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<td>Q. Some general points first, Mr Salmond, at page 13979, where you refer to professional business relationships between senior politicians and the media. Would you associate yourself with the term we heard yesterday from Sir John Major, namely constructive tension being the term which might best characterise a good and healthy relationship between politicians and the media? A. I think that's a fair term. I think sometimes there's more tension than constructive, but that's a fair summary, yes. Q. And sometimes is there more cosiness than tension, perhaps? A. It could work both ways. Some relationships could be constructive, some could be tense. But constructive tension seems like a good summary. I think the way Sir John Major was expressing it was that it was actually a good thing to have constructive tension, and he's probably right. Q. The risk to the public interest you capture at 13980 towards the top of the page, where you refer to &quot;lack of transparency&quot;, but can I ask you also to expand on what you mean on &quot;where particular relationships result in a lack of balance or partial reporting&quot;? A. I think the -- well, the first point, transparency in the public interest, I think that's now generally accepted, although it's fairly recent, it's only in the last year that senior politicians have been publishing their meetings with senior newspaper executives, but I think everybody will now accept, for opposition, for government, that transparency is a good thing. I think there could be a risk to the public interest where there is an entrenched viewpoint, ability to pursue something regardless of the facts from sections of the media, that could be a risk to the public interest. Q. I think you may be referring there to the perennial problem of the fusion of news and comment; is that right? Or at least -- A. Yes. I think that was in my mind when I wrote the witness statement. I mean, it's much easier to say it's an undesirable thing to merge news and comment than to work out what to do about it. I think there's two big problems. I mean, I suppose all politicians, perhaps all people, would like to live in a world where news and comment were carefully separated, where you could trust what was in the news and the comment was consigned to the editorial columns. We don't live in that world, we never shall. But there's another point. It's not just a practicality of trying to separate the two, which</td>
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<td>I think would be impossible. There's actually a point of principle. I think that newspapers have the right, within the law, to pursue as they wish their individual newspaper opinions or indeed prejudices, and many do. Q. That's notwithstanding clause 1 of the code, which does clearly differentiate between conjecture, fact and opinion? A. Yes, that's what the code does, and we'll see if people think it's observed or -- but people have the right not to observe it. I mean, there is a point of principle that if a newspaper has an entrenched opinion, if it chooses in that famous phrase to give the public their &quot;daily hate&quot;, if that's what they wish to do within the context of the law, then they have the right to do it in terms of the free expression of opinion, and so I don't think just the separation of news and comment would be desirable, as the code indicates, I don't think it's practical in terms of supervision and I think there's a point of principle that people have the right within the law to pursue their opinions, even if they disguise them as news occasionally. Or more than occasionally. Q. I'm just interested in that last point, the point of principle, because the code surely embodies a principle, an ethical standard, which ought to be upheld, but yet you're saying there's almost a point of principle that</td>
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A. I think freedom of speech is a very important principle and freedom of speech encompasses the freedom for people speaking that you don't like. I think that one of your previous witnesses was Mr Blair, the former Prime Minister, somebody incidentally who I briefly against incessantly, it should be said, but Mr Blair in his evidence particularly talked about the Daily Mail in this context as being a paper which many people believe looks at all news stories from certain angles, and I think he's right in that, I think it does, and I have a similar opinion about it that he does. I just think that allowing the Daily Mail to do that if it so wishes is a price we have to pay for ensuring the freedom of the press, which is essential for a democratic society.

LORD JUSTICE LEVESON: Are there any countervailing public interests?

A. Well, the supreme countervailing public interest is upholding the criminal law, and I think it's at least arguable that that hasn't been done over the last few years, and now should be done, both in England as it will be in Scotland, so that is the -- a supreme counterbalance.
times in accordance with the Human Rights Act. It is, if you like, a form of written constitution in that sense.

Q. I suppose the fundamental question I have is: are you looking for a, as it were, unitary UK-wide solution from this Inquiry, or are you asking the Inquiry to consider a Scottish-specific solution?

A. Well, I think that rather depends on what the Inquiry comes up with, Mr Jay. If the Inquiry comes up with a proposition which accords with public support, which is eminently sensible and points the way to a better future, then I think the Scottish Parliament would be very foolish not to pay close attention to it. If on the other hand, which I don't believe for a minute will happen, it came up with a solution which was either overprescriptive, restricted press liberty, then I think the Scottish Parliament might wish not to apply that. So I think that rather depends on the proposition that emerges from this Inquiry. I wish you well in the deliberations and I assure you we're looking with enormous interest.

LORD JUSTICE LEVESON: But does that mean -- thank you very much, and of course the same is so for the English Parliament. They can adopt it or not, as they wish.


Let's just say for the sake of argument that you move into legislative areas of some kind, then we would be perfectly capable, I think, of looking at your aims, intent and suggestions and applying them to Scottish conditions.

Equally, sir, if you wish to make specific recommendations which touch on the distinctiveness of the Scottish legal system or otherwise, we would very much welcome your views on that.

There are some key aspects. Basically, the structure of law, as I understand it -- and I'm not a lawyer -- is broadly similar but there are certain differences in terms of defamation law, for example. We are not currently as a Parliament considering the defamation changes which are being considered by the House of Commons at the present moment. People may argue that the defamation situation in Scotland is in better shape in terms that there's less complaint about either the size of the awards or the frequency of cases.

There is one change to defamation we're making at the present moment, which may be of interest, which is that -- well, proposing to make, I should say, which is that previously it's not been possible to defame a dead person. In Scotland, we've had a tragic case recently where a young boy seems to have committed suicide as a result of things which had been said about his dead sister.

LORD JUSTICE LEVESON: You're talking about Mr and Mrs Watson who gave evidence to the Inquiry?

A. That's correct, I am indeed, sir. And that has led to a consideration, at least, of whether that aspect of defamation should be changed. I'm not aware, I don't think that's been considered in England and Wales.

So broadly the shape of the legal approach to these things is similar.

Could I say, sir, there is one aspect which would be worth saying right now, that one of the aspects of this whole area which concerns me greatly is that the -- although there was in the possession of the Metropolitan Police for some period of years, certainly since 2006 and before, perhaps, information which might have led the prosecution authorities to the conclusion that the criminal law had been breached in Scotland, until over the last few months that information was not made available to Strathclyde police or the Crown Office in Scotland, which strikes me as remarkable and very unsatisfactory indeed.

I would have expected, the Crown office would have expected, that if such information had been held by the Metropolitan Police affecting Scottish citizens, then...
that information would have been passed to the
prosecution authorities and the police in Scotland for
proper investigation.

As a result, on issues such as phone hacking, it's
only in the last few months that Strathclyde police have
examined all of that information and informed the
potential victims of the possibility of criminal acts
against them. That seems to me a highly undesirable
situation and something similar applies to possible
breaches of data protection legislation as well.

LORD JUSTICE LEVESON: I understand the point, and you're
probably aware and those who assist you could certainly
see the way in which the Inquiry has analysed what
happened in relation to Motorman, which is the second of
your two examples, and the seizure of material from
Mr Muleaire, which is the first of your examples.

A. Exactly.

LORD JUSTICE LEVESON: You're probably aware it's been the
subject of quite considerable debate in this Inquiry,
and will certainly be covered --

A. I'm just making the point, sir, that it's one thing, for
whatever reason, for the police or prosecution
authorities not to -- to decide not to proceed on
information for a variety of reasons, which no doubt
you're examining, among many other things. It seems to
be an extension of that not to make another prosecution
authority or police force in another jurisdiction aware
that there were aspects of that which could pertain to
prosecutions in Scotland. It seems to me highly
undesirable.

LORD JUSTICE LEVESON: I understand the point entirely.

MR JAY: Mr Salmond, we know that many English or UK titles
have Scottish editions and there's a regional press in
Scotland, but we hadn't had much evidence which is
specifically related to Scotland apart from evidence
we've heard from the Watsons. Are there in your view
differences in the culture, practices and ethics of
the press in Scotland which you would like to draw to
our attention?

A. I think until very recently you might have considered
this to be if not exclusively then largely a Fleet
Street English issue in terms of potential breaches of
the law. I think there are other aspects of press
behaviour which are very similar north and south of the
border. But more recently I think we'd have to accept,
given the information which has now been into the hands
of the police in Scotland, there are significant,
perhaps proportionately less but significant Scottish
examples of possible criminality.

Now, from what I can see, I would absolve the
regional press, let's call them that. There's no
evidence, for example, if we take the list of possible
breaches of data protection in Operation Motorman,
there's no evidence whatsoever that the regional press,
either the Scottish press or for that matter the English
regional press have been engaged in these activities,
either because they have better ethics or perhaps they
have less money, I don't know which would be the case,
Mr Jay, but nonetheless there's little evidence of that,
but there is now a number of Scottish citizens who have
been informed by Strathclyde police that they have been
potential victims of illegality, and over the last year
I've asked, within the proper confines of my office as
First Minister, I've asked the Lord Advocate, the chief
law officer for Scotland, for assurances that the
matters which are coming to the attention of Strathclyde
police under Operation Rubicon in Scotland will be
properly, thoroughly investigated by a well-resourced
investigation, that they'll go where the evidence leads
without fear or favour, and that these matters and the
criminal law be upheld in Scotland, and I have received
these assurances.

But there are -- if you can take from the evidence
that's in the public domain, there are differences, and
by and large the regional press and much of the Scottish
indigenous press would be absolved from the matter.

Q. Have you seen any evidence, Mr Salmond, that your own
phone has been hacked?

A. I have no evidence that my own phone has been hacked,
and given that my understanding is that Strathclyde
Police have now completed the informing of potential
victims, then I have no evidence, I haven't been
contacted by Strathclyde Police, and clearly I'm not
familiar properly with the operational matters here
because I'm First Minister, not the Chief Constable, but
what I can say is that I believe that my bank account
was accessed by the Observer newspaper some time ago, in
1999, and my reason for believing that is I was informed
by a former Observer journalist, who gave me a fairly
exact account of what was in my bank account that could
only be known to somebody who had seen it.

For example, I had bought some toys for my then at
that time young nieces in a toy shop in Linlithgow High
Street which was called Fun and Games, and the person
who informed me told me that this caused great
anticipation and hope in the Observer investigation unit
because they believed that perhaps Fun and Games was
more than a conventional toy shop. And enormous
disappointment when it turned out to be just a toy shop. I have to say, on Linlithgow High Street it seemed to me unlikely that it would be anything else, but anyway, the point I’m making is the person concerned had detail which could only have been known by somebody who had full access to my bank account at that stage. He told me about a year later, incidentally. This happened, I believe, during the run-up to the 1999 election in Scotland.

It has tended to colour my view of things in the sense that, given that personal experience and given the evidence produced by Operation Motorman and given the more recent evidence of hacking activities, I believe that there’s a substantial case that illegality was rife across many newspaper titles, and that very, very little was done to uphold the criminal law, just some faltering prosecutions, and I’m sure that both in England and Scotland that will now be rectified, and the criminal law will now be upheld.

LORD JUSTICE LEVESON: It shouldn’t just be a matter for criminal law, because we can’t put a policeman on everybody's shoulder. Don't we have to put some responsibility on journalists, editors, proprietors, to maintain standards while of course respecting the freedom of the press?

A. Yes, I think we do, sir, and perhaps — because I’ve been watching the evidence, usually towards the end of the testimony —

LORD JUSTICE LEVESON: Oh, yes, yes.

A. I’m going to offer you the First Ministerial solution to all these matters, a proposition, that yes, there has to be a responsibility beyond the criminal law, but it equally applies if the criminal law is not being upheld how can any voluntary code or any other understanding or observation be maintained under these circumstances? It seems to me absolutely paramount that the criminal law be upheld, and it most certainly will be upheld in Scotland.

LORD JUSTICE LEVESON: I understand, and we certainly will come back to discuss the future. Yes, Mr Jay.

MR JAY: Mr Salmond, before we look at your schedule of contacts with the media, may we establish some political facts in relation to the Scottish Sun and the Daily Record? In the 2007 election, the Scottish Sun was anti-SNP, and we can see the front page at your exhibit AS101, our page 14140, tab 103 in the bundle we have there for you. This is the head in the noose.

A. Yes. I'm going to offer you the First Ministerial solution to that point I'm making is the person concerned had detail which could only have been known by somebody who had full access to my bank account at that stage. He told me about a year later, incidentally. This happened, I believe, during the run-up to the 1999 election in Scotland.

It has tended to colour my view of things in the sense that, given that personal experience and given the evidence produced by Operation Motorman and given the more recent evidence of hacking activities, I believe that there’s a substantial case that illegality was rife across many newspaper titles, and that very, very little was done to uphold the criminal law, just some faltering prosecutions, and I’m sure that both in England and Scotland that will now be rectified, and the criminal law will now be upheld.

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Q. Was it your assessment in 2007 that the Scottish Sun was a floating voter, which you might be able to win over by courting or assuaging them, or did you assess that they were a lost cause in that election?

A. Well, I tend to have very few lost causes. There's no such thing as a lost cause, as far as I'm concerned. I've even tried to persuade the Daily Telegraph, with manifestly less success, it has to be said, to take a more sympathetic attitude to the SNP or to Scottish independence.

I've been -- about Daily Mail, I haven't spent much time trying to persuade the Daily Mail. It might well be, as far as this is concerned, a lost cause.

I certainly attempted to persuade the Sun in the run-up to 2007 that the SNP or Scottish independence would be a good bet. I tried to persuade the Daily Record that they should treat the SNP better, and so I tend not to regard the newspapers as lost causes.

Things change, times change and events change, and so I think it's very unwise to consign people to being a lost cause.

Q. But notwithstanding your attempts in 2007, the Scottish Sun was anti-SNP and was that a surprise to you at the end of the day?

A. No. Once they decided the editorial line, it wasn't a surprise to me they pursued it vigorously. The Sun is not known for half-measures in these matters.

I had a meeting with the then Sun editor in Scotland and Rebekah Brooks in the run-up to the 2007 election, basically putting forward the argument of why a change would be a good thing for Scotland and the Sun should support it. I'd have to say I don't think from her evidence Rebekah Brooks remembers the meeting, but I remember. I think it was less than successful.

I did get the impression, and I've had it before and I've had knowledge of it before, that I was having more success with the Sun editor in Scotland, who I believe would have wanted to pursue a more even-handed approach, perhaps not as supportive of the SNP approach, but nonetheless more even-handed, but I think there was a writ laid down that that wasn't appropriate. So it was a less than successful meeting with Rebekah Brooks.

Q. Okay. May we look, please, at your list of meetings with proprietors, editors and media executives, which is AS100 at tab 101, starting at our page 14135, which is the list you published on 4 August 2011 pursuant to the policy of greater transparency.

A. Correct.

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way. So it's neither necessary nor sufficient, and I'm not even certain that the support during election campaigns is as significant as some in the press or in politics believe.

What I do think you should try to avoid as a practising politician, if you can, is the media hunting as a pack, having a universal opinion which is hostile to your cause. I think that over time would have an effect on public opinion.

If you take the current situation, for example, there isn't a single mainstream newspaper in Scotland that supports Scottish independence, although a third to a half in opinion polls of the general public do, and therefore that's something I have to try and change, because it's undesirable -- I mean, I should say that a number of papers, including the Sun and the DC Thomson's titles, for example, don't have a position on Scottish independence, they're neutral, if you like. Many, many, many other titles are avowedly hostile.

So in terms of practising politics, it's a good idea not to have the entire press go hunting as a pack against you. If you can achieve at least an element of diversity, as we did in 2011 with one major tabloid campaigning for us and one major tabloid campaigning against us, then that seems to me a happier position.
quite frequently, or maybe I -- I mean, I certainly contact their editor frequently. There are some, I see some with the Sunday Mail on the second page, and I attend Daily Record events, but I make -- maybe it's just a year of -- or the years that are here, but -- or maybe it's the case of more phone calls than meetings, I don't know, but certainly I contact the Daily Record pretty regularly.

Q. There's the occasional meeting, if we look at the year 2008, which is 14136, David Dinsmore, who was then editor of the Sun in Scotland, but he moved over, I think, to be chief executive in 2011, but we'll come to that.

A. That's correct. I think he moved over at the beginning of 2011, I think.

Q. There's one meeting with Rebekah Wade in July 2008. Can you remember anything about that occasion?

A. Yes, I do. I mean, that was, as I said, I'd met Rebekah Wade before I was First Minister in 2007, and that was a less than successful meeting. In fact, it was very unsuccessful. I think she actually asked me at one point if I could name somebody who would be the best person to pursue a case against the SNP and independence, which I thought was an unusual question to be asked, but I remember it being asked.

The July 2008 meeting, I think that was after the SNP victory in the Glasgow East byelection, and I wanted to see her again to see if there had been any shift in opinion at that stage, but if there had been, I didn't detect any.

Q. You say generally, Mr Salmond, regarding these interactions, this is paragraph 9 of your witness statement, page 13982, that: “Discussion is mainly determined by the primary purpose of the occasion. However, it's not unusual for general discussion to also touch on the editorial or reporting stance which is adopted by the newspaper.”

So are we to understand by that that you will seek to persuade newspapers to modify their editorial or reporting stance to reflect the interests of either yourself or your party?

A. Oh yes. I mean, I don't know of any politician I've ever come across who -- well, if anybody doesn't answer yes to that question, they certainly shouldn't be under oath at an Inquiry. All politicians try quite legitimately and properly to influence newspapers to treat them or their party, or in the case of myself, their cause of Scottish independence, more favourably. That's not the only reason for meeting editors.

Often there are meetings about specific issues, specific campaigns, things that are important to that newspaper or important to the government, and a range of these meetings would be covered by that category.

But I think particularly recently I seldom have meetings with any member of the public where the subject of Scottish independence doesn't crop up. I don't know if you get much time off this Inquiry, Mr Jay, and get a chance for golf. I wouldn't be surprised if your golfing partners mentioned the Leveson Inquiry in the course of the round. With me, I conduct very few conversations these days where the subject of Scottish independence does not emerge.

LORD JUSTICE LEVESON: But is that contact that you have with journalists always only to pursue your legitimate interests? You observed slightly earlier that you briefed incessantly against Mr Blair. Now -- you said it. I'm just trying to work out how you believe it is appropriate for politicians to use the press.

A. Well, I was having a slight joke at Mr Brown's expense.

LORD JUSTICE LEVESON: All right, all right.

A. But it is quite proper incidentally for politicians in opposing parties to brief against the Prime Minister. It might even be said to be the constitutional duty of an opposition party. The tactics and techniques would be another matter, but in terms of briefing, of criticising Mr Blair, both in contacts with the press, in the House of Commons, I did actually try to impeach him, if I remember correctly, so we had substantial political differences.

But, yes, I think it's perfectly -- I think it's maybe a different matter when it's people within your own party. I think that throws up a whole range of other issues. But of course there are techniques and things which are proper and improper to do, and political differences, in my view, should be pursued politically.

MR JAY: The discussions you have with editors or proprietors about editorial reporting stance which include support, are there any discussions along the lines, well, we will support you if you do X, Y and Z?

A. No.

Q. Do editors and proprietors make it clear to you, though, which aspects of your policy they disfavour?

A. Oh yes. I mean, yes, I would say absolutely. I think actually more normally, they tend to advocate things. I think possibly every newspaper every day advocates some change in government or policy on MPs' behaviour or MSPs' behaviour. So any meetings are about things they're arguing for that they want the government to listen to, but that's perfectly proper and fair in...
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25 Q. I'm not putting to you an express quid pro quo or deal, is that also correct?

A. Yes. I mean, I think they tend not to -- my experience has been that they will certainly say which aspects of policy they favour and which they would criticise. I don't think they often say that if you change your policy, we'll have a dramatic conversion. That doesn't happen. What they say, they'll criticise you twice a week instead of six times a week or something.

But editors, proprietors bring forward their views on what the government should and shouldn't be doing, and they're absolutely entitled to do that, and, you know, if you're wise, then you do two things. If people have good ideas, even newspapers, if they have good ideas, you should do it. And you should look for good propositions. But you can't have a quid pro quo relationship and say, "Your newspaper supports us and we'll legislate to make your newspaper the only one on sale", or something, and that's an absurd example, but you know what I'm driving at.

Q. I'm not putting to you an express quid pro quo or deal, is that correct?

A. That's not bad at all. I think the Gaelic viewers have now been rolled out across the country, has general support among child protection organisations and the police and other authorities. It is, I think, an example of a high profile campaign resulting in a change in policy, which although not perfect, I think nonetheless has resulted in an improvement in the situation. I think that's generally acknowledged.

It wasn't necessary, of course, the exact nature of the original campaign, the policy that's been introduced. I mean, the disclosure is a controlled disclosure and a responsible one, but one which I think most people would say has resulted in an improved situation.

Q. Mr Salmond, before we look at your interactions with News International, in order to put it in context, you provided us with a mass of other exhibits which reveal your interactions with other media groups. Can we just dip into those?

A. Of course.

Q. To see the picture. First of all, interaction with the BBC Trust. This is at AS8, tab 9. We can deal with this quite economically, I'm sure. But it related to the future of a Gaelic station in Scotland called ALBA, I think that's how that's pronounced?

A. That's not bad at all. I think the Gaelic viewers...
watching this will be very impressed indeed. BBC ALBA.

Q. The concern was that it wasn’t being carried on Freeview. You wrote to the BBC Trust in September 2008 pointing out that concern. There was then some correspondence and after a period, Sir Michael Lyons -- this was in December 2010, so it was a two-year period -- informed you that the Trust has approved BBC ALBA for carriage on Freeview. Is this an example of I suppose a form of lobbying, you would no doubt say in the public interest, which was successful, is that fair?

A. Yes. It took a wee bit of time, but we got there in the end. BBC ALBA has a number of great aspects to it. One is that its viewership is significantly greater than the Gaelic-speaking population of Scotland, although it should be said that they are one of the few stations to show football matches, all 90 minutes of them, which might explain some of that but not all of it. Obviously being on the Freeview platform has allowed them even greater success.

It's also one of the areas which although broadcasting is a reserved function, the Scottish Parliament votes funds for BBC ALBA and the Scottish Government are consulted on appointments to BBC ALBA, so it's a -- not exception but it's a slight difference in the other range of broadcasting.

But yes, that was a campaign which was supported not just by the Scottish government but across the range of political parties and which resulted in success.

Q. There's a similar exchange of correspondence on a different issue. This concerns STV. The background here on my understanding was that Ofcom were conducting a review of public service broadcasting and STV was concerned for its future. Is that broadly speaking right?

A. Yes, that would be a fair comment.

Q. There was a meeting, if you look at tab 16 at AS15, Mr Salmond, page 14010, there was a meeting on 8 January 2009 with the chief executive of STV and others. This concerned The Homecoming, I think. Could you briefly tell us about that?

A. Well, The Homecoming was an initiative that the Scottish government were supporting in 2009. It was the anniversary of the birth of Robert Burns, our national poet. We decided to designate it as a Year of Homecoming. If you remember, it was immediately after the financial crash and the impact of the recession and it was obviously a helpful move in terms of Scottish tourism, although it had been designed long before the financial crash, and we were anxious to make sure that The Homecoming was given the maximum coverage across the media.

It had something like 400 events around Scotland.

The aim was to attract people from around the world with Scottish ancestry to come back, the Homecoming aspect, to Scotland for that special year and sort of relate back to their home country. Although our definition of Scottish includes people with Scottish ancestry and everybody with an affinity to Scotland. You have to opt out if you don’t want to be Scottish in our definition.

So we tried to interest the maximum number of people who were interested in Scotland in 2000. There were 400 plus events around the country. It was a substantial over the piece success. Not every event was successful but over the piece it was successful and we're repeating it in 2014.

Q. Look at tab 17, which is AS16, a letter you wrote to the chief executive of STV at 14011. You point out that you were delighted that STV was keen to be involved in Homecoming and you said you were meeting with Ed Richards, who was then, still is, the chief executive of Ofcom. First of all, did that meeting take place, and secondly, did you put forward in any way the virtues of STV at that meeting with Mr Richards?

A. I think the meeting did take place. I can't have an exact memory of that, Mr Jay, but I think it did.

I think there was a particular issue at the time which has now been resolved, and that was a potential legal action between STV and the other ITV owners about the variety of programmes which had to be broadcast on STV network programmes by contract and STV’s opinion on that and ITV’s opinion on that, and there was a very acrimonious dispute that was threatening to become a very long, long legal action, and it was -- I was hoping that as it says there a better relationship between the licence holders could be successful.

It's turned out in quite recent times that a better relationship has been established, so that was a very particular reason, but, you know, as we discussed earlier, broadcasting is not part of my statutory remit. I don't have competence over broadcasting. But on this and many other issues where we don’t have competence, we do our best to further the Scottish interest in terms of jobs, investment and culture. Scottish Broadcasting and STV produce programmes that are very much in Scotland’s interest.

Q. So that message would clearly have been imparted to Mr Richard, is that the point?

A. Yes, sir.

Q. One other matter you draw to our attention, AS62, Page 34
A. Yes. I had a meeting with the Scottish Council of Jewish Communities, we have regular meetings, and at one of the meetings they gave me examples of offensive comments that had been placed on newspaper websites, that is reacting to articles in the newspapers. They weren’t — I should say, they weren’t comments from the journalist, they were comments from members of the public who were commenting on the article, which seemed to the Scottish Council of Jewish Communities and to me to be anti-Semitic in their nature. They asked and I readily agreed that I should write to the — I mean the Herald and the Scotsman are the two indigenous quality newspapers, they are not the only ones incidentally but they’re very important newspapers in Scotland, and so I wrote to the editor of the Herald, from the Herald and the Scotsman at that time was perhaps a bit less restrained to remove what is offensive, being careful to respect freedom of speech, there is a room for the exercise of restraint to remove what is offensive, being careful to ensure that freedom of speech is preserved.

LORD JUSTICE LEVESON: That's the space that something between the criminal law -- something short of the criminal law needs to occupy, it seems to me, and I think that's precisely the purport of your letter.

A. Correct.

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A. Again, I think that's fair. I am sensitive also, as I'm case, the Scottish Council of Jewish Communities regarded as more than comments which have snuck through the net. They were comments which they believed should have been moderated out.

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LORD JUSTICE LEVESON: No, I'm sure that you and I will agree with that. Yes.

MR JAY: There's one other letter on a completely different theme, Mr Salmond, if I could ask you to address.

Tab 80, page 01401. You wrote to the chairman of DC Thomson who publishes the Courier in Scotland, it related to a piece they wrote on 5 May, the day before the General Election, and your complaint was that it made glaring factual errors about you, in particular what was described as an anti-England stance.

In the light of your robust views about freedom of speech, what was the point of writing this letter?

A. Well, I wasn't proposing that they be stopped from publishing material which -- but I did think I was entitled to correct what I regarded as factual errors in the newspaper. I think to be fair, the comment about the anti-English was a Press and Journal rather than a Courier, looking at the letter.

Q. Sorry, yes, you're right.

A. On that aspect, I mean right through my political career I've been very sensitive to suggestions that in any way I have an anti-English bone in my body. I don't. And therefore any careless suggestion in the press that that might be the case I've often responded to rather more vigorously than I would respond to being called a range of other things simply because it's not true and it's damaging to suggest, and especially in the frivolous terms which that paper had produced.

But that would be very unusual incidentally for the press in general, which would be many people's model.

If we go back to your point about papers which separate comment in an editorial from factual reporting, many people would point to the Press and Journal and the Courier as papers which mostly do that, and avowedly do that. That's part of their policy.

LORD JUSTICE LEVESON: Here is quite a good example of fact and comment, because you're not making any criticism of a comment they make; you're criticising the facts upon which they rely. You're saying, "You've just got your facts wrong". So it's an accuracy point.

A. That's correct. To be fair, they wrote back and said, "Look, this was not a news piece, this was an opinion piece by one of the columnists". Which -- okay, and I think the end game was -- I'm not sure about this, but I think the end game perhaps was a letter in the correspondence columns from me saying I'm not as nasty as all that, really.

LORD JUSTICE LEVESON: My question wasn't directed to the particular example, but I'm going back to the question of fact and comment.

A. Yes.

LORD JUSTICE LEVESON: Where there is a distinction.

Obviously you can master facts, you can collect facts together in such a way that they make a comment, but if you're going to be wrong about your facts, then you are actually committing a slightly different vice.

A. Yes. Again I think that's fair comment. The issue is people will make factual inaccuracies, everybody does. The question is are people prepared to accept and to offer some form of redress, whatever it might be?

Politicians, I'm no exception, I keep hearing at this Inquiry and elsewhere politicians say they don't bother about what's written about them in the press. I find that very difficult to believe. The politicians, like everyone else, care about these things and should care about these things, incidentally.

I remember this one in particular, and you look back and you say should you bother? But I think there was an allusion to my Parliamentary expenses, and given that I'm one of the comparatively few Members of Parliament who never had to repay anything in Parliamentary expenses, despite the range of inquiries that went into all MPs, I took exception to that sort of careless suggestion.

But look, all politicians, I think, care about what's written about them. I think all politicians, like all citizens, have the right to correct, if they choose to do so, factual inaccuracies by one means or another, and I think responsible newspapers accept that in the spirit it's given, and I would say -- I mean, I'm not any old complainer, as it happens, but there's been a variety of newspapers in which I've made corrections and I think that's entirely satisfactory.

The argument here that it was actually a columnist who was saying these things. I'm not certain that's a watertight argument from the newspaper. Again, to be fair, the courier has made a point always of saying, "We have our editorial, we have our columnists and we have our news pages", and to be fair to them, that's an admirable way to look at the world.

A. Yes, I'm sure you are sir, to the question of freedom of expression. I do think people have the right to be offensive within the terms of the law and as long as they are not, as in this case, causing hurt and upset to individuals, or groups for that matter, or in your example prejudicing a potential criminal case. And there's many things in the press that I find offensive on a daily basis which I'm sure are not going to be and should not be restricted by anything that this Inquiry produces.

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MR JAY: May we look now at News International, and one way into this is to look at tab 128, which is an exhibit Mr Rupert Murdoch prepared for the purposes of this Inquiry. It's in the PROP section of Lextranet at page 01904.

He has down, if you look at a seven-year period ending in October 2007, one phone call, possibly, he says, on 17 November 2000. Do you see that?

A. Yes.

Q. You're not going to remember at this distance whether that call took place or not, I imagine?

A. No. I think -- it's no criticism, but there's a number of inaccuracies from certainly our record in this, I think the phone call that's referred to was actually a meeting in New York around that date, probably on that date, and correspondingly also there were two meetings later on which never actually happened. The lunch, which is updated, is actually the lunch of 29 February, and the meeting suggested for the December 2011 never took place.

Q. I'm going to make all those corrections, I'm just trying --

A. But I think that was a meeting in New York, and the reason I know -- well, I know it was a meeting in New York and the reason I believe it was a meeting is

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<td>1. American politics, public life, military over the years, and puts forward a view that -- it starts actually at the Battle of Bannockburn and works onwards. It's a very interesting book, I commend it to you, but I hadn't seen it before Mr Murdoch mentioned it in that meeting, and I was very interested for a number of reasons. Firstly, it's an excellent book, but secondly because Jim Webb, of course, was elected on an anti-Iraq war ticket to the Senate in Virginia, despite his military background, and I was interested in a way that Mr Murdoch was keen on that book from a politician who was at odds with him, as it were, on the issue of the war in Iraq, but it is an excellent book.</td>
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<th>possibility of Sky covering the pageant as an exclusive programming opportunity, do you see that?</th>
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<td>A. Yes, I do.</td>
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<td>Q. Mr Murdoch passed on your letter to Sky, we see that from AS93, page 14127, but in the event we know from your witness statement that Sky wasn't interested, is that fair?</td>
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<td>A. I don't think it's fair to say wasn't interested.</td>
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<td>Q. I should say that I think I have to confess I offered an exclusive broadcasting opportunity on The Gathering or the pageant to the BBC and to STV as well as Sky. Obviously only one of them could have availed themselves of the opportunity. The end result was that actually none of them availed themselves of the opportunity, however all of them, Sky, BBC and STV, covered the event as a news story. In fact, it got extraordinarily wide coverage as a news story. There were many, many international cameras there as well as national ones, but it would greatly have helped the organisers of the event, which was one of, as I say, the 400 events in the Homecoming year, if they'd had a broadcaster covering the pageant. It would have helped them with sales and all sorts of things. So I was trying to interest a number of broadcasting companies in that opportunity. But although they didn't avail themselves of the opportunity, they did cover it -- they covered it in the news coverage.</td>
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<td>Q. Thank you. Moving through the correspondence to a later date, we're now in January 2011. This is AS96, tab 97, page 14130. This refers to a meeting you had in London the week before with Mr James Murdoch. He invited you for lunch. Do you recall that?</td>
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<td>A. Yes, indeed. I met James Murdoch in London in January 2011, and this was a letter which basically confirms some of the elements of the discussion at that meeting, some issues which I wanted to put on the record because they were both very interesting and of great use for Scotland.</td>
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<td>Q. Before we go into the detail of the letter, was that the first occasion you met with Mr James Murdoch?</td>
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<td>A. That was the first meeting I'd had with James Murdoch.</td>
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<td>Q. Your witness statement refers to two meetings. We've obviously found this one. Can you remember when the second meeting was?</td>
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<td>A. The second meeting was much later in the year, towards the end of last year, on the same issue. There's two basic issues. One was a discussion about the consolidation of BSkyB ownership would have in terms of investments in Scotland, and the meeting later in the year was something that was actually raised at the first</td>
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meeting, was about the impact of outsourcing changes to BSkyB’s outsourcing in Scotland, which initially we felt had the danger of being a bad result for Scotland, but actually -- perhaps even a loss of up to 2,000 jobs, but ended up being a jobs gain. BSkyB for security reasons were reducing the number of out sourced workers from six to two. In the event, a company called Hero won one of the two contracts and the end result was a jobs gain. When I said to James Murdoch, "I was pleased with your comments confirming your observation that Scotland is the gold standard in business outsourcing”, that’s basically what that refers to. It should be understood, I mean, BSkyB is a huge employer in Scotland. We’re talking about more than 6,000 full-time jobs in addition to the 2,000 outsourcing jobs and temporary jobs. It’s vital in Dunfermline, Livingston, Uddingston. Some 36 per cent of BSkyB’s total global employment is in Scotland. They are in the top 10 of Scottish private sector employers. So it’s a matter of great importance and the argument being put forward by Mr Murdoch was that an expansion of the digital platform on a European-wide basis would result in additional investment and that Scotland would be well placed in that context to benefit, given the strength of the Scottish offer in terms of competitiveness, to benefit from that additional investment.

Q. You refer, though, to the impact of consolidation of BSkyB ownership, so plainly you had in contemplation at that stage the BSkyB bid; is that right?
A. That’s correct. Prior to this, it had been indicated I think in a phone call -- I’m sure in a phone call, actually, because I wanted to meet Mr Murdoch to discuss this in particular. This was one of the key things I wanted to discuss, to understand better the argument that the consolidation of ownership would result in additional investment and that Scotland was well placed. To be fair -- well, I’m going to be more than fair, they can speak with a great deal of authority, if a company has 36 per cent of its global workforce in Scotland, then they speak from a position of some credibility.

Q. I think it’s fairly clear from what you’ve just said, Mr Salmond, that certainly from the date of this meeting with Mr James Murdoch you were in favour of the bid. Is that right?
A. Yes. I was in favour of what benefited the Scottish economy. Remember, I have no responsibility for broadcasting policy, I have no responsibility for plurality in the press, but I do have a responsibility for jobs and investment in Scotland. That is my statutory responsibility. Indeed, it’s reflected not just in the fact it’s my responsibility, it’s actually reflected in our Ministerial Code in Scotland that it is one of the responsibilities that you must pursue.

So I would tend to put an emphasis on the jobs and investment aspects of this. It was for others to consider other matters. And specifically what I was prepared to do and said I was prepared to do would have been to speak to the relevant Secretary of State to say jobs and investment are going to be a consideration along with other things that they had to consider when these matters were brought to decision at the appropriate time.

As circumstances turned out, that appropriate time never arose, but I was certainly prepared to argue for that and I would certainly say that’s entirely a legitimate preoccupation and argument that the First Minister of Scotland or any Scottish minister should put forward.

MR JAY: I think we’re going to pause now for our short break, but there will be some further questions arising out of this.

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A. Thank you.

Strength of the Scottish offer in terms of competitiveness, to benefit from that additional investment.

Q. You refer, though, to the impact of consolidation of BSkyB ownership, so plainly you had in contemplation at that stage the BSkyB bid; is that right?
A. That’s correct. Prior to this, it had been indicated I think in a phone call -- I’m sure in a phone call, actually, because I wanted to meet Mr Murdoch to discuss this in particular. This was one of the key things I wanted to discuss, to understand better the argument that the consolidation of ownership would result in additional investment and that Scotland was well placed. To be fair -- well, I’m going to be more than fair, they can speak with a great deal of authority, if a company has 36 per cent of its global workforce in Scotland, then they speak from a position of some credibility.

Q. I think it's fairly clear from what you've just said, Mr Salmond, that certainly from the date of this meeting with Mr James Murdoch you were in favour of the bid. Is that right?
A. Yes. I was in favour of what benefited the Scottish economy. Remember, I have no responsibility for broadcasting policy, I have no responsibility for plurality in the press, but I do have a responsibility for jobs and investment in Scotland. That is my statutory responsibility. Indeed, it's reflected not just in the fact it's my responsibility, it's actually reflected in our Ministerial Code in Scotland that it is one of the responsibilities that you must pursue.

So I would tend to put an emphasis on the jobs and investment aspects of this. It was for others to consider other matters. And specifically what I was prepared to do and said I was prepared to do would have been to speak to the relevant Secretary of State to say jobs and investment are going to be a consideration along with other things that they had to consider when these matters were brought to decision at the appropriate time.

As circumstances turned out, that appropriate time never arose, but I was certainly prepared to argue for that and I would certainly say that's entirely a legitimate preoccupation and argument that the First Minister of Scotland or any Scottish minister should put forward.

MR JAY: I think we're going to pause now for our short break, but there will be some further questions arising out of this.

A. Thank you.
relevant Secretary of State?

Q. Did you have discussions with Mr James Murdoch or anyone else on behalf of News Corporation or BSkyB about corporation tax rates in Scotland?

A. I don't think I ever discussed the issue of corporation tax rates of Scotland with Mr James Murdoch. I mean, reducing corporation tax in independent Scotland has been an SNP policy for more than ten years. It often crops up in business meetings and I advance it, but in my memory, the meeting with Mr James Murdoch was about the impact on the Scottish economy of the plans of BSkyB and the European digital platform as opposed to a wider discussion, but I argue in many circumstances that that is one of a range of highly beneficial SNP policies for Scotland.

Q. We know from Mr Rupert Murdoch's list that the issue of Scottish independence was discussed on two occasions.

A. Yes. I mean, I refer back to the point I made earlier. I mean, I have not had many meetings with many people in recent years where the issue of Scottish independence wasn't raised at some point during the meeting. But...
It is the case that you can point to many examples of papers within the -- within News International taking different political lines. I can certainly point to -- and I've certainly approached every editor, as I've done for other titles, to try and secure support for the SNP's position.

Q. But in relation to the Scottish Sun, their editorial direction, you were well aware, came ultimately from Rupert Murdoch, didn't it?
A. Not according to Mr Murdoch. Mr Murdoch would say he was maybe part of discussions, but it was up to the editors. He would always say that. And I was not so much incidentally concerned about that. My concern from my experience, not just experience with Rebekah Wade in 2007, which I referred to earlier, but experience going way back to the 1997 example where, if you look at the record, you'll see that when the Sun famously went Labour in England, I think there was a 24-hour or 48 pause before the Sun supported the Labour Party in Scotland, and I think that -- I understand -- well, I know that was because the Scottish editor was vainly trying to say, "Look, we've been supporting Scottish independents for a while", but had received instructions from the London editor.

So I was much more concerned -- had been concerned that the opinion of the Scottish editor would not be countermanded, would be taken out of -- the editorial team in Scotland would have their own ability to make up their minds without instructions from elsewhere. My experience informed me that was a good precaution to take.

Q. But I think the message from that piece of evidence was that in 1997, ultimately the direction came from London to Scotland. The same applied in 2007, because you referred to the influence of Rebekah Wade, as she then was. That was the position which was likely to apply in 2011, wasn't it?
A. Well, I don't think -- I mean, the editors had changed in 2011. They'd changed in Scotland, there was a new editor in Scotland, and there was a new editor in the Sun in London as well. So as it turned out, circumstances were more propitious for the editor in Scotland, who -- I'm not saying this was something I did, because I think the new editor wanted to set a different direction for the paper. I'm not saying it was my silver tongue that persuaded him. I think he had had that in mind already, and wanted a change in the editorial direction of Scotland. But it's certainly true that he wasn't then countermanded by the Sun in London.
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<td>persuade the editor of the Sun to support your party?</td>
<td>But I'm not broadly disagreeing with this, except that, to be honest, Fred Michel was possibly quarrelling with the onus of what's in that email.</td>
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<td>A. No.</td>
<td>anticipating as opposed to -- but I'm not basically meaning, after speaking to Mr Murdoch on the phone and then having the meeting subsequently, I was prepared to argue to the relevant Secretary of State, whether it be Vince Cable or whether it be Jeremy Hunt, that jobs and investment were the criteria which should be taken into account along with their responsibilities.</td>
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<td>Q. And why not?</td>
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<td>A. Because if -- I made it clear at the meeting that my prerogative was Scottish jobs and investment. If, for example, I'd believed that the merger or the consolidation of ownership of BSkyB would have resulted in the diminution of Scottish jobs, then I would have been perfectly prepared to argue against it. So the priority that we argued for is Scottish jobs and investment and that's what I put forward.</td>
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<td>A. And --</td>
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<td>Q. Sorry?</td>
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<td>A. Rather like the opening of the News International plant in October 2007, you know, when the Sun was vigorously campaigning for the Labour Party, I didn't open the plant because the Sun were taking a different political direction, I opened the plant because it was a substantial investment in Scotland.</td>
<td>But I'm not broadly disagreeing with this, except that, to be honest, Fred Michel was possibly quarrelling with the onus of what's in that email.</td>
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<td>Q. Can we just look at a limited amount of material in KRM 18. This is under tab 127. These are the various emails, as you probably recall, from Mr Michel, usually back up to James Murdoch. See where we are with these.</td>
<td>anticipating as opposed to -- but I'm not basically meaning, after speaking to Mr Murdoch on the phone and then having the meeting subsequently, I was prepared to argue to the relevant Secretary of State, whether it be Vince Cable or whether it be Jeremy Hunt, that jobs and investment were the criteria which should be taken into account along with their responsibilities.</td>
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<td>The first relevant one is in PROP, page 01659.</td>
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<td>We're going back to time to 1 November 2010. It's whether you have been correctly cited here. We see at the bottom of the email: &quot;Alex Salmond is very keen to also put these issues across to Cable and have a call with you tomorrow or Wednesday. His team will also brief the Scottish press on the economic importance of News Corp for Scotland.&quot;</td>
<td>evidence was correct.</td>
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<td>&quot;I don't have responsibility for plurality in the media. That's what I put forward. Rather like the opening of the News International plant in October 2007, you know, when the Sun was vigorously campaigning for the Labour Party, I didn't open the plant because the Sun were taking a different political direction, I opened the plant because it was a substantial investment in Scotland. I mean, after speaking to Mr Murdoch on the phone and then having the meeting subsequently, I was prepared to argue to the relevant Secretary of State, whether it be Vince Cable or whether it be Jeremy Hunt, that jobs and investment were the criteria which should be taken into account along with their responsibilities.</td>
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<td>9.29 of the Ministerial Code of Scotland actually makes the point exactly: &quot;However, nothing in this code should be taken as preventing ministers from fulfilling their proper function of encouraging investment and economic activity for the benefit and prosperity of the people of Scotland.&quot;</td>
<td>anticipating as opposed to -- but I'm not basically meaning, after speaking to Mr Murdoch on the phone and then having the meeting subsequently, I was prepared to argue to the relevant Secretary of State, whether it be Vince Cable or whether it be Jeremy Hunt, that jobs and investment were the criteria which should be taken into account along with their responsibilities.</td>
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<td>A. Yes. He was; I wasn't. Interestingly, as I said earlier, I don't have responsibility for competition, I don't have responsibility for plurality in the media.</td>
<td>Because within the terms of our remit and responsibilities, what is my responsibility, the government's responsibility obviously takes pre-eminence. And across a whole range of issues, whether it be banking reform or oil taxation would be another issue where we don't currently at least have</td>
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<td>We have gone back. We were at the point where I was anticipating as opposed to -- but I'm not basically meaning, after speaking to Mr Murdoch on the phone and then having the meeting subsequently, I was prepared to argue to the relevant Secretary of State, whether it be Vince Cable or whether it be Jeremy Hunt, that jobs and investment were the criteria which should be taken into account along with their responsibilities.</td>
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| 1. **competence, we nonetheless make an argument from the** Scottish interest, and while Mr Cable or Mr Hunt, however they understood it, and I’m sure they did, were in a quasi-judicial capacity, I wasn’t. My capacity was quite clear and my ability to represent was also quite clear.  
Q. I hadn’t considered that provision in the Scottish Ministerial Code before but I question, Mr Salmond, whether a very general provision of that nature would entitle you, if I may say so, to interfere with a quasi-judicial function which fell to the duty of the Secretary of State in London to discharge.  
A. Well, in that case, can I give you a different example entirely where -- a very controversial well-known example, where my colleague Mr MacAskill, the Justice Secretary of Scotland, was taking a quasi-judicial decision on the compassionate release of Mr al-Megrahi, and indeed on the application for prisoner transfer, where although he was in a quasi-judicial role he invited opinion and evidence, including opinion and evidence from the United Kingdom government.  
In the event, they for their own reasons decided not to submit it, but our understanding certainly in Scotland, and I'm actually pretty certain it's the same here, is that people are able within their responsibilities to make representation. It is for the Secretary of State or the politician concerned who is operating in that capacity to make sure that they stay within the bounds of their responsibilities.  
Q. Thank you. May I move forward to February 2011.  
A. Yes we pronounce it Geoff Aberdein, although it looks like Aberdein, but that's correct.  
Q. It's whether you accept the second sentence:  
"He will call Hunt whenever we need him to."  
Is that broadly speaking right or not?  
A. My position was -- again, this is an email from Fred Michel to James Murdoch. It's an encapsulation of what was in a conversation, but I had already established the point that I was prepared to make recommendations to the Secretary of State to say that jobs and investment were matters that should be properly considered when the time was right to do that, when that was a matter to be properly considered, so, yeah, that's an encapsulation. That again talks about me being prepared to call the Secretary of State and that's what I would have done, if the opportunity had arisen. | 1. Q. You make it clear that the opportunity in the event did not mature, but we'll come to that in a moment.  
2. The next point that's made under number 1:  
"He [that's the adviser speaking for you] noticed a major change in the Sun's coverage recently."  
Does that reflect an underlying reality that the Sun was more favourably disposed to you and your party at about this time?”  
A. I don't know. Certainly they weren't -- I think the new editor had probably come in by this time. The Sun had not declared for the SNP at that time.  
I should say that Geoff Aberdein is a special adviser, he's not a civil servant. The reason we have special advisers is they're allowed to talk about political things, so he's not doing anything wrong there. Whether that's a reasonable encapsulation of what he said or not, I think you would have to ask Mr Aberdein, but he's perfectly entitled to talk about logical things.  
Mr Aberdein has been the subject of a complaint from an MSP and I should just perhaps reference a point that will be published today after this evidence actually. The response asked the Permanent Secretary to investigate it and Mr Aberdein has been exonerated and cleared of any wrongdoing in this matter.  
Q. You tell us it came in early March, but the question is whether the runes were changing, as it were?  
A. Well, I hadn't detected it. Perhaps I'm much less -- or more sensitive than Geoff is about these things.  
Q. What about the second point, the first ministerial debate which you were going to have with your main opponent, so described here, Mr Gray, the Labour leader:  
"He would be very keen for Sky News to organise it with Adam."  
Can you help us on that?  
A. Yes, I've had a longstanding campaign -- I mean, BSkyB's economic footprint in Scotland is massive, as we've previously discussed, but the news imprint in Scotland is actually not huge, the news coverage, and I was very keen on the idea of First Ministerial debates, as there were Prime Ministerial debates in the General Election in 2010, and we had these on STV and BBC, and I was keen |
on the possibility of as much coverage as possible. By
definition, of course, that means coverage for the
Labour Party -- perhaps I should have a word with
Mr Aberdein as to why he's been advancing the
possibility of more coverage for the Labour Party -- but
nonetheless I wanted debates on Sky News. In the event,
I'm pretty certain there was no election or even
pre-election debate which has been argued for here that
took place and I think that's regrettable. I think it
would be very helpful if there were as many debates as
possible across the range of broadcasting outlets.

Q. We move forward then to the next email, dated 2 March
2011, page 01741. Has it come up on your screen?

A. Yes.

Q. The reference to "Alex Salmond calling" must be
a message to Mr Aberdein?

A. No, that was me. That was an occasion where these
emails -- it says "Alex Salmond called"; that was me.

Q. You called Mr Michel; is that right?

A. I did, yes, uh-huh.

Q. First of all, so we understand the context, what had
been your previous dealings, if any, with Mr Michel?

A. Yes, I remember two meetings. I think I referred to
earlier, the "go and see the editor" had been the
automatic theme of that part of the discussion of these
meetings. So I'd been to see the editor. I don't think
it was a dinner, incidentally, I'm pretty certain it
wasn't, it was a meeting because there was
a presentation involved, I can't be so sure about that
but I'm pretty certain, and Andy Harris had said that
his team in Glasgow were keen to back the SNP at the
election and they then had to make the pitch to the
editorial team in London, and I was hopeful and anxious
that there wouldn't be a London veto exercised over the
opinion of the Scottish editorial team.

Q. Can we take that in stages, Mr Salmond. It's not
likely, is it, that it was one very good dinner or one
very good meeting which secured the support of the
Scottish Sun. This must have been a process. Do you
agree?

A. Yes, I remember two meetings. I think I referred to
that earlier. I remember two meetings with the editor
of the Sun around this time, and that was the meeting at
which he said that the editorial team in Glasgow --
which, you know, he very much and I think certainly he
gave me the impression, I think, honestly and truly this
was very much his wish as an incoming editor, he wanted
to put his mark on the direction of the newspaper, so
this wasn't -- people say I don't underestimate my own
persuasive powers, but I think this was very much an
open door in terms of -- well, I know that the editor
argued and had done a great deal of research, I believe,
among the Sun readership as to what an editorial change
would involve. And of course he believed that we had
a fair amount to offer, otherwise I don't think it would
have been particularly effective in terms of an
editorial change. You have to mean what you say.

Q. According to this, you wanted to see whether we -- the
"we" is a reference to James Murdoch and
Frederic Michel -- would help smooth the way for the
process, and the process is the Scottish Sun supporting
you and the editorial pitch Scottish Sun's editor would
have to make to London, are we agreed?

A. Well, the process -- these are not my words, obviously,
but the process coming out of there is of trying to
avoid the London veto, which I felt had been there on
previous occasions. I was hoping that this was
a decision that would be respected that the editorial
team in Scotland were making.

I think --

Q. But isn't it more than that? It's not just a question
had always rested on the editors at the site, so it
seemed to me to be entirely consistent to expect the
editorial team in Glasgow's wish to be respected.

Q. But other witnesses sitting there, Mr Salmond, have told
us consistently they knew full well that the ultimate
decision in relation to the Sun's editorial stance and
the position it would adopt at a General Election would
reside with Rupert Murdoch, possibly James Murdoch.
Weren't you, with your 20 years' experience at the very
top of Scottish politics, if I may say so, well aware of
that reality?
A. Well, you say it's a reality. I can only say what
people have said to me directly. Your other witnesses,
you know, no doubt were speaking the truth as they saw
it, but I can tell you absolutely what is said when that
arises.

I think Mr Murdoch has said and would say that he's
part of the process or would be consulted and things
like that, but as far as witnesses estimate, I can tell
you what is said, and what is said that it's the
editor's wish.
There is some evidence that that's the case, because
while you've had witnesses who say that the press and
News International operate as a block, that's not within
our experience in Scotland. Our experience in Scotland

is that they simultaneously between the Times, the
Sunday Times and the Sun argue for different positions,
which I think would be largely explained by editorial
freedom to pursue the different --

LORD JUSTICE LEVESON: I think the difference may be between
the Times and the Sunday Times on the one hand because
of the agreement made when Mr Murdoch acquired those
papers, and the Sun, and it was Mr Murdoch himself who
I think said that, "If you want to read my view, read
the editorial in the Sun". That's what he said anyway,
I think.

A. I can only report, sir, on what he's said to me. But it
is the case that whether there was -- I've seen
suggested elsewhere that whatever is said in various
agreements, that if the editor of the Times or the
Sunday Times knew the wishes of the proprietor, they
would tend to --

LORD JUSTICE LEVESON: Yes, but this is not all black and
white.

A. I very much agree, sir. I'm merely stating that there
have been times in the recent past in Scotland where the
Sun has been vehemently anti-SNP as in 2007 and the
Sunday Times gave us editorial support, and there are
times like now where the Sun is pro-SNP although neutral
on independence, whereas the Times in Scotland is very
hostile to independence. So the idea of the papers,
News International's, that were hunting as a pack
doesn't accord with the experience we've had, but other
witnesses I have no doubt can defend their own opinions.
I can report to you what has been said.
Incidentally, can I suggest that this email suggests
that rightly or wrongly, naively or otherwise, I took
very seriously the argument that you should approach the
editors and make your position and see if you could
convince them, and in this Fred Michel email what I was
trying to get across was I didn't want to see a London
veto on a Glasgow editorial decision.

MR JAY: So you weren't assuming in any way that influence
would be put on the Scottish editor from the top, in
other words from James Murdoch; is that right?
A. All I wanted was a lack of influence. I wanted -- the
editorial team were well up for the cup.

Q. Also, if you look at the end of this email, Mr Salmond,
Mr Michel says:
"On the Sky bid, he will make himself available to
support the debate if consultation is launched."
That's the day before the undertakings in lieu are
announced to Parliament by the Secretary of State, so
we're pre-figuring that, but that is an accurate
statement of what you made clear to Mr Michel?

A. I would repeat the point that I was prepared to
represent to the Secretary of State I thought jobs and
investment should be a criteria. I didn't know what the
Secretary of State was going to do in the next day. In
fact, I was rather surprised by it. My view was it
might go to the Competition Commission or whatever,
where representations would be made. So I didn't know
what the Secretary of State was going to do the next
day. I didn't even at that stage on the 2nd hand that he was
going to do it on that day, at least not to my
knowledge.

But in repeating the point that I was prepared to
argue that the jobs and investment in Scotland issue
should be considered as a valid issue to be considered,
then I was perfectly prepared to do that whenever the
time was appropriate. As we know, it was overtaken by
events.

Q. Isn't there --
A. But then, of course I wouldn't have said that if I knew
it was going to be overtaken by events.

Q. Isn't one interpretation of this email that although the
point is not made expressly, in a sort of tactless and
brazen way, it is being made subtly that in exchange for
you offering such support as you can in relation to the
BSkyB bid, you are asking the powers that be, namely

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A. No, it's not, because remember, this is an internal email from Fred Michel to James Murdoch. At that time presumably they had no knowledge or expectation that these emails would ever be the subject of investigation at this Inquiry or elsewhere. They wouldn't expect that to have happened. Therefore, if they want to be direct and brazen in an internal email, presumably they would have done it. They would have no purpose in being, as you put it, subtle and alluding to things.

Within the terms of this being an email, the subtlety is because there was subtlety, that I --

Q. The subtlety is coming from you, not from Mr Michel.

A. I'm not saying that you are --

Q. A. I thought it came from you, but ---

A. No. In a deft sort of way, you're making it clear to Mr Michel and Mr Murdoch that you'll support their bid to the extent to which you can, but you're expecting them to support you to facilitate the process which I've suggested to you ultimately the decision would reside with the Murdochs. Isn't that the fair interpretation?

A. No, because there was no quid pro quo. We know that for --

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two reasons. One, that the support for the argument that the representation to the Secretary of State was never actually made, so there was no quid pro quo, there was no pro, but the two things weren't connected in that way. There was no quid pro quo.

I was making representations to the editor of the Sun successfully, although I think he had a great deal of enthusiasm. I was trying to make sure that his view and his editorial team's view wasn't countermanded by London. We then go on to the fisheries policy and my position had remained the same over the previous weeks that when the time was right, when it was appropriate to do so, I was prepared to make the case that jobs and investment should be considered as a valid factor.

That's what I think the reasonable interpretation of this email is. If there had been some other thing going on in an internal email, then presumably Mr Michel wouldn't have had any compunction about saying it to Mr Murdoch. The fact it's represented like this I think supports what I've just said to you.

[Content continues on the next page]
The concentration, we'd spoken about BSkyB's investments in Scotland but this was much more about News International and aspects, and we also mentioned this Inquiry, of course. I brought that up. And the comments on it are there for all to see. That might be unusual as well. I don't think that's been done before.

A. It's certainly known -- and I've advanced this to a range of businesses and business organisations that the SNP has a longstanding policy of reducing corporation tax in an independent Scotland as a means of attracting additional investment. I think it's a key policy which a smaller economy should deploy. It results in higher revenues and higher investment and more jobs. So certainly in any business meeting the competitive framework of Scotland would be discussed and that applies to meetings with Mr Murdoch, it applies to meetings across the range of business leaders, not just incidentally on corporation tax, on other examples of how to increase competitiveness in the modern world.

Q. Would it be fair to say that overall, if we look in particular at period June 2011 to February of this year and perhaps continuing, that Mr Murdoch is warming to you and to the idea of Scottish independence, isn't he?

A. I think yes, I think -- let's put it this way. If I was canvassing, I think he would still be in the don't know category rather than the certain to vote category, but certainly I think that's a fair description. He's interested in the idea, I think he himself said in evidence he had a certain warmth to the idea, but he has questions and scepticism, as people are entitled to do.

I think what was important about this meeting, and very helpful, was the statement that the current debate on Scotland's constitutional future which he was keen to emphasise continued to make Scotland an attractive place for inward investment. Some newspapers, including one of the News International newspapers, perhaps had been suggesting that might not be the case, so it was quite important to get a reinforcement of that. Recently that's been said, for example, by leading executives in Lloyds, for example. So it's a view and also validated by a number of surveys which shows that Scotland is the most attractive place for inward investment at the present moment and the most successful place for inward investment in these islands, but it was quite useful to have that view from Mr Murdoch at the meeting.

Q. He told us not to place too much reliance on his tweet messages, but there is one in February:
Day 85 - PM  Leveson Inquiry  13 June 2012

A. Well, can I say that that date is not the date of the referendum. That's not the preferred date. It's a possible date, certainly. And if I could explain why it would be my interpretation -- your straight answer, do I know, the answer's no, but my interpretation: it's public knowledge that we have -- we're going to hold the referendum in the autumn of 2014. It's also a reasonable assumption that you wouldn't hold it after the clocks change at the end of October, by tradition and just because you don't like to hold elections or referendums with less daylight.

It's also public knowledge that it was said that we're not going to intrude on the great sporting events of the Commonwealth Games and the Ryder Cup during the campaign, the Ryder Cup finishes at the end of September, and there's also a reasonable assumption that you could make that the consultation which is ongoing and will -- after we consider the results of the consultation we will set the date of the referendum, but that consultation gives a strong steer that we're actively considering a Saturday date as opposed to the Thursday date, because of the aim of increasing turnout.

If you do all that, you end up with only two or possibly three Saturday dates, so I think it's serious question of a good piece of detective work, but as we

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was in my Banff and Buchan constituency, I knew his grandfather had been a minister there -- I'm open to correction here but I think he told me that one of the companies in News Corp is Cruden Investments or something, but named after the parish where his grandfather was minister. To me that's an interesting thing. I mean, I tend to -- I tend to admire people who keep an affinity for Scotland. A. I don't just not accept there's no implied deal, there wasn't a deal here. In terms of -- no, I hope and believe that these emails suggest that I can deal with people in a proper businesslike and cordial manner and that's what I seek to do. It doesn't always work, but sometimes it does and that's the best way in which to deal with people.

Q. Did you leak the date of the planned independence referendum in Scotland to the Sun in Scotland?

A. No.

Q. Do you know how the relevant article in the Sun, tab 142 in this bundle, which gave the date, apparently the date with destiny as described in the Sun as 18 October 2014, do you know how that date came to their notice or not?

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Q. He gave us --

A. I think within the crystallisation perhaps something is lost.

Q. He gave us the health warning in relation to his own tweets, and that's what I was seeking to communicate to you, but is this not evidence of a process of a warming relationship which starts really with your commitment to the BSkyB bid?

A. No. Well, that's certainly not the case because I would regard the two meetings I had with him in 2007 and 2008 as convivial meetings. As I say again, in relation to other politicians who have been before you, my number of meetings with Mr Murdoch are very few in comparison. But I hope and believe that these meetings have been conducted on a cordial basis and discussions, certainly one we had on his family roots was a very warm discussion. I hadn't fully appreciated, for example, that Cruden Bay, which

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said immediately following the article, this is not the date. It is a possible date, it's not a preferred date, and the date will be decided in due course when the referendum consultation is analysed.

Q. Put it a different way then, Mr Salmond. Is it your evidence that a possible date in October 2014 was not leaked by you to the Scottish Sun?

A. A possible date can't be leaked. I mean, I've confirmed that is a possible date, but there are other dates. It's not the date, it's not the preferred date, it's not the definite date, and that will be announced in due course. You can't leak a possibility.

Q. You can, I think, Mr Salmond. You could just tell them that that's a possible date and then they publish that. Did that happen or not?

A. No. Any date in the autumn of 2014 is a possible date, Mr Jay. But once we find out what the date is, once that's announced, then I'll come back and we'll be able to judge whether the possibility was a probability or a definite, shall we?

LORD JUSTICE LEVESON: I don't think we'll be coming back, Mr Salmond.

A. Well, I don't know, sir. Are you definite on that?

Well, I thought perhaps for the Scottish dimension to your inquiry, perhaps an adjunct would be helpful.

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<td><strong>A.</strong> Well, I am concerned with it because I think there's a connecting thread which is that what seemed to me to be substantive evidence of illegality or illegal practices which was contained in the Information Commissioner -- the English and Welsh Information Commissioner's report, Richard Thomas, I think, of December 2006 had not been left unlooked at because there had been a limited number of prosecutions, but even, for example, his proposal that breaches of data protection should be an indictable offence, as we call it in Scotland, and it's the same in England, you know, had been left, and most recently the revelations on hacking, I mean the connection is obviously that there was a substantial body of evidence that there had been a sequence of perhaps systematic illegal practices going on, and the response of the law and those who have responsibility for pursuing these things, whether the police or the prosecution services, had not been adequate, and therefore I suggested to the Secretary of State that an explicit reference in the terms of reference to Operation Motorman would be helpful in making it clear that this was one key aspect, I hoped, of the Inquiry's consideration, and now as it happens, as you know, it was argued to me that it didn't have to be explicit because it was already implicit within the terms of reference and fair enough. But nonetheless -- <strong>LORD JUSTICE LEVESON:</strong> I hope you feel -- I know there's argument about the extent to which we should be looking at the material, but I hope you feel that there has been an analysis of Operation Motorman and discussions with Mr Thomas and others about what happened to that. <strong>A.</strong> Yes, I do, sir, but this, of course, was before -- <strong>LORD JUSTICE LEVESON:</strong> No, I understand. <strong>A.</strong> -- you were established in your present position. <strong>LORD JUSTICE LEVESON:</strong> I understand, yes. <strong>MR JAY:</strong> The other point arising out of this correspondence is that in the next letter you wrote to Mr Hunt, I think on 18 July, although not that clear, page 14156, tab 112, you say there that you believe that the Inquiry &quot;must explicitly cover all illegal and improper practice&quot;. You place quite a lot of emphasis, Mr Salmond, on the issue of illegal practice, but some would say, quite rightly, that you're also drawing attention to improper practice there. First of all, is that a correct interpretation and secondly what did you have in mind by &quot;improper practice&quot;? <strong>A.</strong> I don't think -- I suspect there's a Civil Service drafting that perhaps could have been clearer, perhaps I should have made it clearer. I was really thinking of illegal practices. I think it's possible to consider -- <strong>LORD JUSTICE LEVESON:</strong> I hope you feel -- I know there's another example might be the invasion of privacy or in relation to children, that sort of material about which we've heard from one of your Scottish constituents. <strong>A.</strong> Yes, and that would be a legitimate aspect. I think the point I was pretty well convinced from the terms of reference that the Inquiry was going to look into that. I was merely looking for reassurance that this was not an inquiry limited into allegations of hacking, important and substantial though these are, because there was a lot more to this and it seemed to me there was a thread behind the possible breaches or probable breaches of data protection and the hacking which was that, for one reason or another, the implementation of the law hadn't been up to scratch. <strong>LORD JUSTICE LEVESON:</strong> I don't think you'll find us disagreeing that there's a lot more to it. <strong>MR JAY:</strong> It's just a question of whether you're placing some...</td>
<td><strong>MR JAY:</strong> There are two other sort of chapters of your evidence which I'd like to cover, and I'm looking at the time. I'd like to cover them within the next half an hour at greatest, really. The first of this chapters is your contribution to the terms of reference of this inquiry about which there is some correspondence. <strong>A.</strong> Yes, sure. <strong>Q.</strong> And then perhaps most importantly your ideas for the future. Can we deal quite briefly with chapter 1, your contribution. There's a letter of 13 July 2011, AS108, tab 110, page 014153, where you were asked for your views on the draft terms of reference. Do you remember that? <strong>A.</strong> Mm. <strong>Q.</strong> Secretary of State Mr Hunt sought your views. You wrote on 17 July directly to the Secretary of State, page 14155, making a point about the timescale but the main point you made is that there should be explicit inclusion in the terms of reference to investigating the Information Commissioner's Operation Motorman report of December 2006. To the extent to which you haven't covered that issue already in your earlier evidence, why were you particularly concerned with that issue? <strong>Page 93</strong></td>
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A.  Yes, but I wasn't discontented at all with that aspect of the terms of reference.  This was pursuing whether -- I was asking for clarification on an aspect.  To me, that aspect was covered appropriately in the terms of reference that had been proposed to me.  And it should be said that out of this came the assurance that I was looking for.  And, of course, as has been said, sir, that the Inquiry has covered these things, so I was looking to make sure it did and it has happened and that's all to the good, is it not?

Q.  This segues into the discussion of the future, because I know you have a philosophical position on the hierarchy of norms, which you're going to tell us about, looking to make sure it did and it has happened and that's all to the good, is it not?

A.  Okay.  I think I managed to produce five, but let's take the -- I have tried to put them as a hierarchy but this is meant to be helpful and --

LORD JUSTICE LEVESON:  I'm very grateful.

A.  I do this because, sir, you've asked and I thought, if you were going to ask, I may as well be prepared.

LORD JUSTICE LEVESON:  I was going to ask and I do ask.

A.  Thank you, sir.

First, and I would give primacy to this, is to uphold the law.  I think it's -- my view is it's extraordinary of the various aspects of this that I've spoken about that an assumed illegality can have been taking place on a huge scale and nothing substantial done about it.

I made the point earlier about the lack of information that had been given to the Scottish authorities, which I feel very angry about.  I can give you the assurance that's been given to me by the Lord Advocate that the criminal law will be upheld in Scotland without fear and favour, and I'm sure, given the circumstances in which this Inquiry has come into being, that will now be the case everywhere, but it has to be the case because, unless that's the case, nothing else that's suggested -- I go back to the point -- a voluntary or even a statutory code is not going to be

enforced or enforceable if the criminal law is not being enforced and enforceable so I think it's absolutely invites that that's first in my hierarchy.

Secondly -- and maybe this is maybe why you think I'm a minimalist in this matter -- I think the freedom of the press is important not just as a matter of practice but as a matter of principle.  And while I salute and applaud those newspapers like, for example, the ones I mentioned in DC Thomson and there are others, who make an absolute virtue of saying, look, comments are in our editorial or in our columnists, fact is in our news columns.  That's great, but it may be desirable but not only is the impossible to implement, in my opinion, this division between fact and comment, I actually do think there is a freedom for people within the law, the laws of not inciting hatred, to conduct themselves in a biased manner.

It was Lord Northcliffe, wasn't it, who the phrase the "daily hate" was attributed to, but whether it's hate or bias, whatever you want to call it, I think that's a price we have to pay for the essential freedom of the press and you cannot have a free press which does what you want it to do, which always behaves itself.  It has to behave itself within the law and within certain norms, which I'm going to come onto in a few seconds.

Thirdly, in terms of redress from -- well, the redress for illegal behaviour is clear enough, that should be a matter for criminal law to enforce that, but from other behaviour which might not be illegal but be wrong, then certainly on that, the redress must be open to all.  There has to be the ability of individuals or groups, in my opinion, to seek redress in an effective manner they can have confidence in.  Rich people and powerful people will always have the civil courts and actions that they can pursue, but to be proper, the redress must be open to all.

Fourthly, politicians.  I think the move towards transparency is a good thing for both government and opposition politicians.  I think the abidance by the Ministerial Code is -- the Ministerial Codes are there for a reason and the reason I cited you to Scottish Ministerial Code is because we pay it close attention and so politicians and relationships should be guided by transparency in terms of what is now being done by everyone --

LORD JUSTICE LEVESON:  Is the Scottish Code in your exhibit, then I shall make sure it is done.

A.  I cited it earlier on, sir.  If we haven't made it an exhibit, then I shall make sure it is done.

LORD JUSTICE LEVESON:  I'd be grateful if you could send me
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1 a copy.

2 A. And obviously the differences would tend to be it
3 stresses areas where the Scottish ministers have
4 particular competence, like the one on jobs and
5 investment that I read out to you. But following the
6 Ministerial Code is my fourth point.
7 And fifth, and I'm not saying this is a perfect
8 example and I know it's been led in evidence, but I've
9 been surprised by how little attention has been given to
10 the Irish position at the present moment. You said
11 earlier on whether we would want you to look
12 particularly for a Scottish aspect or solution to these
13 things, but perhaps we should all at least pay a glance
14 to the system --
15 LORD JUSTICE LEVESON: Mr Salmond, you're pushing at an open
door. I can assure you, we have been looking very
16 carefully at the Irish model, and the next module of the
17 Inquiry, which will be the future, will include
18 consideration specifically of what can be learnt from
19 the way in which the press are regulated in Ireland.
20 A. Sir, in that case, I'll be very brief, because you're
21 obviously, as you say, on the case already as far as
22 this is concerned.
23 It's fairly recently established. It does have
24 certain aspects which strike me as very useful. The
25...
A. No, I'm perfectly content with that. Thank you, Mr Jay.

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

A. Thank you, sir.

(4.45 pm)

(The hearing adjourned until 10 o'clock the following day)
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