no, not in your statement, but in
 15 what you said, and I'm very happy to ensure that the
 16 "not" is excluded.

17 A. Please, let's delete the "not" because I'm very proud of
 18 it. I really am. I think it's unusual, I think it's
 19 pretty unique in British politics and it's something
 20 I will always protect.

21 MR JAY: In paragraph 57 you explain you've had little
 22 direct experience of media lobbying on media policy
 23 areas, although you say somewhat obliquely:
 24 "Recently the huge enthusiasm of editors to discuss
 25 the work of this Inquiry has been notable."

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1 Could you share with us the -- so far as the
 2 discussions have not been entirely confidential -- the
 3 gist of what you've been told on these occasions?
 4 A. I don't think I'm being unfair on editors and political
 5 editors and proprietors who have I spoken to since the
 6 Inquiry was first decided upon and then established to
 7 say that this is something which weighs very, very
 8 heavily on their minds. Quite understandably. It
 9 affects the future structure, organisation, conduct of
 10 the media in this country, so there's a lot at stake for
 11 them. All I observe is that, notwithstanding a whole
 12 bunch of other things going on, most importantly of all
 13 the state of our economy and the state of the European
 14 economy and the global economy, this Inquiry and its
 15 content nonetheless appears to be of very, very great
 16 preoccupation.

17 Q. Thank you. That's as far as you wish to go?
 18 A. Well, I mean I have been struck from my position --
 19 because there am I in government seen to deal, as we all
 20 are in government, with a range of things where our main
 21 preoccupation, quite rightly and self-evidently, is the
 22 economy, is employment, is this unbelievably difficult
 23 job of kind of repairing, rescuing and reforming the
 24 British economy -- I am just struck that you can have
 25 conversations with people where that over-arching

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1 national concern is swept aside by a forensic interest
 2 in the conduct of this Inquiry.

3 Why I'm umming and aching a bit is because I don't in
 4 any way want to suggest that the Inquiry is not
 5 immensely important, but it's more important for those
 6 who it directly affects than it is for people who are
 7 worried about the price of petrol when they fill the
 8 tank in their car and when they go out and find it
 9 difficult to make ends meet and do the weekly shop.
 10 It's just that as a politician I observe that importance
 11 is in the eye of the beholder.

12 LORD JUSTICE LEVESON: Mr Clegg, don't be apologetic.
 13 I hold no belief that this Inquiry has anything like the
 14 significance that should be attached to the other issues
 15 that you've mentioned, so don't feel in any sense
 16 inhibited by saying what you think.

17 A. I think what I'm saying is many things can be important
 18 all at once.

19 MR JAY: The issue of lobbying now. We have touched on
 20 this, but can we address it directly? Paragraph 71 of
 21 your statement, page 13811. It's possible to see the
 22 lobbying issue as a general point, then further
 23 heightened issues arise in relation to media lobbying.
 24 I think lobbying in general is within your policy area
 25 as Deputy Prime Minister, although you personally

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1 recused yourself in relation to this particular
 2 consultation, is that right, on the introduction of
 3 a statutory register?
 4 A. That's right. The issue is being dealt with by my
 5 colleague Mark Harper, the Minister for Constitution and
 6 Political Affairs.

7 Q. Can you outline, please, the policy underpinning the
 8 statutory register, without prejudice to what your final
 9 position might be?
 10 A. Yes, sure. The purpose behind our proposal, which was
 11 included in the Coalition agreement at the establishment
 12 of the government, the purpose of a statutory register
 13 of lobbyists is principally, not exclusively, but
 14 principally to address the issue about the status of
 15 lobbyists who aren't, like Mr Michel for
 16 News International, for instance, in-house lobbyists but
 17 are lobbyists for several different entities, like
 18 a commercial lobbyist.

19 Why is that a specific issue? It's a specific issue
 20 because it's not always obvious who that individual is
 21 speaking on behalf of. They invariably do make it known
 22 to the person they're speaking to, but we felt that as
 23 a matter of principle it is good to have complete
 24 transparency about the status of commercial lobbyists
 25 who are acting on behalf of a whole array of different

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<p>1 interests and that that is publicly known, and that's</p> <p>2 included in the statutory register of lobbyists, and</p> <p>3 that it's crucially known by politicians and the</p> <p>4 decision-makers to whom they are addressing themselves.</p> <p>5 That's the kind of nub of what we're trying to deal</p> <p>6 with. We have consulted on how you do that, because</p> <p>7 there's a lot of, as you can imagine, devil in the</p> <p>8 detail about how you define lobbyists, what information</p> <p>9 you include in the statutory register and so on. That</p> <p>10 consultation went on until April of this year and Mark</p> <p>11 Harper will be coming forward shortly with his</p> <p>12 observations and all the evidence and responses which</p> <p>13 were provided in that consultation, and then we will</p> <p>14 legislate to create a statutory register of lobbyists.</p> <p>15 LORD JUSTICE LEVESON: So your work isn't going specifically</p> <p>16 to impact upon any aspect of concern that there might be</p> <p>17 about the subset called media lobbying?</p> <p>18 A. I genuinely don't want to sort of short-circuit</p> <p>19 decisions taken by another member of the government,</p> <p>20 Mark Harper, on this. I think we have an open mind</p> <p>21 about whether this distinction between in-house</p> <p>22 lobbyists and commercial lobbyists for more than one</p> <p>23 interest at a time, whether we have the balance right in</p> <p>24 our consultation paper, but to my knowledge, just</p> <p>25 focusing on one sector as opposed to others is not the</p> <p style="text-align: center;">Page 45</p>	<p>1 realised?</p> <p>2 A. I would merely repeat what I said earlier, which is that</p> <p>3 what I'm just echoing there is my earlier assertion that</p> <p>4 the press and the media are in a unique position, which</p> <p>5 no one else possesses, which is they have something</p> <p>6 which politicians desperately want, which is favourable</p> <p>7 or the prospect of favourable publicity, and they have</p> <p>8 access on a private one-to-one basis with politicians</p> <p>9 that no one else to my knowledge has, so clearly that</p> <p>10 puts them in a more privileged position.</p> <p>11 Q. You've already addressed the possibility of whether the</p> <p>12 existing policy review might accommodate this issue,</p> <p>13 and --</p> <p>14 A. Yes. As I say, I don't think the thinking of Mark</p> <p>15 Harper is to do so merely targeting this sector and that</p> <p>16 particular issue. It's more of a generic approach.</p> <p>17 Q. May I turn now to the issue of the B Sky B bid, which is</p> <p>18 a sort of discrete area.</p> <p>19 LORD JUSTICE LEVESON: Do you want to do that after the</p> <p>20 break?</p> <p>21 MR JAY: Yes.</p> <p>22 LORD JUSTICE LEVESON: We give the shorthand writer just</p> <p>23 a few minutes.</p> <p>24 (11.15 am)</p> <p>25 (A short break)</p> <p style="text-align: center;">Page 47</p>
<p>1 purpose of the exercise.</p> <p>2 LORD JUSTICE LEVESON: Yes. That was all I was trying to --</p> <p>3 A. No, no, it is not a sectorally based exercise.</p> <p>4 LORD JUSTICE LEVESON: Because one of my concerns is that</p> <p>5 when I'm dealing with the relationship between the press</p> <p>6 and politicians, the media and politicians, lobbyists</p> <p>7 feature there, as we know, but I'm very conscious that</p> <p>8 it is a subset of a much bigger problem, and I'm</p> <p>9 somewhat apprehensive about stepping into a minefield</p> <p>10 where there are different considerations which won't be</p> <p>11 at the forefront of this Inquiry. That's my point.</p> <p>12 A. I think, but I need to check, I think by happy</p> <p>13 coincidence Mark Harper is planning to publish his first</p> <p>14 thoughts on the response to the consultation exercise</p> <p>15 whilst this Inquiry is still ongoing. That may be of</p> <p>16 some assistance to you.</p> <p>17 LORD JUSTICE LEVESON: Okay. So I'll be able to read it</p> <p>18 then. Thank you.</p> <p>19 MR JAY: Looking now at the subset, you say in the last</p> <p>20 sentence of paragraph 72:</p> <p>21 "There's a danger that lobbyists for media companies</p> <p>22 [and that applies both to the in-house and commercial</p> <p>23 lobbyists, presumably] have more power over politicians</p> <p>24 than lobbyists in other sectors."</p> <p>25 Have you seen evidence of that danger being</p> <p style="text-align: center;">Page 46</p>	<p>1 (11.24 am)</p> <p>2 MR JAY: Mr Clegg, the B Sky B bid. Three general questions</p> <p>3 first of all. First, your views about News</p> <p>4 International as a force for good, bad or indifference</p> <p>5 in the British press.</p> <p>6 A. I think I've generally taken two attitudes. Firstly,</p> <p>7 genuine admiration for the kind of innovative</p> <p>8 restlessness of News International as it's sort of</p> <p>9 constantly pushed the boundaries, constantly exploited</p> <p>10 new media, challenged the old practiced way of doing</p> <p>11 things. As someone in my position who rather likes the</p> <p>12 idea of sort of insurgents coming in and shaking up</p> <p>13 existing vested interests and incumbents, I always</p> <p>14 rather admire the slightly sort of iconoclastic feel to</p> <p>15 the Murdoch view of the world. I genuinely admire that.</p> <p>16 That's been very much balanced, if you like, by</p> <p>17 classic old-fashioned liberal concern about the dangers</p> <p>18 of having too much power concentrated in the hands of</p> <p>19 too few people. That is why rules on competition and</p> <p>20 plurality, the need for transparency in interaction</p> <p>21 between big vested interests and the press and the</p> <p>22 politicians is so important.</p> <p>23 I start from the basic premise that a healthy</p> <p>24 society is one in which you just don't have too much</p> <p>25 power concentrated in a small number of people's hands.</p> <p style="text-align: center;">Page 48</p>

<p>1 Q. Thank you. The second general issue, the setting aside 2 the technical legal test under the Enterprise Act, which 3 governed plurality and the bid, did you have a personal 4 view from a policy perspective about the merits of the 5 BSKyB bid?</p> <p>6 A. I think slightly following on from what I said earlier, 7 I was open-minded but sceptical, best way to describe 8 it. Open-minded because, you know, they'd made this bid 9 and the competition authorities had cleared it in the 10 European -- in Brussels and sort of open-minded to see 11 how they were going to make their case and so on, but 12 sceptical about the danger of, as I said earlier, just 13 too much power being increasingly held in the hands of 14 too few people.</p> <p>15 I was quizzical at the beginning about the timing of 16 it, because funnily enough, during those unusual days 17 straight after the General Election when I saw a fair 18 amount of Gordon Brown when there was endless to-ing and 19 fro-ing about how a government would be formed, 20 I vividly remember he at one point -- I'm pretty sure in 21 my own mind he said this to me after it became clear 22 there was not going to be a Labour/Liberal Democrats 23 coalition -- he said something along the lines this is 24 all about Murdoch, that Murdoch wants the Conservatives 25 in government, and so on and so forth, and it wasn't</p> <p style="text-align: center;">Page 49</p>	<p>1 array of media interests who were aligned against the 2 bid, quite legitimately made their views to us known on 3 that, and then there was pretty vociferous lobbying, as 4 we know from all the evidence, from News International.</p> <p>5 At one point, I was -- it was brought to my 6 attention by Norman Lamb, a friend and colleague of 7 mine, a Liberal Democrat MP, that he had been -- the way 8 he described it at least -- told that it would be good 9 for the Liberal Democrats to be open to the bid, 10 otherwise we would expect unfavourable treatment from 11 the Murdoch press, and Norman was quite agitated about 12 that.</p> <p>13 I have to say, since we hadn't received particularly 14 favourable treatment in the first place, I didn't think 15 it was a hugely credible threat, and anyway it was part 16 of so many rumours and counter-rumours and claims and 17 counterclaims that I just said to him, "Look, we just 18 must not be knocked off-course from allowing this 19 process to proceed in an independent, objective and 20 quasi-judicial manner."</p> <p>21 And throughout all of this, I was very conscious 22 that if I had any role at all, it was just to make sure 23 that Vince Cable, as the relevant Secretary of State, 24 was given the kind of time and the space to discharge 25 his quasi-judicial functions and was insulated from</p> <p style="text-align: center;">Page 51</p>
<p>1 really uppermost in my mind, I was worried about how to 2 form a government so I didn't dwell on it too much.</p> <p>3 So then, when the bid was announced a few weeks 4 after the General Election, I thought, oh, right, what's 5 the reason for the timing behind that? And I remember 6 the only time I exchanged any words, and they were very 7 brief indeed, with Rupert Murdoch himself was at a News 8 International summer party, I can't remember, June or 9 July of 2010, and I just asked him, I said, "Why are you 10 doing this now?" and he give me an answer which was not 11 hugely revealing, but so, you know, that -- I was -- 12 I was asking questions about the timing, open-minded to 13 see how the process proceeded, sceptical about the 14 dangers of an excessive concentration of power in the 15 hands of News International.</p> <p>16 Q. And thirdly --</p> <p>17 LORD JUSTICE LEVESON: That would be News Corp, wouldn't it?</p> <p>18 A. News Corp, yes, of course, sorry.</p> <p>19 MR JAY: The third general question, the extent to which you 20 and other senior Liberal Democrats were lobbied, and 21 this general question applies to the coalition against 22 the bid and News Corp in favour of the bid.</p> <p>23 A. Yes. Oh, there was a lot of lobbying, counter-lobbying 24 going on, self-evidently. Endless twists and turns 25 throughout all of this. As I said earlier, there was an</p> <p style="text-align: center;">Page 50</p>	<p>1 political influence one way or the other.</p> <p>2 Q. Can we look, please, at just four or five emails in the 3 exhibit KRM 18, which is going to be under your tab 14, 4 Mr Clegg. These are the Michel emails which have 163 5 pages in all but only four or five arguably relate to 6 you.</p> <p>7 The first is in the PROP file at page 01664.</p> <p>8 A. Yes.</p> <p>9 Q. This is 8 November 2010, so it's four days after the 10 European intervention notice which Dr Cable promulgated. 11 It purports to be a private call with Dr Cable's main 12 adviser, but we see at the bottom that he also has 13 "follow-up calls scheduled with David Laws and Clegg on 14 this". The reference to you could well be a reference 15 to your adviser, but do you happen to know whether there 16 was such a follow-up call either with you or your 17 adviser?</p> <p>18 A. There was certainly no follow-up call with me at all, 19 and I have no knowledge of a follow-up call with any of 20 my advisers, but there clearly was contact between 21 Fred Michel and some of my advisers as many of the other 22 exhibits demonstrate, but there was certainly no call 23 with me.</p> <p>24 Q. Thank you. The next one is 2 December, this is 25 page 01677, and relates to a conversation with one of</p> <p style="text-align: center;">Page 52</p>

<p>1 your advisers, who is Mr Tim Colbourne. We have 2 a witness statement from him and his account is set out 3 in that statement.</p> <p>4 I suppose the question for you is whether on or 5 after 2 December there was any conversation between you 6 and Mr Colbourne about his, Mr Colbourne's call or 7 conversation with Mr Michel. Do you remember anything?</p> <p>8 A. No. None whatsoever. None whatsoever.</p> <p>9 I think it's important to note that in 10 Tim Colbourne's witness statement the approach by 11 Fred Michel to him had initially been made on the basis 12 that he, Fred Michel, wanted to discuss the current 13 agenda around the creative industry, so Tim Colbourne's 14 expectation was that that was what the discussion was 15 going to be about, not the bid. And as you will know, 16 as per Tim Colbourne's witness statement, his minutes 17 and recollection of that meeting are starkly different 18 to that of Fred Michel's.</p> <p>19 Q. Are you able to assist us at all with the last bullet 20 point:</p> <p>21 "Need to support Nick when he makes announcement on 22 copyright which goes against his election promise -- 23 timing end January -- will be very tough for him with 24 youth voters again."</p> <p>25 Does that ring any bells or not?</p> <p style="text-align: center;">Page 53</p>	<p>1 So what Mr Oates was saying was entirely correct, 2 wasn't it?</p> <p>3 A. Yes. I think this email very much reflects, as of 4 course it inevitably would, because Jonny Oates is my 5 most senior adviser and worked with me for many, many 6 years, it very much reflects my own views, which, as 7 I said earlier, I was just very keen that Vince Cable 8 should just be allowed to get on with the job, and there 9 were so many noises off, and bluntly there were other 10 Liberal Democrats who were reported to be pronouncing on 11 the bid when they had absolutely no locus in it 12 whatsoever, and that's why I think Jonny Oates' email 13 very much reflects my own views, that everybody should 14 pipe down instead of having these endless conversations 15 which were entirely irrelevant and immaterial to the 16 actual process in hand in Vince Cable's office. Just 17 let Vince Cable get on with it.</p> <p>18 Q. The last one, Mr Clegg, in this little clip of emails, 19 01745, we're on to 3 March 2011, so this is the date the 20 undertakings in lieu are announced to Parliament by the 21 Secretary of State. The fourth little paragraph down: 22 "Don Foster is supporting the remedy and is writing 23 a memo to Clegg to welcome it." 24 To the best of your recollection, was there a memo 25 written to you which welcomed it from him?</p> <p style="text-align: center;">Page 55</p>
<p>1 A. None at all. The only thing -- since I've seen this, 2 the only thing -- I was racking my brain. The only 3 thing that I know I have been concerned about for some 4 time, but I don't remember it coming to a head then, in 5 fact it's something which in many respects has only come 6 to a head in recent weeks, is what we as a government do 7 about the so-called site blocking provisions of the 8 Digital Economy Act, which was an act which was passed 9 under considerable time pressure and controversy in the 10 latter days of the Labour administration, and included 11 what I regard and my party regard to be illiberal 12 provisions to block websites, which I have always felt 13 should be diminished or dropped. So that's the only 14 thing I can think of in substance, but I just can't 15 imagine why that would have been an issue then.</p> <p>16 Q. Thank you. The next one may not be particularly 17 controversial. It's 01681, 19 December 2010. The Chief 18 of Staff referred there is Mr Oates, isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. "He was very surprised when I pointed out to him that 21 Cable will be tempted to take a decision with a lot of 22 political influence. For him, the referral is not 23 a matter for 'Lib Dems', it is a matter for the 24 Secretary of State in accordance with his statutory 25 obligations."</p> <p style="text-align: center;">Page 54</p>	<p>1 A. No, I never saw a memo. My understanding is that 2 Don Foster himself has no recollection of writing one.</p> <p>3 Q. What we do have shortly after this, at tab 11, Mr Clegg, 4 we're now back in the MOD3 file at page 08000. This is 5 a memorandum from the Secretary of State, I think it's 6 one of the ones which was sent fortnightly to the 7 Prime Minister. He explains that the issue seems to 8 have died completely:</p> <p>9 "Looking back, the fact that we had independent 10 advice at every stage seems to have been decisive in 11 heading off any threat of judicial review. Certainly 12 none of the newspaper groups are talking about it now. 13 I did hear that Chris Huhne was apoplectic and advocated 14 going to the media to criticise it -- but partly because 15 Don Foster was onside Nick reined him in."</p> <p>16 Is that broadly speaking correct?</p> <p>17 A. I have absolutely no recollection of that whatsoever, 18 and my understanding is that Chris Huhne doesn't either.</p> <p>19 Q. Okay. And then the point to make to you, apparently, is 20 that if the matter had been transferred or referred, 21 pardon me, to the Competition Commission, it would 22 almost certainly have been judicially reviewed by 23 News Corp. Was that point ever put to you at about this 24 time?</p> <p>25 A. No. For the very good reason that I just very</p> <p style="text-align: center;">Page 56</p>

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<p>1 consciously avoided getting drawn into discussions on</p> <p>2 the substance of a decision over which I had no and</p> <p>3 sought no and didn't want to have any direct input.</p> <p>4 Q. There are two further emails from Mr Michel which relate</p> <p>5 to you in some way. Tab 12 now at page 011832, we're on</p> <p>6 to 13 March 2011. There was a piece here in the</p> <p>7 Financial Times about opponents of the bid having taken</p> <p>8 their fight to the corridors of power with a direct</p> <p>9 lobbying effort principally aimed at Lib Dem MPs and</p> <p>10 peers. What Mr Michel tells Mr Smith, referring him to</p> <p>11 that piece, is that he knows that you and Huhne are very</p> <p>12 relaxed about it. Again, does that ring any bells or</p> <p>13 not?</p> <p>14 A. To put it mildly, I find it implausible that anyone</p> <p>15 should know what my emotions are in reaction to an</p> <p>16 article in the Financial Times. I simply have no idea</p> <p>17 how that could have been deduced at all.</p> <p>18 LORD JUSTICE LEVESON: It may be --</p> <p>19 A. But as it happens --</p> <p>20 LORD JUSTICE LEVESON: It may be that you were relaxed about</p> <p>21 the bid.</p> <p>22 A. Well, no. As it happens, the fact that interested</p> <p>23 parties in this or on any other issue should want to</p> <p>24 seek to talk to Liberal Democrats at one of our annual</p> <p>25 party conferences, I mean, that's what party conferences</p> <p style="text-align: center;">Page 57</p>	<p>1 was written on my behalf by someone in my Parliamentary</p> <p>2 office in response to obviously the great flood of</p> <p>3 emails which was coming in on this, and I think the</p> <p>4 attempt was to provide a factual description of the</p> <p>5 state of decision-making at that time, which was the</p> <p>6 undertakings in lieu, and the response as far as</p> <p>7 I recollect it from Ofcom and the OFT saying that in</p> <p>8 their view those undertakings in lieu helped to address</p> <p>9 their previously published concerns on the issue of</p> <p>10 plurality.</p> <p>11 Q. Under tab 15, these are various text messages sent by</p> <p>12 Mr Michel to -- I think she's a special adviser of</p> <p>13 yours, but you'll correct me if I'm wrong, Lena Pietsch.</p> <p>14 A. Lena Pietsch, yes, who is my media -- press</p> <p>15 spokesperson.</p> <p>16 Q. Mr Michel in December is trying to organise a meeting</p> <p>17 with her. I don't think it came to fruition. There was</p> <p>18 then the events of 21 December --</p> <p>19 A. Yes.</p> <p>20 Q. -- which we can see referred to at 13385. Mr Michel</p> <p>21 says that the "Telegraph was going to blackmail Vince on</p> <p>22 this!". Did you know anything about that?</p> <p>23 A. No, I don't know what he's -- I don't know what he's</p> <p>24 referring to. Vince's comments to his what he thought</p> <p>25 were constituents were published by the Daily Telegraph,</p> <p style="text-align: center;">Page 59</p>
<p>1 are about, is to -- there's a great scrum of people</p> <p>2 talking to each other. But I just simply don't</p> <p>3 recognise this at all. I certainly didn't have</p> <p>4 a conversation with Fred Michel which would convey</p> <p>5 whether I was relaxed or uptight or anything else about</p> <p>6 this article.</p> <p>7 MR JAY: Was this about the time of your spring conference?</p> <p>8 A. Yes. Yes. Which was -- I remember the conference very</p> <p>9 well because it was in Sheffield and I'm an MP from</p> <p>10 Sheffield, and of course it was completely dominated by</p> <p>11 something totally different, which was the highly</p> <p>12 controversial reforms that Vince Cable had introduced on</p> <p>13 higher education funding reform.</p> <p>14 Q. The view you were expressing at the time is apparent</p> <p>15 from tab 13, please, Mr Clegg. The second page of it,</p> <p>16 which is page 13675, there was an email which was sent</p> <p>17 on your behalf at the bottom of the page, 9 March.</p> <p>18 A. Mm.</p> <p>19 Q. You in effect said the undertakings in lieu were going</p> <p>20 out for consultation, that they were generally to be</p> <p>21 welcomed, I paraphrase, but that they still needed to be</p> <p>22 carefully considered by the regulators, et cetera.</p> <p>23 A. Mm.</p> <p>24 Q. Is that a fair summary?</p> <p>25 A. Yes. I think -- I mean, I didn't see this letter, it</p> <p style="text-align: center;">Page 58</p>	<p>1 so I don't see how you can exercise blackmail about</p> <p>2 something which is published, but ...</p> <p>3 LORD JUSTICE LEVESON: The Telegraph hadn't published the</p> <p>4 comments that he'd made about BSkyB, had it?</p> <p>5 A. No, that's right. My recollection of it was --</p> <p>6 I remember it very well actually because the</p> <p>7 Prime Minister and I had just completed a joint press</p> <p>8 conference which we'd held in number 10, and we were</p> <p>9 both told pretty well simultaneously as we were leaving</p> <p>10 that press conference that there were reports coming</p> <p>11 through, if I remember it correctly, the BBC that these</p> <p>12 comments had been made by Vince Cable's constituents and</p> <p>13 that the comments were in the possession of the Daily</p> <p>14 Telegraph, so the way I heard it first was not by way of</p> <p>15 reading the Daily Telegraph.</p> <p>16 MR JAY: It was on Mr Peston's blog that afternoon, but</p> <p>17 we'll come to the events of that day in a moment.</p> <p>18 The only other issue which you might be able to</p> <p>19 throw light on, but it's a bit of a long shot,</p> <p>20 page 13387. This is 6 January 2011, Mr Michel to</p> <p>21 Lena Pietsch:</p> <p>22 "I think Nick will like the Times leader today."</p> <p>23 And then next page:</p> <p>24 "He does."</p> <p>25 At this distance, it may be unfair to ask you what</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 that might have been about. Can you recall?</p> <p>2 A. I was, of course, not in the slightest bit aware of</p> <p>3 these texts and I've only subsequently sort of --</p> <p>4 because I was quite interested to know what this great</p> <p>5 leader was, and it was about something to do with the</p> <p>6 bid, it was to do with what I mentioned earlier, it was</p> <p>7 the proposals from Vince Cable and his team on the</p> <p>8 reform of student financing, where the Times was</p> <p>9 supportive of the reforms. But I struggle even now to</p> <p>10 see what the relevance is with all the other things</p> <p>11 going on.</p> <p>12 Q. Thank you. May I go back in time from 6 January about</p> <p>13 two weeks to 21 December 2010.</p> <p>14 A. Mm-hm.</p> <p>15 Q. Which is the day the news broke of the Dr Cable</p> <p>16 comments.</p> <p>17 A. Mm.</p> <p>18 Q. You've told us something about that already, that there</p> <p>19 was a press conference with the Prime Minister, possibly</p> <p>20 early afternoon, and then the report came out from the</p> <p>21 BBC.</p> <p>22 A. Mm.</p> <p>23 Q. But what happened next, Mr Clegg?</p> <p>24 A. My recollection is the following: that the</p> <p>25 Prime Minister and I heard, as I said, almost at exactly</p> <p style="text-align: center;">Page 61</p>	<p>1 government, and I certainly didn't feel at first glance</p> <p>2 and I certainly don't now think that it was a sort of</p> <p>3 hanging offence. But I did also recognise, which is</p> <p>4 partly why I was quite frustrated that it all happened,</p> <p>5 that it made it impossible for him to carry on</p> <p>6 responsibility for the decision.</p> <p>7 And then after that, there were -- I think the</p> <p>8 Prime Minister and I had maybe two, three telephone</p> <p>9 conversations. I remember that Gus O'Donnell, now Lord</p> <p>10 O'Donnell, the then Cabinet Secretary, came to see me.</p> <p>11 We discussed at the time the idea that quickly emerged</p> <p>12 of transferring responsibility from Dr Cable to</p> <p>13 Jeremy Hunt at the Department for Culture, Media and</p> <p>14 Sport, and I asked some questions of Gus O'Donnell of</p> <p>15 that, and, well, as we know, then the decision was taken</p> <p>16 towards the end of the day.</p> <p>17 Q. Do you know whose idea it was to transfer these</p> <p>18 quasi-judicial functions to DCMS?</p> <p>19 A. I don't. I've now read subsequently that it was</p> <p>20 Jeremy Heywood's, but these things don't -- you know,</p> <p>21 they tend to -- particularly in a coalition, someone</p> <p>22 proposes an idea and then they're bandied about and the</p> <p>23 Prime Minister and I would have talked about it in our</p> <p>24 telephone conversations. I remember asking questions of</p> <p>25 Gus O'Donnell about whether the -- whether, you know,</p> <p style="text-align: center;">Page 63</p>
<p>1 the same time as we were leaving this joint press</p> <p>2 conference. He and I then had a brief conversation in</p> <p>3 his office, the Prime Minister's office. I remember</p> <p>4 saying that I was very keen that I should see</p> <p>5 Vince Cable myself first. It's only normal. He's</p> <p>6 a Liberal Democrat Secretary of State and I felt it</p> <p>7 right that I should hear from Vince Cable first, and</p> <p>8 seek to make decisions with Vince Cable.</p> <p>9 Dr Cable then came to my office early afternoon. We</p> <p>10 talked about it. I think he quite quickly appreciated</p> <p>11 that this was a very serious issue. There were already</p> <p>12 I think, I think I'm right in remembering, already calls</p> <p>13 for his resignation and all the rest of it.</p> <p>14 I remember having calls with him where he pondered</p> <p>15 whether one way forward would be for him to transfer the</p> <p>16 responsibility for the decision on the bid from himself</p> <p>17 to one of his ministers in his own department, I think</p> <p>18 he mentioned Ed Davey, a Liberal Democrat minister in</p> <p>19 his department at the time, and I remember saying</p> <p>20 I thought that was unlikely to do the trick.</p> <p>21 I also remember that my strong political instinct,</p> <p>22 above and beyond everything else, was to protect</p> <p>23 Dr Cable and make sure that he was not ejected from</p> <p>24 office. I was very -- obviously he's a friend and</p> <p>25 a valued colleague and an important member of the</p> <p style="text-align: center;">Page 62</p>	<p>1 I could be sure that the bid would be dealt with</p> <p>2 objectively and appropriately by Mr Hunt in the DCMS,</p> <p>3 and he assured me that it would be.</p> <p>4 The exact chronology of who said what first and then</p> <p>5 how notes were compared -- as you will have heard from</p> <p>6 my recollection of the course of events, as is the case</p> <p>7 on many major issues, the Prime Minister and I talk</p> <p>8 either in person or by phone a lot, and in this case we</p> <p>9 did several times during the course of several hours.</p> <p>10 Q. In relation to the questions you asked along the lines</p> <p>11 "are you sure that Mr Hunt could deal with this</p> <p>12 objectively and appropriately", what did you know about</p> <p>13 Mr Hunt's position, publicly stated position as regards</p> <p>14 the bid, if anything?</p> <p>15 A. I didn't know any -- I mean, I didn't have available to</p> <p>16 me then the sort of text of what he'd said and what he'd</p> <p>17 published and what he'd written privately, but</p> <p>18 I remember just operating on the assumption that he</p> <p>19 would be favourably disposed towards the bid, so it was</p> <p>20 sort of a legitimate question for me, to make sure</p> <p>21 that -- but I -- you know, I was very ready to accept</p> <p>22 the reassurances, as I did, that the process would have</p> <p>23 to be conducted in a sort of objective and</p> <p>24 quasi-judicial manner, and that in one sense</p> <p>25 Jeremy Hunt's personal views were as irrelevant to that</p> <p style="text-align: center;">Page 64</p>

<p>1 as Vince Cable's were. The process stands and stood.</p> <p>2 Q. You worked on the assumption that he would be favourably</p> <p>3 disposed but nothing more than that; is that right?</p> <p>4 A. Yes, nothing more than -- I think I was told that there</p> <p>5 were some comments on the public record from</p> <p>6 Jeremy Hunt. I didn't ask to see those comments myself,</p> <p>7 and I was assured simultaneously that they were not</p> <p>8 sufficiently serious or of a particular nature which</p> <p>9 precluded the suggestion of transferring the</p> <p>10 responsibility from Dr Cable to Jeremy Hunt.</p> <p>11 Q. Is your view the same now?</p> <p>12 A. It is, actually. Whilst of course there is now more</p> <p>13 information available, not least the private notes</p> <p>14 written from Jeremy Hunt to the Prime Minister on the</p> <p>15 subject, to be fair, they don't actually materially add</p> <p>16 very much to, for instance, what was then already</p> <p>17 publicly known was a statement from Jeremy Hunt on his</p> <p>18 own constituency website that he was a cheerleader for</p> <p>19 Rupert Murdoch, or whatever the wording was. So in many</p> <p>20 ways all that I think we've learnt subsequently is that</p> <p>21 there was more material confirming Jeremy Hunt's own</p> <p>22 views, but they didn't actually affect the content of</p> <p>23 what was known at the time.</p> <p>24 And very, very clear on this, not least because of</p> <p>25 course separately there is discussion in Parliament</p> <p style="text-align: center;">Page 65</p>	<p>1 I think there is a very strong case, I've personally now</p> <p>2 become strongly persuaded of this, of tightening up the</p> <p>3 definitions which govern a quasi-judicial decision, so,</p> <p>4 for instance, the plurality test seems to me to be far</p> <p>5 too amorphous and loosely defined. It was only actually</p> <p>6 smuggled into the 2003 Communications Act, against the</p> <p>7 initial objections of the Labour Party and the Labour</p> <p>8 government of the time, not least because of pressure</p> <p>9 from the Liberal Democrats and the House of Lords, Lord</p> <p>10 Puttnam and other cross benchers. So it was a kind of</p> <p>11 concession, hadn't been properly thought through, and</p> <p>12 it's now the basis upon which the Secretary of State has</p> <p>13 to base his or her quasi-judicial decisions.</p> <p>14 So I think there is a big case to tighten up the</p> <p>15 remit given to a Secretary of State, but I nonetheless</p> <p>16 think at the end of the day it is a good thing in</p> <p>17 a Parliamentary democracy to have people who are</p> <p>18 accountable to Parliament who have to explain why that</p> <p>19 decision was taken and inasmuch as they have any</p> <p>20 discretion within what I hope will be tighter</p> <p>21 definitions, why they chose to exercise discretion one</p> <p>22 way or the other.</p> <p>23 I just think this idea that you can make everything</p> <p>24 bloodless and technocratic, you know, I think that's</p> <p>25 sometimes a false -- there's a false premise there that</p> <p style="text-align: center;">Page 67</p>
<p>1 about the application of the Ministerial Code to</p> <p>2 Jeremy Hunt and the work of his special adviser, I think</p> <p>3 on the specific point about how he handled the bid to</p> <p>4 make sure that he was insulated from accusations of</p> <p>5 allowing personal bias to drive the process, I think</p> <p>6 he's given a full, good and convincing account to this</p> <p>7 Inquiry.</p> <p>8 Q. Thank you. Standing back from it, though, there's the</p> <p>9 wider question as whether quasi-judicial decisions in</p> <p>10 this sort of area should be left to ministers or should</p> <p>11 be devolved to a regulator. Of course there are</p> <p>12 arguments both ways, but how do you see that in terms of</p> <p>13 the future, Mr Clegg?</p> <p>14 A. I think there is a temptation, of course, not least in</p> <p>15 the controversy of this bid just to say look, take the</p> <p>16 politicians out of it altogether. I'd set the hurdle</p> <p>17 quite high before making that decision. I think there</p> <p>18 is a general tendency at the moment to increasingly</p> <p>19 strip politicians of decision-making authority. We do</p> <p>20 it on monetary policy, we do it on a whole range of</p> <p>21 issues already.</p> <p>22 I think we need to be a little bit careful. The</p> <p>23 representative democracy is based on the idea that there</p> <p>24 are people you elect to take difficult decisions who are</p> <p>25 then held to account for those decisions. Whilst</p> <p style="text-align: center;">Page 66</p>	<p>1 somehow if you just remove politicians, then controversy</p> <p>2 is suddenly drained of the issue altogether because</p> <p>3 there isn't a politician in sight. I think people need</p> <p>4 to be a little bit careful of what they hope for because</p> <p>5 what you could end up with is a process which actually</p> <p>6 does rely on a certain degree, if highly constrained,</p> <p>7 degree of judgment, in which that judgment is made by</p> <p>8 people who are accountable to nobody.</p> <p>9 LORD JUSTICE LEVESON: I'll follow that up a bit.</p> <p>10 I can quite understand the general point that you</p> <p>11 make, and as I said to somebody earlier this week, I've</p> <p>12 spent my life for 12 years as a judge making decisions</p> <p>13 about legal issues where I might have personal views</p> <p>14 about the subject matter which are entirely irrelevant.</p> <p>15 The judicial review to challenge the site of a nuclear</p> <p>16 power station -- I've done one of those, so I've</p> <p>17 deliberately chosen it -- I might have views about</p> <p>18 nuclear energy or not, and I can easily put them to one</p> <p>19 side and focus on the legal test that I'm required to</p> <p>20 apply. I have no doubt at all that making decisions</p> <p>21 about wind farms or nuclear energy and climate change,</p> <p>22 which I mentioned to Mr Miliband yesterday, or making</p> <p>23 decisions in other areas of policy, politicians are</p> <p>24 entirely able to put their personal views to one side</p> <p>25 while at the same time, if it affects their</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

1 constituency, say, "Well, I must now recuse myself", as
 2 you have in relation to one of the topics you've talked
 3 about before, and say, "Well, it might be thought I'm
 4 a bit close to this, therefore somebody else ought to
 5 take it."
 6 **A. Yes.**
 7 LORD JUSTICE LEVESON: I am troubled, and it may be that
 8 this is a one-off, because of the circumstances, but
 9 I am troubled that this particular decision evokes
 10 reaction in every politician which might be rather more
 11 than intellectual and have something that is evisceral
 12 about it, and therefore that creates a terrible risk.
 13 **A. Yes.**
 14 LORD JUSTICE LEVESON: And it's a risk to the politician,
 15 and Mr Hunt said, and I have no doubt he's right, that
 16 he created a position -- I think Mr Stephens said --
 17 where his discretion was vanishingly small.
 18 **A. Yes.**
 19 LORD JUSTICE LEVESON: But you can understand the concern
 20 I have, because one of the things that I do have to
 21 consider in my terms of reference is how future concerns
 22 about, among other things, regulation and cross-media
 23 ownership should be dealt with by all the relevant
 24 authorities including Parliament and government.
 25 **A. Yes.**

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1 LORD JUSTICE LEVESON: So this is territory that I have to
 2 consider.
 3 **A. Yes, yes, absolutely.**
 4 LORD JUSTICE LEVESON: So I'd be very grateful for your
 5 views on this rather limited aspect. You're entitled to
 6 say, "Actually, this is so one-off it will never happen
 7 again", but I'm worried about that answer.
 8 **A. My view is that what is flawed at the moment is that the**
 9 **instruments available to us are quite imprecise.**
 10 **They're poorly defined. They're subject to a huge**
 11 **amount of interpretation. Notably, in this case, the**
 12 **plurality test. If you read in the Enterprise Act how**
 13 **public interest and plurality are defined, you can run**
 14 **a coach and horses through it. And then, as we all**
 15 **know, there are various hoops you go through, the**
 16 **Secretary of State can then have quite a low threshold**
 17 **of evidence, if you like, refer the decision, and then**
 18 **makes a further decision on whether to refer it to the**
 19 **Competition Commission and so on and so forth.**
 20 **My only view is where we should focus our efforts**
 21 **should be to make that a more rational, coherent and**
 22 **more tightly defined process, because that in itself**
 23 **then makes it much, much more difficult for politicians**
 24 **to infuse the process with their own prejudices. What**
 25 **I'm saying is that if you do manage to tighten it up,**

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1 **then it is nonetheless still appropriate to have**
 2 **a politician at the end of the day who's held to account**
 3 **for the final decision by that process.**
 4 **You could do both, you could both tighten it up and**
 5 **remove politicians, but I personally don't believe that**
 6 **one can ever be so scientific about what plurality is**
 7 **that it is completely beyond debate or discretion.**
 8 **I don't think -- I think plurality can be much more**
 9 **tightly defined than it presently is but it's not**
 10 **a mathematical formula. If it was, you'd get a**
 11 **calculator to sort it out, but it's not. It will always**
 12 **have a degree, some degree, however small, or**
 13 **vanishingly small, of discretion.**
 14 LORD JUSTICE LEVESON: I understand, but my concern is that
 15 once you're into that area, and I entirely endorse your
 16 view about the importance of democratic accountability,
 17 I understand that point very, very well, but the concern
 18 is slightly different, that once you are exercising
 19 discretion, if internally this politician, however
 20 wonderful a human being he or she is, has extremely
 21 strong views, borne perhaps about from personal
 22 experience, about having their policies trashed in the
 23 press and all the rest of it, it becomes difficult then
 24 to avoid the perception that actually this is payback
 25 time.

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1 **A. Yes, no, no, I --**
 2 LORD JUSTICE LEVESON: And it's trying to cope with that
 3 problem that I'm struggling with.
 4 **A. No, frankly I can't provide an easy answer. Well, the**
 5 **easy answer is to say: therefore, just remove**
 6 **politicians from the decision-making together. I've**
 7 **given the reasons why I personally am not persuaded of**
 8 **that. And I have to say I don't -- I wouldn't --**
 9 **I personally would not assume that this is just**
 10 **a one-off. I think if you just step back for a minute**
 11 **and look at the sector, the press sector, this is**
 12 **a sector that's going to go through huge change in the**
 13 **coming years. The printed press is based on a business**
 14 **model that is, I think Jeremy Hunt quite rightly said**
 15 **here in this Inquiry, dying on its feet. One of the**
 16 **reasons why you have this hyperbolic shrill tone in so**
 17 **much of our printed press is that you have a huge amount**
 18 **of competition all fighting for a diminishing pool of**
 19 **readers and customers. And they're going to thrash**
 20 **around against each other in ever more sort of ferocious**
 21 **terms.**
 22 **Then, of course, you have other media which are**
 23 **becoming ever more important, particularly for the**
 24 **younger generation. You know, my children, I doubt very**
 25 **much they'll ever feel the ink and print of a newspaper**

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<p>1 in their hands. So you'll then get quite understandably</p> <p>2 a real attempt for media groups who haven't yet done so</p> <p>3 to move into that area, so I think there's going to be</p> <p>4 a lot of churn across media, a lot of further</p> <p>5 controversial decisions. So I don't think we should</p> <p>6 comfort ourselves in thinking this is just a one-off.</p> <p>7 LORD JUSTICE LEVESON: I'm pleased you should say that,</p> <p>8 because that's actually the view that I have at least</p> <p>9 tentatively reached, but I gave you the option to dodge</p> <p>10 out of the question. But if that option isn't open,</p> <p>11 then we do have to cope with --</p> <p>12 A. Yes.</p> <p>13 LORD JUSTICE LEVESON: -- the issue that in this area there</p> <p>14 may be very, very strong, entirely understandable views</p> <p>15 and one has to find a mechanism to ensure that nobody</p> <p>16 can challenge a decision on the grounds of perception of</p> <p>17 bias, even if not actual bias. Otherwise, all you've</p> <p>18 done is bounce the decision away from politicians into</p> <p>19 a far more terrible group of people called judges.</p> <p>20 A. Well, you said that, sir, and I didn't.</p> <p>21 LORD JUSTICE LEVESON: No, I said it. Because somebody else</p> <p>22 will.</p> <p>23 A. Look, I mean it is a real dilemma. It is a dilemma and</p> <p>24 like all dilemmas, it's not always susceptible to</p> <p>25 a simple one-off answer. I can totally understand and</p> <p style="text-align: center;">Page 73</p>	<p>1 moment, however. We have politicians involved, deciding</p> <p>2 on a series of definitions and tests which are very</p> <p>3 loosely defined. That cannot carry on. That is</p> <p>4 absolutely -- I give you another example. I find it</p> <p>5 very odd that if a media group grows organically, just</p> <p>6 increases its market share over time, under the present</p> <p>7 rules of competition and plurality, there's nothing</p> <p>8 which triggers an ability for the competition</p> <p>9 authorities to have a look at what it means if</p> <p>10 a particular cuckoo just gets bigger and bigger in the</p> <p>11 media nest, if you see what I mean. That's very odd.</p> <p>12 In other sectors you have triggers which allow that.</p> <p>13 That's just another example of how the rules seem to be</p> <p>14 eccentrically designed for the realities of</p> <p>15 a fast-moving, rapidly shifting sector such as the</p> <p>16 media.</p> <p>17 MR JAY: Mr Clegg, I omitted to cover just one small point</p> <p>18 of detail in relation to the conversation you had with</p> <p>19 Dr Cable.</p> <p>20 A. Yes.</p> <p>21 Q. I appreciate that conversation is private and</p> <p>22 confidential and I'm not going to pry into it, but did</p> <p>23 he mention at any point veiled threats or bullying from</p> <p>24 News Corporation or News International? Part of the</p> <p>25 reason, I suppose, for making the comments he did, which</p> <p style="text-align: center;">Page 75</p>
<p>1 respect a conclusion which says: because there are</p> <p>2 probably going to be more controversial decisions in the</p> <p>3 future, maybe a number of them, because the perception</p> <p>4 inevitably if a politician is involved is the</p> <p>5 perception, whatever the reality is, that somehow their</p> <p>6 own views and their own political views inform or colour</p> <p>7 that, wouldn't it be just easier to -- and for the</p> <p>8 reasons I've explained, I wouldn't throw the baby out</p> <p>9 with the bathwater, if I'm not mixing my metaphors.</p> <p>10 LORD JUSTICE LEVESON: So your answer is ultimately this is</p> <p>11 a risk that the political class have to be sufficiently</p> <p>12 grown up about to deal with in a way that is</p> <p>13 demonstrably, openly and obviously fair?</p> <p>14 A. I have confidence that if we were to -- and this is, if</p> <p>15 I may add, why I think this Inquiry is so</p> <p>16 extraordinarily important, amongst many other reasons,</p> <p>17 that if you were able to make a set of recommendations</p> <p>18 which take the rather ramshackle powers which are</p> <p>19 available to secretaries of state at the moment, rather</p> <p>20 uneven procedures, and make them coherent, tightly</p> <p>21 defined, easily understood, I am confident that that</p> <p>22 greater coherence and precision would make it -- would</p> <p>23 protect politicians in the future from allegations of</p> <p>24 undue bias.</p> <p>25 I think we're in the worst of all worlds at the</p> <p style="text-align: center;">Page 74</p>	<p>1 were taped on 3 December.</p> <p>2 A. Not to my recollection to me, but I'm obviously now</p> <p>3 aware that he'd had the same conversations with</p> <p>4 Norman Lamb that I had that I referred to earlier.</p> <p>5 Q. Yes. May we move now to media policy questions in the</p> <p>6 future, Mr Clegg. We start at paragraph 77 of your</p> <p>7 statement at page 13812. Three key principles in</p> <p>8 paragraph 27: freedom, accountability and plurality.</p> <p>9 We were, I think, already touching on the issue of</p> <p>10 plurality, and you would like there to be triggers into</p> <p>11 competition and plurality issues without a merger</p> <p>12 situation existing, is that the basic point you're</p> <p>13 making in paragraph 81?</p> <p>14 A. Yes. It's the point I mentioned earlier that size</p> <p>15 matters, but size isn't just determined at the point of</p> <p>16 a transaction. It can, if you like, creep up on you</p> <p>17 through the success of a particular media group just</p> <p>18 increasing its market share.</p> <p>19 Incidentally, buried within this is this issue about</p> <p>20 whether you can come up with a statistical percentage</p> <p>21 definition. I'm not an expert on this. I'm perfectly</p> <p>22 open to -- maybe that's one way of judging it. I'm told</p> <p>23 that the science of that is pretty tricky, but that may</p> <p>24 be one part of the reforms that one introduces to</p> <p>25 instill a bit of coherence in this area.</p> <p style="text-align: center;">Page 76</p>

<p>1 Q. So you wouldn't be advancing even for consideration or 2 instinctively a percentage threshold beyond which at 3 least there should be an investigation? 4 A. No, no, sorry, I meant to say I'm open to that, but 5 I don't have a particular figure in mind. I'm not going 6 to just pluck one out of thin air. I can imagine it is 7 quite tricky to define -- you know, percentage of what? 8 Because groups will increasingly be running different 9 media and how do you compose that figure? So I'm open 10 to it, but I can imagine -- what I'm anticipating is 11 that it might be a little less straightforward than it 12 initially seems. 13 LORD JUSTICE LEVESON: And you have to do some comparing of 14 like with like. If we take BSkyB as an example, the 15 fact that Sky have movie channels and historical and 16 geographical channels and all that, to what extent is 17 that relevant when you're considering news, and that 18 type of issue. 19 A. That's right. That's right. 20 MR JAY: The next issue is corporate governance, which you 21 have touched on but I think we said we would return to, 22 it's paragraph 82, and the allied question of public 23 interest, investigative journalism in the public 24 interest, and the approach of the state to journalists. 25 In paragraph 84, you refer to the public interest test.</p> <p style="text-align: center;">Page 77</p>	<p>1 with reforms that actually enshrine and protect and 2 promote the freedom of the press and the ability of 3 journalists to go after the truth without fear or 4 impediment, and on that, my own view is I am intuitively 5 quite attracted to some of the ideas that I think have 6 been presented by other witnesses in this Inquiry, of, 7 for instance, emulating the quasi constitutional 8 guarantee of the independence of the judiciary in an Act 9 of Parliament. I think it will be well worth exploring 10 enshrining in sort of quasi constitutional statute the 11 freedom of the press, and to supplement it with 12 a clearer definition of the public interest so that 13 journalists know they can use a clearly understood 14 definition of the public interest -- frankly, some of 15 the current definitions are -- personally I find 16 somewhat arbitrary and circular. I think one of them is 17 the public interest is whenever -- you know, almost 18 tantamount to whenever the press want to be free to say 19 whatever they like. You need to come up with something 20 that the press has confidence in. 21 But I think if the press had confidence that they 22 have a public interest definition which protects them 23 and which acts as a shield against any intimidation or 24 undue interference from politicians and others, and they 25 have a kind of quasi constitutional recognition of their</p> <p style="text-align: center;">Page 79</p>
<p>1 You're effectively asking the Inquiry to provide greater 2 coherence and clarity, but are there any substantive 3 ideas which you would wish to draw to our attention for 4 consideration? 5 A. I would say this. My overall view is that everyone 6 seems to agree that the current oversight and regulatory 7 framework in which the press operates is discredited. 8 The publication and so on. So everybody agrees there 9 needs to be reform in that area. 10 There is then a -- and everyone agrees that the new 11 system needs to be robustly independent. Independent of 12 Parliament, politicians, government and crucially the 13 media as well. To have new powers, which don't 14 presently exist: powers to investigate, powers to impose 15 sanctions and so on. 16 There is then a subsidiary question as to whether 17 that new regulatory environment requires some form of 18 statutory underpinning or not, which I hope we'll be 19 able to return to because I have some views on that. 20 I think you need to -- I think one needs to come up 21 with a coherent solution on all of that in order to 22 ensure that accountability, when things go wrong, when 23 ordinary people's privacy is abused, when power is 24 abused by the press is properly held to account. 25 However, I think you need to counterbalance that</p> <p style="text-align: center;">Page 78</p>	<p>1 unique status in a free and democratic society, I hope 2 that would then allow them to be a little more 3 comfortable with some of the unavoidable reforms on the 4 way in which they are regulated and held to account, 5 where they are very anxious at the moment. 6 In other words, it's a two-pronged thing. You have 7 to take steps to protect the freedom of the press and 8 take steps to insure against the abuse of power in the 9 press. 10 Q. Thank you. You said you would return to the issue of 11 the possibility of statutory underpinning. 12 A. Yes. 13 Q. Do you see any constitutional difficulties with that, at 14 least in terms of possible impingement on the freedom of 15 the press? 16 A. The first thing I'd say is I think some of the way that 17 this issue has been cast is deeply unhelpful. Some of 18 the way that -- it's inevitable always -- the debate has 19 become polarised suggests you're either for some 20 Orwellian statutory infringement on the freedom of the 21 press or you're in favour of the law of the jungle. 22 Neither are remotely desirable or realistic. 23 Actually, the press already operate in a manner 24 which is governed by statute, whether it's competition 25 law, data protection, taxation, you name it. The idea</p> <p style="text-align: center;">Page 80</p>

<p>1 that they operate in a vacuum is not the case now. 2 I personally see this issue of whether you need 3 statutory powers of one description merely as a means to 4 an end. The end has to be independent regulation, 5 independent of government, Parliament, politicians and 6 the media, with teeth. The question then is: do you 7 need that -- can you secure that independence without 8 statute? 9 That's why I think those people who say no 10 statutory -- no role for statutory powers at all have to 11 explain how on earth you could have genuine 12 independence, which isn't in one way or another 13 underpinned by statute, and I would suggest there are 14 two areas where statute may, may need to play a role. 15 The first is one which was actually raised by 16 Mr Dacre, the editor of the Daily Mail, in a seminar 17 associated with this Inquiry, the so-called Desmond 18 problem. As I think Mr Dacre quite rightly suggested, 19 maybe Parliament will have some role in creating 20 incentives or cajoling all parts of the media to be part 21 of a new regulatory environment, because it's hopeless 22 if we end up, as has been the case recently in parts of 23 Canada, for instance, where just great swathes of the 24 media have just opted out of the regulatory system 25 altogether. You have to have buy-in from everybody. As Page 81</p>	<p>1 that has to be in a sense processed by politicians in 2 Parliament, you have to tread a fine line, and I believe 3 maybe that's a way of addressing those concerns. 4 LORD JUSTICE LEVESON: Don't you also have to have 5 a mechanism whereby whoever is doing this can enforce 6 the orders that are made? 7 A. Yes. 8 LORD JUSTICE LEVESON: And of course that might mean not 9 just the body against the press, but also the individual 10 who wants to complain. So it has to bind people in, 11 hasn't it? 12 A. Yes. 13 LORD JUSTICE LEVESON: Now, how do we do that without some 14 sort of statutory cover? I understand the point you 15 make entirely, and you're probably aware, the Irish 16 model merely prescribes what the regulator has to be 17 able to do and then the regulator is approved, because 18 somebody says, "Actually, yes, it does tick all the 19 boxes", and then it gets on with the job, and there are 20 other ways of achieving it, as you've just identified 21 the Advertising Standards Authority and the like. 22 A. Yes. The Irish model certainly I think is fascinating 23 because the way they've got around the -- for want of 24 a more elegant way of putting it -- the Desmond problem 25 is, if I understand it correctly, they've in effect Page 83</p>
<p>1 I think Mr Dacre rightly recognised, that may be a place 2 where Parliament could help. 3 The only other specific area where I think there may 4 be, may be a need for statute, is whatever new body or 5 bodies replace the PCC, I suppose it could be one body, 6 a press commission, and then an ombudsman flanking it, 7 or maybe one body, they clearly cannot be the gift of 8 government, they cannot be in the control of Parliament, 9 they must not anyway be run by politicians directly in 10 any shape or form. They must be self-standing, 11 independent. 12 But who in a sense guards the guardians? Who stands 13 behind them if things go awry? That's where you might 14 want to have what they call a sort of statutory 15 backstop, what is in the jargon called co-regulation. 16 We have instances of that already, the Advertising 17 Standards -- Agency or Authority? The ASA has a sort of 18 statutory backstop in the form of Ofcom. The Legal 19 Services Board is a sort of self-standing non-statutory 20 body, if I understand it correctly, but has a body 21 a name of which I've forgotten which does have 22 a statutory footing which oversees it. 23 So I think the sort of one step removed model may be 24 the way to square this circle, because I'm very 25 sensitive to the concerns that people have that anything Page 82</p>	<p>1 said: if you, a press organisation A or B, want to be 2 provided with the protections under a new defamation 3 law -- and this has echos here because we're debating 4 a new defamation bill which is a very pro freedom of 5 press piece of legislation, incidentally, which the 6 Coalition is pursuing -- if you want to have those 7 protections, you must enter into the regulatory system. 8 You can't have your cake and eat it. You can't have 9 your protections under that law and not be part of the 10 regulatory system. It's just a very novel way of making 11 sure that you get complete buy-in, but you can't -- but 12 that's not possible without statute acting as a carrot 13 for those incentives to be effective. 14 LORD JUSTICE LEVESON: The question is whether it's possible 15 without in some way the framework having an endorsement 16 which doesn't simply depend upon agreement. 17 A. Yes. No, because then it becomes pick and choose all 18 over again. 19 LORD JUSTICE LEVESON: Absolutely. 20 MR JAY: Paragraph 61 of your statement, please, Mr Clegg. 21 This is page 13809. 22 "The media feel that any form of statutory 23 regulation will be a step too far. It is up to them to 24 demonstrate that tough independent regulation with all 25 major players taking part can be met without Page 84</p>

<p>1 legislation. Editors and proprietors need to make the 2 case for why they should be exempt from the 3 accountability and scrutiny to which most powerful 4 institutions are subject."</p> <p>5 Do you feel that editors and proprietors have made 6 that case in the two respects you indicate here?</p> <p>7 A. I have not yet heard anyone make a persuasive case that 8 you can have independent regulation with teeth and full 9 participation of all parts of the sector in a way which 10 is premised on a pick and choose, take it or leave it -- 11 no, not take it or leave it, pick and choose 12 participation. I haven't yet heard. If someone comes 13 up with something like that, great, because then we get 14 out of all this polemic about these dastardly 15 politicians want to trample on the freedom of the press. 16 Nobody would be more delighted than me if we could 17 find a way of getting to this holy grail of strong 18 independent regulation without the politicians being 19 accused that somehow they are trying to stick their nose 20 in. Great. But I have to say I've not yet heard 21 anybody -- and as I say, some of the most ferocious 22 critics of the purported motives of the political class 23 in all of this, for instance Mr Dacre, themselves have 24 said that maybe Parliament does need to play a role in 25 making sure that there's full buy-in across the sector.</p> <p style="text-align: center;">Page 85</p>	<p>1 of being a murderer in effect when it was entirely 2 false. That's what's really angered people, quite 3 rightly. It is outrageous that innocent people who 4 didn't ask to be put forward in the public eye at all 5 are destroyed like that.</p> <p>6 That is what's at stake. I think we have a once in 7 a generation to sort all that out. The best way I think 8 it could be done is if this Inquiry could come forward 9 with quite precise proposals which deal with many of 10 these issues we are now discussing, and I certainly will 11 then play a very active role, assuming they are strong, 12 robust and well thought through, to adopt them on 13 a cross-party basis, and I was very pleased to hear that 14 Ed Miliband in the name of the Labour Party said the 15 same thing.</p> <p>16 This cannot be the subject of endless political 17 argy-bargy, and I would, if I may suggest, I would 18 suggest the less room you give, sir, in your 19 recommendations for politicians to make endless mischief 20 about this and hold it up by having endless debates and 21 maybe further inquiries, the better. Because we've been 22 here so many times now, it's been called the last-chance 23 saloon in the past, been here countless times before, 24 got an opportunity to sort it out, I personally think 25 that we must and can and will do it in a way which</p> <p style="text-align: center;">Page 87</p>
<p>1 I only labour this point because I think we're in 2 danger of having rather synthetic argument --</p> <p>3 LORD JUSTICE LEVESON: I've talked about --</p> <p>4 A. When in fact if you scratch below the surface, most 5 people accept, even people who have come into this 6 Inquiry saying it must be self-regulation at all costs, 7 actually, when you push them, they accept you might need 8 some kind of statutory backstop. I hope the Inquiry 9 will be able to build on what I think is a lurking 10 consensus, rather than dwell on what I think is 11 a superficial disagreement.</p> <p>12 LORD JUSTICE LEVESON: The argument about the binary thing, 13 Orwell or free for all, we've had from the very, very 14 beginning. I'd better ask you to comment, because you 15 might have a view, on the idea that all the press could 16 sign an agreement binding for five years, in other words 17 a five-year -- which could give time to legislate if it 18 all fell to pieces, which would be sufficient.</p> <p>19 A. Look, I think we have a once in a generation opportunity 20 to clean all this up, to restore public confidence in 21 our great press, and let me be absolutely clear, the 22 public confidence has not been shaken because of press 23 attacks on people like me or celebrities. It's 24 Milly Dowler. It's her family. It's Chris Jefferies, 25 this poor man who was dragged through the press accused</p> <p style="text-align: center;">Page 86</p>	<p>1 actually celebrates and protects rather than denigrates 2 or undermines the freedom of the press. It can be done.</p> <p>3 MR JAY: Your key messages are set out in paragraph 86. 4 You've already summarised those. The need for an 5 entirely new body, restoring public confidence, to be 6 independent, power to initiate investigations, 7 et cetera. Is there in your assessment a lurking 8 consensus -- that's the term you used -- on an all-party 9 basis, I suppose, for this sort of solution?</p> <p>10 A. I can't speak for other parties but what I've heard has 11 actually made me quite optimistic, actually, that there 12 is a wide -- there is a body of opinion now across all 13 parties that we can't -- that it's bad for politics, bad 14 for Parliament, bad for democracy, bad for the press, 15 it's offensive and distressing to the public to just let 16 things carry on as they are, and that a little tweak 17 here and there of a fundamentally flawed model is not 18 going to sort this.</p> <p>19 Q. How much weight do you give to the arguments which run 20 along the lines: chilling effect of regulation and/or 21 unintended consequences, and that if we're not careful, 22 the sacred cow, I suppose, of freedom of the press is 23 likely to be irredeemably harmed?</p> <p>24 A. I think we must be very sensitive to that. If we were 25 to in any way directly see a chilling effect on the</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 freedom of the press we would be losing something very, 2 very precious. However unruly or raucous it is, it's 3 what makes us a free, democratic, plural society. 4 I think the -- I think frankly some of the claims 5 that -- you know, I've heard some people not quite, but 6 almost claim that somehow the existence of this Inquiry 7 is in and of itself intimidating journalists. I think 8 that's just preposterous. The idea that this Inquiry 9 itself somehow stops journalists from doing their 10 business, there's absolutely no evidence. 11 I think there's been a slight sort of mawkish 12 quality to some of the more sort of breathless 13 predictions that somehow the press is under the cosh. 14 As I say, in order to absolutely provide total 15 100 per cent reassurance that nothing in the new 16 environment should infringe on this great liberal virtue 17 of freedom of the press, I think we not only have to 18 introduce the regulatory reforms as I've described in 19 a sensitive and intelligent manner, where any statutory 20 role is very much in the background as a backstop, but 21 equally I think we can go further than that, as I say, 22 through maybe clarifying and enshrining the public 23 interest test for journalists and enshrining in a quasi 24 constitutional manner the freedom of the press, we can 25 give more protections. I think they can go in parallel.</p> <p style="text-align: center;">Page 89</p>	<p>1 that journalists should know what they can and can't do, 2 and in that regard reference has been made to the risk 3 of prosecution if what they do contravenes the criminal 4 law, and to that end, the Director of Public 5 Prosecutions published guidance following a discussion 6 at the Inquiry of the things that he would take into 7 account when considering whether a publication was in 8 the public interest, and of course that would bite, for 9 example, in relation to bribery.</p> <p>10 A. Mm. 11 LORD JUSTICE LEVESON: So that if a criticism is made or 12 a complaint made that a journalist had bribed somebody 13 to get information, then if that information was 14 obviously and clearly in the public interest to obtain 15 because it was your spade and shovel point, then that 16 would be to the highest degree material in deciding 17 whether it was right to prosecute for bribery, and of 18 course that's one protection.</p> <p>19 The next protection at the end of the day is the 20 judge saying there's no defence but this was obviously 21 in the public interest, therefore I discharge you 22 absolutely.</p> <p>23 Does that cope with that concern that you identify? 24 A. I think it goes a very long way to addressing the 25 concern. I simply don't know as a sort of matter of law</p> <p style="text-align: center;">Page 91</p>
<p>1 LORD JUSTICE LEVESON: Do you see as supporting that the 2 approach which I think I invited the Director of Public 3 Prosecutions to adopt in relation to providing guidance 4 on how he would operate the Crown Prosecutor's test for 5 prosecutions in relation to public interest for 6 journalists and which he has subsequently published? 7 A. Do I think that is a helpful ...? 8 LORD JUSTICE LEVESON: Do you think that is sufficient to 9 deal with that aspect? 10 A. Ah. I don't know whether a sort of unilateral 11 definition by the CPS is in and of itself -- 12 LORD JUSTICE LEVESON: No, no, I wasn't suggesting that that 13 was an over-arching definition of the public interest, 14 although actually it's quite a difficult thing to 15 define. 16 A. Yes. 17 LORD JUSTICE LEVESON: Because the truth is that the public 18 interest will actually take on different characteristics 19 depending upon the subject matter that you are talking 20 about, and therefore there is a danger of defining the 21 public interest in a way that impedes its operation in 22 different areas. 23 A. Yes. 24 LORD JUSTICE LEVESON: That's just a concern I have. My 25 point was rather different. You mentioned a concern</p> <p style="text-align: center;">Page 90</p>	<p>1 or legal practice whether we would need to reflect that 2 in, say, primary legislation. 3 LORD JUSTICE LEVESON: You don't need to reflect that in 4 primary legislation. If you wanted to create 5 a statutory defence, you would. 6 A. Then you would, yes. 7 LORD JUSTICE LEVESON: But the trouble with the statutory 8 defence line is that you then have to cope with what 9 might be thought to be bogus claims to the public 10 interest in an investigation. 11 A. Mm. 12 LORD JUSTICE LEVESON: And therefore mean that there could 13 never be any criminal oversight of what is criminal 14 behaviour because everyone will always be able to say, 15 "Well, there is this public interest because I have this 16 information from a source who I couldn't possibly name 17 for very good ECHR reasons", and therefore you scupper 18 the whole process of challenging criminal behaviour. 19 A. To be honest, I haven't explored -- I mean, I haven't 20 explored the CPS' guidance on this, and haven't thought 21 through sufficiently the interaction between that and 22 a defence in legislation. But it's clearly, I would 23 have thought, of great help to the press if they know 24 what the CPS' attitudes are to -- 25 LORD JUSTICE LEVESON: Well, that was the purpose of doing</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

<p>1 it, and it actually was to provide some of the</p> <p>2 reassurance that you have mentioned that I invited the</p> <p>3 DPP -- which of course it was a matter for him, not for</p> <p>4 me -- to do.</p> <p>5 A. No, no, it's a big step forward.</p> <p>6 MR JAY: Mr Clegg, recalibrating the relationship between</p> <p>7 press and politicians, as the Prime Minister has said,</p> <p>8 could you assist us with any further ideas you have in</p> <p>9 that regard? Talked about transparency, of course.</p> <p>10 A. I think in some sense, like many things in politics,</p> <p>11 it's just -- there are many mechanisms, but it's also</p> <p>12 just an issue of attitude. An outlook. I'm lucky</p> <p>13 enough to lead a party that's never been in anyone's</p> <p>14 pocket. We pride ourselves on being sceptical about</p> <p>15 vested interests, not just in the press, but as I said</p> <p>16 before, whether it was trade unions, bankers. There's</p> <p>17 a sort of liberal philosophy that says that politics is</p> <p>18 at its best when it represents the country as a whole</p> <p>19 and doesn't seek to represent partial interests.</p> <p>20 I don't want to over-romanticise this because I hope</p> <p>21 I've been open and candid about the fact that we've</p> <p>22 perhaps also been partly unencumbered by being in</p> <p>23 anyone's pockets because I'm not sure if there were any</p> <p>24 vested interests in the press who wanted us in their</p> <p>25 pockets in the first place, so it's not just borne of</p> <p style="text-align: center;">Page 93</p>	<p>1 sure the balance is correctly set.</p> <p>2 Q. Thank you. Paragraph 87 of your statement. This is the</p> <p>3 appointment of Andrew Coulson. You had a conversation</p> <p>4 with the Prime Minister, a brief conversation, about his</p> <p>5 decision to appoint Andy Coulson, so this obviously was</p> <p>6 in May 2010; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Can I ask you about the background to that conversation?</p> <p>9 Presumably you initiated it; is that right?</p> <p>10 A. Yes. That is my recollection. The background to it is</p> <p>11 that we, the Liberal Democrats, my colleague, for</p> <p>12 instance, Chris Huhne, had been very outspoken in our</p> <p>13 criticisms of Andy Coulson when he was appointed to work</p> <p>14 for the Conservative Party in opposition. It's</p> <p>15 self-evidently an issue. This was an individual who we</p> <p>16 had been highly critical of and had been critical of his</p> <p>17 appointment before the election, so, you know, it would</p> <p>18 have been very odd for us not to seek to straighten out</p> <p>19 our views now that we were suddenly and unexpectedly</p> <p>20 thrown together in government, as with so many issues.</p> <p>21 I genuinely cannot remember the precise wording,</p> <p>22 but, you know, I said to the Prime Minister, I asked</p> <p>23 him, "Is this the right thing to do, given the</p> <p>24 controversy around Andy Coulson?" given obviously the</p> <p>25 Prime Minister was aware of my party's views on it.</p> <p style="text-align: center;">Page 95</p>
<p>1 virtue, but that is important.</p> <p>2 I think the fact that if you combine that with the</p> <p>3 fact that the media is changing as fast as it is, the</p> <p>4 way people are accessing their information is so diverse</p> <p>5 and diffuse, increasingly as I said newspapers are --</p> <p>6 they're hugely important, they set the agenda in many</p> <p>7 respects, but many particularly younger people get their</p> <p>8 information through a diversity of source, I just think</p> <p>9 this is a good opportunity for politicians to get off</p> <p>10 their knees. They don't need to constantly pander to</p> <p>11 every passing whim, prejudice or campaign got up by the</p> <p>12 press. It's great the press do that. We should</p> <p>13 celebrate that, we should protect it. But it's really</p> <p>14 at the end of the day for politicians to stand up for</p> <p>15 themselves and say: look, we have a democratic mandate,</p> <p>16 we've gone out to get elected, we listen to our</p> <p>17 constituents in our surgeries every Thursday, Friday,</p> <p>18 Saturday. The editors, the proprietors don't do that.</p> <p>19 We get out and about in the country much more, by the</p> <p>20 way, than many of the journalists who constantly</p> <p>21 pronounce on the state of the country.</p> <p>22 I just think a bit of -- an assertion of the</p> <p>23 legitimacy of politicians to make decisions in their own</p> <p>24 right, unfettered, unintimidated, unpressured, would</p> <p>25 probably go further than almost anything else in making</p> <p style="text-align: center;">Page 94</p>	<p>1 The Prime Minister explained the reasons that he's</p> <p>2 given publicly why he felt that he'd been satisfied with</p> <p>3 the responses that he'd received from Andy Coulson and</p> <p>4 he felt, as he's put it, that he deserves a second</p> <p>5 chance.</p> <p>6 Of course, a lot of the information and allegations</p> <p>7 we now know were not known to me or indeed the</p> <p>8 Prime Minister then. It's quite important to remember</p> <p>9 that this conversation would have been quite</p> <p>10 different -- we know now or think we know now that we</p> <p>11 didn't know then.</p> <p>12 And also it is important to remember that in</p> <p>13 a coalition, the Prime Minister has a right to make</p> <p>14 choices about who he appoints to his team which I can't</p> <p>15 and wouldn't ever seek to veto, in the same way that</p> <p>16 I am free to make appointments to my team which he can't</p> <p>17 veto.</p> <p>18 It was not a conversation which was based on the</p> <p>19 premise that somehow, you know, I would say, "You can't</p> <p>20 do that", it's just that wasn't the understanding of it.</p> <p>21 Q. Is there anything else about that conversation which you</p> <p>22 remember which is material to our consideration or not?</p> <p>23 A. No.</p> <p>24 Q. Can I ask you more generally about the phone hacking</p> <p>25 scandal. When did you first call for a public inquiry</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 in relation to it? Was it as late as July of last year?</p> <p>2 A. I'm afraid I genuinely can't remember. I'm sure I can</p> <p>3 find out, but I cannot remember. I was very clear in my</p> <p>4 own mind but I can't remember the chronology. I was</p> <p>5 very clear in my own mind, when it was obvious we had to</p> <p>6 have this looked into, that it needed to be looked into</p> <p>7 by an inquiry, thankfully that's the way it transpired,</p> <p>8 which was as they call it, judge-led, with real teeth,</p> <p>9 and with a broad remit, and I spent quite some time</p> <p>10 discussing with the Prime Minister about the need to</p> <p>11 have a broad remit, which is now reflected in the four</p> <p>12 modules of the Inquiry. I was very keen that what we</p> <p>13 shouldn't have is either a toothless inquiry or one</p> <p>14 which only looks at part of the canvas, so all of these</p> <p>15 things are linked.</p> <p>16 LORD JUSTICE LEVESON: So in the same way that I thanked</p> <p>17 Mr Miliband for the mushrooming terms of reference,</p> <p>18 I must thank you as well, must I? I'm pleased to do</p> <p>19 that.</p> <p>20 A. I'm certainly not asking for any thanks but it was</p> <p>21 certainly a view that clearly was held across parties</p> <p>22 that it needed to be broad and strong as an inquiry.</p> <p>23 MR JAY: Is this right, Mr Clegg: for you, the trigger is</p> <p>24 the events of 4 July last year in particular, the</p> <p>25 revelations in relation to Milly Dowler, and not for</p> <p style="text-align: center;">Page 97</p>	<p>1 between the press and politicians and the press and the</p> <p>2 police, they felt they did operate by another set of</p> <p>3 rules because they were -- they kind of had the measure</p> <p>4 of politicians and the police.</p> <p>5 In other words, the arms of the state that should be</p> <p>6 exercising authority, enforcing the law and acting</p> <p>7 transparently, were doing exactly the reverse. So no</p> <p>8 wonder over time the press felt: oh, great, we can do</p> <p>9 what we like!</p> <p>10 Q. Is it fair, though, to point out that you of course were</p> <p>11 not part of this culture of intimacy because you've told</p> <p>12 us that you were not in anyone's pocket, but you didn't</p> <p>13 speak out, so there may have been other reasons?</p> <p>14 A. Didn't speak out?</p> <p>15 Q. Against News International. There wasn't anything</p> <p>16 preventing you from speaking out, you weren't part of</p> <p>17 any culture of intimacy which might have prevented</p> <p>18 others. Is there anything we can learn from that or</p> <p>19 infer from that?</p> <p>20 A. Maybe I've got the wrong end of the stick. My party was</p> <p>21 very outspoken on the issues of accountability in the</p> <p>22 press, hacking, illegal activity and so on. And</p> <p>23 I certainly remember Liberal Democrat spokespeople being</p> <p>24 lone voices on this in Parliament when it was being</p> <p>25 brushed under the carpet by both Labour and the</p> <p style="text-align: center;">Page 99</p>
<p>1 example the Guardian article of July 2009 or the New</p> <p>2 York Times piece of 1 September 2010?</p> <p>3 A. No, the Milly Dowler thing transformed everything</p> <p>4 because it inflamed, quite rightly, public anger. The</p> <p>5 public, I think quite rightly, are more indifferent to</p> <p>6 the plight of politicians and celebrities, who I think</p> <p>7 they quite rightly think can look after themselves, as</p> <p>8 indeed they can. I think it is a wholly different</p> <p>9 matter when they see a family in a moment of</p> <p>10 unimaginable anguish and distress being intruded upon in</p> <p>11 the most grotesque fashion, and it made people very</p> <p>12 angry.</p> <p>13 Why, as I said earlier, this is all linked is that</p> <p>14 I cannot believe that that level of intrusion, that</p> <p>15 level of almost amoral behaviour towards helpless,</p> <p>16 innocent people, I just do not believe that would have</p> <p>17 arisen other than in the context of newsroom practices</p> <p>18 which were just totally out of control and where people</p> <p>19 clearly felt they could operate by one set of rules</p> <p>20 while everybody else had to obey another set of laws,</p> <p>21 and that culture of impunity, sort of one rule for us,</p> <p>22 another rule for everybody else, is not only arrogant,</p> <p>23 it's not only wrong, it's not only, as we know, almost</p> <p>24 certainly illegal, it's also, I think, an expression of</p> <p>25 a culture in which perhaps because of the intimacy</p> <p style="text-align: center;">Page 98</p>	<p>1 Conservative Parties.</p> <p>2 MR JAY: Fair enough. Thank you very much, Mr Clegg.</p> <p>3 LORD JUSTICE LEVESON: Mr Clegg, thank you very much indeed.</p> <p>4 A. Thank you.</p> <p>5 LORD JUSTICE LEVESON: 2 o'clock. Thank you.</p> <p>6 (12.46 pm)</p> <p>7 (The luncheon adjournment)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 100</p>

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