Statement by LORD JUSTICE LEVESON

LORD JUSTICE LEVESON: The terms of reference of this Inquiry mandate, among other things, that I inquire into the culture, practices and ethics of the press, including contacts and the relationships between national newspapers and politicians and the conduct of each. The purpose is to make recommendations as to the future conduct of relations between politicians and the press. As a result, notices were issued under Section 21 of the Inquiries Act 2005 requiring witnesses to deal with a large number of questions addressing these issues.

One of the consequences is that, in fulfilling the terms of my requirement, Mr Rupert Murdoch produced a series of emails which related to the contact between News Corporation and the office of the Secretary of State for Culture, Olympics, Media and Sports, both before the Secretary of State assumed responsibility for the bid by News Corporation for the remaining shares in BSkyB and subsequently. Conscious of the likely effect of this evidence, on the afternoon of Monday, 23 April, I said:

"I understand the very real public interest in the issues that will be ventilated by the evidence. I also recognise the freedom that permits what is said to be discussed and the subject of comment in whatever way is thought fit, and I shall be interested to see how it is covered. For my part, I shall approach the relationship between the press and politicians from an entirely non-partisan judicial perspective, which I have no doubt is the reason that I was given this remit. I would hope that this approach will be made clear."

Since he was the recipient of a number of them, it fell to Mr James Murdoch to produce the emails, which, on Tuesday, 24 April, he did. They formed the basis of much immediate comment, and as a result, on Wednesday, 25 April, I returned to the topic and said:

"In the light of the reaction and considerable commentary last night and this morning, it's appropriate for me to say a little more. This necessarily involves explaining something of the judicial process. I understand entirely the reason for some of the reaction to the evidence yesterday, and in particular to the emails about which Mr Murdoch was asked, but I am acutely aware from considerable experience that documents such as these cannot always be taken at face value and can frequently bear more than one interpretation. I am absolutely not taking sides or expressing any opinion but I am prepared to say that it is very important to hear every side of the story before drawing conclusions. In due course, we will hear all the relevant evidence from all the relevant witnesses, and when I report, I will then make the findings that are necessary for me to fulfil the terms of reference the Prime Minister has set for me. In the mean time, although I have seen requests for other inquiries and other investigations, it seems to me that the better course is to allow this Inquiry to proceed. When it is concluded, there will doubtless be opportunities for consideration to be given to any further investigation that is then considered necessary."

On the same day, questions were addressed in the House of Commons both to the Prime Minister and the Secretary of State arising out of the emails. Further, on the following Monday, 30 April, the House returned to the issue.

Prior to the opening of Module 3 by Mr Robert Jay QC on Thursday, 10 May, I took it upon myself to emphasise the approach of the Inquiry. In the context of identifying what Module 3 would not be dealing with, I said:

"Although I recognise that some have sought to make political points arising out of the evidence as it has emerged, and I am not so naive that I do not understand that there are elements of what I am doing that are likely to be of party political interest, I have absolutely no intention of allowing the Inquiry to be drawn into such a debate and will vigorously resist any attempt to do so. I am approaching my task in a politically neutral fashion and intend to ensure that the principles of fairness, which I have sought to maintain throughout, apply equally to this module. I will be considering the way in which politicians of all parties have engaged with the press."

More specifically, in relation to the BSkyB bid I said:

"I will look at the facts surrounded the news corporation bid for the remaining shares of BSkyB. I will do so in order to investigate the culture, practices and ethics of the relationship between the press and the politicians. It was because of the need to examine the facts fairly that on 25 April I spoke about the need to hear every side of the story, and although I had seen requests for other inquiries and other investigations, it seemed to me that the better course was to allow this Inquiry to proceed. That may cause me to look at the Ministerial Code and its adequacy for the purpose, but I will not be making..."
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<td>a judgment on whether there has been a breach of it.</td>
<td>placed in the library. Mr Hunt responded to the effect that he was in the process of preparing his evidence, which would include all relevant information held by him and his department in relation to the bid, and anticipated that as much of his evidence as possible would be published, emphasising that this was a matter for the Inquiry.</td>
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<td>That is simply not my job and I have no intention of going outside the terms of reference that have been set for me.&quot;</td>
<td>On 14 May, a number of points of order were raised in the House of Commons. Those that are relevant to this analysis are as follows, see Hansard 14 May 2012, columns 278 to 9. Ms Harriet Harman, Camberwell and Peckham, Labour, on a point of order:</td>
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<td>For the avoidance of doubt, I see the significance of the way the bid was handled both by the Secretary of State for Business Innovation and Skills and the Secretary of State for Culture, Olympics, Media and Sport as evidencing manifestations, to return to the terms of reference, of the relationships between a media interest and politicians and the conduct of each.</td>
<td>&quot;Mr Speaker, Lord Justice Leveson is conducting a public inquiry on the media and will call a number of honourable members including ministers to give evidence. It is an important inquiry and we await the outcome, but will you clarify that while the Leveson Inquiry proceeds with its work, it remains the case that the Secretary of State for Culture, Olympics, Media and Sport is accountable to this house? Is it in order for him to say that he will not answer questions from honourable members of this house because he will instead tell Lord Leveson the answers and to say that he will not place documents in the library because he is giving them to Leveson? Will you confirm that he refuses to answer the question not because he is prevented from doing so by the Leveson Inquiry but because he does not want to? Of course the Secretary of State must give his evidence to Leveson whenever he is called to do so, but surely he cannot use that as an excuse to evade his accountability to this house.&quot;</td>
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<td>Day 71 - PM Leveson Inquiry 15 May 2012</td>
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| "I believe the honourable gentleman is absolutely right. It is a judgment on whether there has been a breach of it. That is simply not my job and I have no intention of going outside the terms of reference that have been set for me."
For the avoidance of doubt, I see the significance of the way the bid was handled both by the Secretary of State for Business Innovation and Skills and the Secretary of State for Culture, Olympics, Media and Sport as evidencing manifestations, to return to the terms of reference, of the relationships between a media interest and politicians and the conduct of each. Meanwhile, on 1 May, the Secretary of State for Culture, Olympics, Media and Sport provided written answers to a number of parliamentary questions raised by Mr George Howorth MP concerning guidance issued to his special adviser on the latter's role as a point of contact between his department and BSkyB and News Corp. In the course of answering those questions, Mr Hunt made it clear that the Prime Minister had indicated that he would consider whether the issue should be referred to the independent adviser following his, Mr Hunt's, appearance before this Inquiry. He was asked to place in the library a copy of all the papers relating to this appointment of his special adviser. This question was followed by other questions asking for documents to be placed in the library. Mr Hunt responded to the effect that he was in the process of preparing his evidence, which would include all relevant information held by him and his department in relation to the bid, and anticipated that as much of his evidence as possible would be published, emphasising that this was a matter for the Inquiry. On 14 May, a number of points of order were raised in the House of Commons. Those that are relevant to this analysis are as follows, see Hansard 14 May 2012, columns 278 to 9. Ms Harriet Harman, Camberwell and Peckham, Labour, on a point of order: |

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<td>&quot;I am grateful to the right honourable and learned lady for giving me notice of her point of order. My response is twofold. First, as a matter of general principle, I should make it clear that the accountability of a minister to this house is not diluted or suspended by a minister's engagement with inquiries or other proceedings outside this house. When parliamentary questions to ministers are tabled, those questions should receive substantive and timely answers. Secondly, if ministers are providing written documents to an Inquiry it would be a courtesy to the house and help with the discharge of its scrutiny function if such documents were also provided to the house. I hope that is clear ...&quot;</td>
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| "On a point of order, Mr Speaker, when we have had scandals or so-called scandals in the past, our select committees have constantly been fobbed off and no information, emails, for instance, have been given to them. Enquiries such as Leveson are given everything. Surely the time has come to proclaim this truth. This house is supreme and sovereign and we should get everything first."
Mr Speaker:
"I hope that over the last two and three quarter years I have given some indication, not just by voice but by conduct, that I believe that this house should be preeminent. It should be treated by whosoever is in government with courtesy and consideration. It should be regarded as a priority and a matter of honour to keep the house informed and to facilitate the house's discharge of its scrutiny function. So I do not dissent from anything that the honourable gentleman has said ... Chris Bryant:
"Further to that point of order, Mr Speaker, can you confirm that article 9 of the bill of rights makes it clear that no other body, including a court, can impeach or question a proceeding in Parliament so the only body that can adjudicate on whether a minister has misled the house, whether deliberately or inadvertently, is this house and that Lord Leveson has no power to do so."
Mr Speaker:
"I believe the honourable gentleman is absolutely correct."
2 (Pages 5 to 8)
| Page 9 |
|---|---|
| 1 | correct in his statement and interpretation of article 9." |
| 2 | That ends the citation from Hansard. |
| 3 | The first point to make is that I fully recognise the impact of article 9 of the bill of rights. In the same way that I do not consider it any part of my task to determine whether or not any minister has acted in breach of the Ministerial Code so I do not intend to consider, let alone adjudicate, on the issue of whether or not the house has been misled. I'm not implying that Mr Bryant suggested otherwise, but I repeat that my task, simply expressed, is to consider the relationship between the press and politicians and the conduct of each, in order to make recommendations if I consider such to be necessary and appropriate. |
| 4 | As for the evidence that the Inquiry's obtained, it is not for me to say anything about what should or should not be placed before Parliament and when that should happen. In particular, I am not in any way seeking to challenge the ability of Parliament to proceed as it thinks appropriate. Potentially, however, its decisions will have a real impact on the Inquiry and it is only appropriate that I illuminate them. That brings me to the substantive point raised by these parliamentary questions. It is, of course, open to the Prime Minister to take whatever step he wishes in relation to allegations concerning one of his ministers, and equally open to Members of Parliament to ask whatever questions they wish in connection with the performance of their duties. When I suggested that the better course was to allow the Inquiry to proceed, that I was anxious to do so in a politically neutral fashion, intending to ensure that principles of fairness were maintained, I had in mind that I intended to require both Mr Frederic Michel and Mr Adam Smith to provide statements and give evidence and that this exercise should be conducted in an orderly fashion so that each, along with the Secretary of State, could explain their respective roles in public before the Inquiry. I anticipate that this will all be done before the end of May. I also had in mind that the Inquiry proceeds pursuant to the statutory authority provided to me by Parliament in the form of the Inquiries Act 2005, which, by section 17(3), makes it clear that: "In making any decisions as to the procedural conduct of the Inquiry, the chairman must act with fairness." Fairness has thus far been behind my approach to disclosure of evidence. My present order dated 26 April 2012 is in these terms: |
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| 12 | "1. Prior to its publication on the Inquiry website, no witness statement provided to the Inquiry, whether voluntarily or under compulsion, nor any exhibit to any such statement, nor any other document provided to the Inquiry as part of the evidence of the witness not otherwise previously in the public domain should be published or disclosed, whether in whole or in part, outside the confidentiality circle comprising of the chairman, his assessors, the Inquiry Team, the core participants and their legal representatives. "2. This order is made under section 19(2)(b) of the Inquiries Act 2005 and binds all persons, including witnesses and core participants to the Inquiry and their legal representatives and companies, whether acting personally or through their servants, agents, directors or officers or in any other way." |
| 13 | I appreciate that this order does not impact on the extent to which matters can be raised in Parliament but I would hope that the respect that I accord to Parliament and the success (with, I hope, mutual respect) that has permitted the various members of the house to pursue their business while I have proceeding with the Inquiry will cause Parliament, when deciding how to manage its procedures, to have regard to the consequences for the Inquiry. |
| 14 | As I've already said, I would be very concerned if the advantage obtained by core participants of early sight of statements were used to affect the fairness that I am seeking to achieve. I add immediately, however, that the politician who did disclose such information apologised for so doing and I fully accept that evidence was acting without appreciation of the impact of the order. |
| 15 | In relation to the BSkyB bid, it is a matter for Parliament to decide how far it is appropriate to require either the Secretary of State or anyone else to go. Suffice to say it is but a small, albeit potentially significant part of the evidence that I have been obtaining on the relationship between the press and politicians, and if I did not think that I could adduce that evidence fairly, I would not do so. |
| 16 | Putting it another way, the Inquiry permits the public examination of this material in an independent, impartial manner, visible to all as it happens, after which statements will be published and whatever inquiries or investigations that either Prime Minister or Parliament wish to engage upon will be a matter for them. |
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| 8 | If, however, the evidence were to have been forced |
into the public domain and be the subject of argument
and debate in advance of the witness's giving evidence
so that minds are potentially made up and conclusions
reached, my immediate reaction would be that I would
consider it unfair to subject the witnesses to further
questions before this Inquiry, for that would inevitably
require them not only to answer the concerns of the
Inquiry but also those of every other analyst or
commentator, whether from the political or press arenas.
My attempt to maintain political neutrality would have
failed. In that event, I might well conclude that it is
simply not appropriate to look at this evidence at all,
and I would then abandon Mr Michel and Mr Smith as
witnesses and restrict the Secretary of State to other
areas of his evidence.

Over the next month, a large number of politicians
are due to give evidence on topics that I have no doubt
will engage considerable public interest. One reading
of the question posed by Mr Leigh might be a call for
all their evidence first to be given to Parliament and
then to the Inquiry. I do not know whether that has
ever been suggested at other public inquiries of
whatever status, but to require that to happen could
equally undermine the fairness of the procedure and thus
make compliance with section 17, subsection 3, all the
more difficult.

Again, whatever decisions might be taken for the
future, I would hope sufficient respect for my process
will allow it to proceed without interruption and
without effectively rendering the order which I have
made entirely academic.

I hope that allowing the Inquiry to proceed as it
plans will not amount to a serious inconvenience either
to Parliament or to the political process generally. On
the contrary, I hope that the process which I have put
in place is well placed to assist both. The present
problem arises only out of sequence in the evidence, and
given the timetable that I have explained, I would hope
that the overall period within which the evidence will
be heard assuages the concerns which have been
expressed.

Thank you.
Yes, Mr Barr.

Mr Boulton. Good afternoon. Our witness for this afternoon is
Mr Boulton.

Lord Justice Leveson: Thank you.

Thomas Adam Babington Boulton (affirmed)

Questions by Mr Barr

Lord Justice Leveson: May I first apologise to you for
keeping you waiting. It may have been of interest to
you in another capacity, but I still regret the
discourtesy.

A. Thank you. There's no problem.

Lord Justice Leveson: Can I also express my thanks to you
for the care that you've put into the statement.

MR BARR: Mr Boulton, I understand there are two corrections
that we should make to your statement before you attest
to its truth. The first is in paragraph 9, on the first
line, where we should amend the date from 1983 to 1989;
is that correct?

A. Yes.

Q. Secondly, on page 7 of the witness statement following
the internal pagination, in the third line of the
footnote, where it reads "in 29 years", that should be
amended to "23 years"?

A. Yes. Both my errors. I apologise.

Q. Subject to those corrections, are the contents of your
statement true and correct to the best of your knowledge
and belief?

A. Yes.

Q. You are the political editor of Sky News but today it's
important that we mark the fact that you are speaking
freely in a personal capacity and not on behalf of BSkyB
or Sky News; is that right?

A. Yes, that's right.

Q. You've been the political editor of Sky News since the
channel was set up in 1989. Before that, you were the
political editor of TV AM for six years. You've been an
accredited parliamentary and lobby correspondent
continuously since 1983, and you were the chairman of
the lobby in 2007.

Could I stop there just to confirm for how long you
were chairman of the lobby?

A. Yes, it's a 12-month appointment, although sometimes
elections don't take place exactly on the 365th day.

Q. You tell us that the role of political editor in TV news
is analogous to that of political editors for national
newspapers. As well as being the onscreen face as
a political reporter and interviewer, you're also
editorially responsible for the activities of Sky News'political team?

A. Yes, that's right. And I would report to the editor,
John Ryley, the head of news at Sky.

Q. In addition to your broadcasting work, you've published
two books on Tony Blair and on the coalition, "Tony's
Ten Years: Memories of the Blair Administration", and
"Hung Together: The 2010 election and the Coalition
Government". In addition to your books, you've also
written freelance articles, you say, for most of the
national press and for two years were political
...
A. I think it’s probably their single greatest power in comparison to the electronic media, because of the reasons I’ve already said, of regulation and balance. In the political sphere, the electronic media tend to be fairly cautious, and there are some matters, perhaps matters of a more scandalous and controversial nature, which the electronic media will be very cautious about approaching.

However, the electronic media does see it as part of its function to reflect what is being said in the press, and we on Sky, for example, have a number -- throughout the day, a number of newspaper reviews and look at the headlines. Therefore, it may often be that a story first gets common currency because it has been pursued by a newspaper, and that will, to a certain extent, permit the electronic media to follow up on that story when they wouldn’t necessarily have tabled it themselves onto the agenda.

Q. What? It’s about agenda and thereby influence political life in this country?

A. Well, we would not attack politicians in the electronic media. That’s not our job, as I said. It would be regarded as an imbalance. But if one thinks back, for example, to the John Major years, and there was a very prominent article I think in the Times suggesting that he was depressed and had mental problems and all that, that line will be then shaped into most of the things that they report. I think that’s perfectly legitimate in the electronic medium that you are adversely affected in what you report because your regulator is Ofcom as opposed to an equivalent to the Press Complaints Commission, on the basis -- I mean, you have reasons for it and that's fair enough. But do you feel inhibited because it's Ofcom as opposed to somebody else?

A. No, I think the words "adverse" or "inhibited" would imply a negative. I do feel that we are held to higher standards of accountability. I think that the newspapers will have a line that a particular government is useless or a particular opposition is useless, and in a way that Alastair Campbell was suggesting yesterday, that line will be then shaped into most of the things that they report. I think that's perfectly legitimate because I think you need a lot of voices. It's not something which I do or which I'm interested in doing. I don't feel inhibited from doing it because I don't want to do it.

LORD JUSTICE LEVESON: But much has been said about how actually the press couldn't possibly be the subject of any sort of regulator that was like Ofcom because that would undermine its ability to express itself. Now, assuming you wrote in the right not to be balanced or whatever, I want to know whether there's any other way in which your experience of being regulated by Ofcom would cause you concern in the print journalism.

A. Yes.
1. the fact that the development of press has not been, has
2. been more piratical, a sort of hit and run activity, is
3. actually good. I think it's good that we have the two
4. things. I wouldn't want everything to come under
5. a structure of regulation.

LORD JUSTICE LEVESON: Well, it depends what the regulations
are, doesn't it? Provided you draw them in such a way
that they permit the satire, the ability, subject to
constraints to be responsible -- I mean, I'm sure you
wouldn't want it to be without constraints. You
wouldn't want the ability of anybody to say what -- for
example, intrusion into grief or dealing with children.
You would feel those were proper constraints whatever
the medium, wouldn't you?

A. I think there need to be constraints. I'm not sure
there need to be absolute constraints in those
particular areas, but I still think -- for example, if
you take the famous Daily Mail front page, which I know
Mr Dacre talked about, of "Murderers", I think it would
be quite difficult -- I mean, possible, but under an
Ofcom-type code, it would be quite difficult for
a newspaper to have that sort of attitude.

LORD JUSTICE LEVESON: I'm not so sure. Mr Dacre made it
abundantly clear that he was inviting those people whom
he listed to sue him for libel, and the libel laws are
Q. There you're moving the debate into what mechanisms are there to ensure the good behaviour that we are agreed is desirable. Obviously one is the court of public opinion. Another which you touch upon in paragraph 18 is the press' ability to regulate itself by scrutiny. But what I'd like to ask you -- and I'm picking up here on material later in your own statement -- is about what limitations there might be on that. First of all, it's not necessarily commercially the most attractive copy to print stories about media wrongdoing, is it?

A. No, it's not something which necessarily interests the general reader a great deal. The fact is it interests journalists a great deal, so it probably ends up being done disproportionately in the printed media, which does have the effect of, at the very least, I suppose, making people in the news business aware that they are being invigilated by their colleagues in terms of their behaviour.

Q. An example might be the phone hacking scandal out of which this Inquiry was borne. It got some coverage from some quarters of the media but not really a great deal until the summer of 2011.

A. Yes, but I think that is not because it was suppressed in any way but precisely because of the nature of the allegations, and as I think everyone in this Inquiry now you're moving the debate into what mechanisms are there to ensure the good behaviour that we are agreed is desirable. Obviously one is the court of public opinion. Another which you touch upon in paragraph 18 is the press' ability to regulate itself by scrutiny. But what I'd like to ask you -- and I'm picking up here on material later in your own statement -- is about what limitations there might be on that. First of all, it's not necessarily commercially the most attractive copy to print stories about media wrongdoing, is it?

A. Yes, I would certainly agree with that. I think, generally speaking, most outlets don't look at their own affairs and do tend, sometimes, to distort what's been going on at their competitors. I think in the electronic media both the BBC and Sky and ITV tend to sit out a lot of this stuff. I mean, there have been various attempts to have media programmes but they haven't, by and large, been particularly successful, possibly with the exception of the media show on Radio 4 at the moment, so we don't get involved.

I would say, however, within the business of television, the Guardian, because of its Guardian media section and all the rest of it, has had a focus on the activities of the media and a willingness to listen to arguments from other competitors and to air their views, which has not been followed elsewhere in the industry.

Q. Moving on now to your experiences of the sorts of contacts that you've witnessed between actors in the media and politicians, you tell us first of all about semi-frequent, semi-social contacts between proprietors, executives and senior journalists on the one hand, and the Prime Minister and other ministers on the other. You describe private dinners, lunches, reciprocal summer and Christmas parties, meetings with editorial boards and cosy chats with columnists. All of this, of course, would have the effect of, at the very least, I suppose, making people in the news business aware that they are being invigilated by their colleagues in terms of their behaviour.
A. Well, I should add that a lot of them I'm not present at. I don't know what happens when a newspaper proprietor dines with the Prime Minister or whatever. I think my assumption is -- from the limited number of contacts which I've had is, as you've heard from other witnesses, it's actually very rare that there is a direct transaction or would even be sought a direct transaction of business. Normally, these sessions are sounding out sessions where both sides are trying to work out where the other one is coming from, what the other one's concerns are, and I think in most cases trying to develop a -- "semi-social" is the expression I use -- a familiarity with each other such that when, certainly speaking from a journalistic perspective, it becomes necessary to comment or pursue a particular line of enquiry, you're not entirely cold calling someone. I mean, I would regard that as what goes on in almost any sphere of work which involves interaction, you know. I don't know, a salesman will probably occasionally have a drink with the people he's trying to sell stuff to. It doesn't necessarily mean that they spend the whole meal trying to strike that deal.

Q. You get to know what makes each other tick?

A. That I cannot speak for. I think they would get an idea. I mean, you know -- I don't know, if a proprietor had an obsession about passports for pets or something, the politician would presumably become aware of that.

Q. You talk in paragraph 24 about it being perfectly testing by the public and the newspaper is a window to the public, so you want your argument to be made as effectively as possible, both by yourself and, if journalists are willing to support it, on your account.

A. Well, many politicians, if they get something in the newspaper that they like, will draw your attention to it. You know: "Have you seen this editorial? Have you seen this article?"

Q. Putting this point at its lowest, it would mean that the position of the politician is paragraph 22 of your witness statement.

A. Well, I meant "favour" in terms of favourable support rather than a favour in terms of a quid pro quo.

Q. The favour being the support?

A. Yes.

Q. But that tells us something, doesn't it, about the dynamic of modern relations between press and politicians?

A. Is it not the nature of argument? Politics is about making arguments, and ultimately those arguments are tested by the public and the newspaper is a window to the public, so you want your argument to be made as effectively as possible, both by yourself and, if journalists are willing to support it, on your account.

A. As I say in this statement, the greatest power that any news outlet has is not so much what it says about something but in whether it choose to cover it or not, and I think it's perfectly understandable that politicians, non-governmental organisations, private citizens, seek to draw the attention of journalists to issues which are of concern to them.

Q. You recognise a need for transparency in recording the sorts of meetings that you describe. At paragraph 23, you say you think it would be wise to publish regularly a record of such meetings, especially with the Prime Minister and Deputy Prime Minister. You are, of course, aware that steps have been taken in this direction since last summer.

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Can I ask you: in your opinion, what level of detail is appropriate in the sort of disclosure that you're envisaging in order to ensure proper transparency and engender sufficient trust?

A. I think that all these codes only work if they are clearly defined and they are -- the people who have to disclose information know that they will be held accountable on a regular basis, and I think -- you know, thinking not just of recent events but in previous governments, the problem is that there tends to be a hurried statement, a hurried list of meetings, published when a particular government feels under pressure and then there may be revisions or adjustments to it. I think, just as in some other countries there is a full list given of the head of government's meetings, other than those that relate to security or whatever, as a matter of automaticity, I think that is how the system should work, because otherwise I feel it actually can be worse than useless sometimes, that partial information is given which is carefully crafted to conceal particular facts.

Q. So if you support an automatic disclosure of the fact of meetings, subject, as you say, to security exceptions, in terms of the level of detail we're given about a meeting -- we've seen in certain recent disclosures

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long lists of "general discussion, general discussion, general discussion", which is pretty meaningless. Where would you set the level of detail?

A. I would set the level of detail -- I don't -- you know, I think people -- government needs a certain level of protection. I think fact of meal, you know, dinner, Chequers, plus Lord Rothermere, or, you know, drink, whatever, with Rupert Murdoch at a particular location, I think those sort of things should be disclosed. But I should add I don't think this simply applies to the press. I think this should apply to other captains of industry and, as I say, I personally would lean to a more extensive disclosure than the less extensive disclosure.

Q. Moving to your own experiences, you tell us that you've never enjoyed an exclusive Sky News-only briefing from any minister, but you do describe going to Chequers with a small group of media professionals and you've exhibited an extract from your book which sets out the details of that encounter. I don't need to go to the details of that. Perhaps if I can summarise it. Suffsice to say that you felt that you and your colleagues' comments were slightly misused by Mr Campbell. Was that typical of the New Labour government or not?

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A. Well, it's the only time that I've been invited to lunch at Chequers, so whether it's typical or not, I don't know. But I think we were all -- and one of your lay assessors was also present, Elinor Goodman. I think at the time we were all a little bit puzzled as to why we had been summoned, particularly since, to be frank, the Prime Minister didn't appear to have a great deal to say to us, and it was only subsequently, when we were drawn into conversation about some of the foibles of our press colleagues, which we did -- which we engaged in fairly freely and then found subsequently that those comments had been cited by Alastair Campbell -- you know, I've talked to some of the senior broadcasters and they agree with me -- for some of the changes he wanted to make in terms of policing his interactions with other journalists. Had we known that was on the agenda, it would have been a rather different discussion, I think.

Q. My question is not so much whether a visit to Chequers was exceptional but whether the sort of experience you had been cited by Alastair Campbell -- you know, I've talked to some of the senior broadcasters and they agree with me -- for some of the changes he wanted to make in terms of policing his interactions with other journalists. Had we known that was on the agenda, it would have been a rather different discussion, I think.

A. As you know, in my statement I argue that there was an introduction of a disequilibrium during the Blair and Brown years because -- I'm not about apportioning blame.

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I believe that in that period the politicisation of the power of information, if you like, was recognised by Tony Blair, Alastair Campbell and other people working with him, and so all interactions with the media became negotiable. "Do we want to tell him or her this because they're on our side? Or maybe if we give that to that other journalist, they will give it to us more favourably. Should we even give them access at all?"

In other words, things which I think, if we're to do our job properly, should be accepted as a right became things that were handed out as favours of one kind or another.

Secondly -- and again, I don't want to dwell on this to any great extent -- I think the obligation to tell the truth at all times was not felt by the Blair government or indeed by the Brown government, and -- you know, one could go into examples. I know you're going to have Peter Oborne giving evidence later in the week, but increasingly there was a sense that one could not really trust what one was being told by people who were being told -- you know, had the job of communicating with the press, and that, I think, is one of the things which has led to the breakdown of political confidence in our culture, and I don't think that's a good thing.

Q. I'll be picking up that theme in a little while, but for
the moment, can I move now to what you tell us about
BSkyB's corporate events. You explain that they're
unusually informal and matters of record where current
events are discussed. At the time that the BSkyB
takeover bid was live, do you recall that being
discussed?
A. Well, the meetings which we had, or the ones
I particular mention with prospective parliamentary
candidates from all the different parties, mainly
preceded the 2010 election, when the bid was not really
on the agenda. Certainly one of the reasons -- one of
the issues that we were willing to discuss, if raised,
was to clarify to politicians and prospective MPs the
nature of our relationship with News Corporation; in
other words, to make it clear to them that BSkyB was an
independent company, regulated in the same way as ITV
and in a similar way to the BBC, and was not part of
News International or the newspapers in any way, simply
because -- you know, people sometimes make or have made
in the past the wrong assumption, if you like, about
that, and obviously it's very important to our
reputation that BSkyB's integrity as an independent body
and Sky News' integrity as an independent news
broadcaster should be well understood.
Q. It's been said that the shareholding which News
Corporation already had in BSkyB gave it effective
control anyway. Did you notice that?
A. No. I think, on the contrary, Rupert Murdoch recently
wrote on Twitter saying, "I have absolutely nothing to
do with the editorial policy at BSkyB", and I was able
to tweet: "I agree with Rupert Murdoch." The fact of
the matter is I have, over a 23-year period of working
with Sky, possibly had three discussions with
Rupert Murdoch, all with other people present, just
about general world affairs. Never anything about my
work or the editorial approach of Sky News, and it was
the same in terms of any interactions which I might have
had with editorial personnel or executives from
News International.
Q. Did BSkyB lobby, either overtly or covertly, one way or
the other in relation to the bid?
A. On the contrary. I remember that we received emails
from the CEO and Jeremy Darrett(?) making precisely that
point, that it was not our business to lobby or to take
sides in this, that we were subject to a takeover bid
and that therefore we should be more careful than ever
in terms of saying anything that might be construed as
expressing an opinion.
Q. Moving to the question of exclusive off-the-record
editorial briefings with Number 10, which you deal with
at paragraph 29 of your witness statement, you say that
you never participated in any such briefings. That
rather begs a question: who did?
A. I believe it is quite a common practice for so-called
editorial boards of newspapers or groups of senior
current affairs editors of the BBC to be invited in for
a lunch with the Prime Minister, perhaps on an annual
basis. I say I believe this because I've stood in
Downing Street and I've seen so-called editorial boards
going in, which would often comprise the editor, maybe
the news editor, some of the columnists or whatever in
the case of the newspapers. As it happens, Sky News has
never sought or, to my knowledge, been invited to go to
such a lunch or such a meeting.
Q. That type of lunch in your view, does it fall into the
category of an acceptable way in which the media can
become better informed about politicians and vice versa
or do you see it as problematic?
A. I think provided it's done on an even-handed basis and
a range of news organisations have access on that basis,
I think it can possibly help them better inform their
readers or their viewers.
LORD JUSTICE LEVESON: So that means BBC, ITV, Sky, all
those who are engaged in the dissemination through
television of news?
Q. Which takes me on to the next part of your statement, where you --

LORD JUSTICE LEVESON: If you're moving to something else, let's give the shorthand writer just a few minutes' break. Thank you.

(A short break)

MR BARR: Moving on to your own entertaining of politicians, you tell us that on average about half a dozen times a month you use expenses to entertain contacts, especially if they've asked for a meeting or if you want to repay hospitality. Do you ever feel that as a result of that type of hospitality there is the risk of an obligation or a sense of obligation arising to those people to spare them when it comes to your interviews, and if so, how do you guard against that obligation arising?

A. Well, quite often they ask to have lunch after an interview or something I've done hasn't gone particularly well for them and in those circumstances, to a certain extent they're saying, "Why did you give me such a hard time over this?" and I'm -- in the interests of transparency, I'm perfectly willing to explain my position. Likewise, as I say, when it comes to repaying hospitality, I think if anything, that is trying to dispel any sense of obligation rather than engender it.

As I also say in my statement elsewhere, I don't think you want to become too pally with politicians if you're interviewing them or interacting with them on a regular basis, because obviously it's not your job to sympathise with them in that way, although I would say I think the first function of any interviewer or any television news reporter is to understand what a politician is saying and proposing doing and to help them, if they like, explain that position before you then move on to examining and questioning it.

Q. In terms of those types of meetings, do politicians ever try to seek to influence the areas which you might touch upon in a future interview, in precisely perhaps the way you've explained, by saying, "I'd like you to interview me about this next policy so that I can get my message across"?

A. It has to be said we are using politicians and advisers or their handlers, sort of interchangeably, or I am, at least, in talking about this. It is not uncommon for a politician or adviser to say, "Well, you know, I'll only come on if we're talking about my health campaign and I'm not going to talk about whether minister X should resign over something", and in those circumstances I think it probably should. I mean, certainly in my case and my colleague's, such meetings I would itemise by name on my expenses, which would then obviously pass through whatever the verification approval process is of Sky. So it's open in that sense.

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1. A. I think there have been occasions, although I hope not when I have been personally involved and not particularly at Sky, where ministers have felt that they've struck a bargain that they would have an opportunity to speak on something and have not been given it on air, and that they've felt they've been let down. I mean, in the past, certainly anecdotally, that is an explanation which politicians from both sides have given me about why they're not keen to appear on Newsnight, for example.

1a. Moving back now to the Blair era, you've already explained in some detail concerns that you've had about that era. Can I put to you, please, the other side of the coin and move to tab 5 of the bundle. Here you've helpfully exhibited chapter 6 of your book, "Tony's Ten Years", entitled "Feral Media". Following the internal pagination of the book, can you start, please, start at 178. About a third of the way down the page, there's a quotation. This is from Tony Blair: 

"I first acknowledge my own complicity. We paid inordinate attention in the early days of New Labour to courting, assuaging and persuading the media." 

1b. Is that an insight which you would agree with?

2. A. Yes, I would. As I also say, there was a reason for it, as has been cited elsewhere in the Inquiry. The

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3. (...continued)

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<td>reporting hands down.”</td>
<td>If you look at some of the evidence before this Inquiry, what you’ve called the bargain or the quid pro quo nature of interactions between journalists and the media is, in my view, an accurate reflection of most of those interactions. In that sense, now, with hindsight, I can sympathise somewhat with that point made about what the press have said about meetings he’d been involved with elsewhere.</td>
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<td>Do you agree with that proposition?</td>
<td>LORD JUSTICE LEVESON: Yes. One of the great problems for the Inquiry is to distinguish between what is sensible and professional relationship and intercourse, whether it’s over a drink or whatever it’s over, and that which tips over.</td>
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<td>A. No, I don’t, but I do think that news, what is new, what is different, what is going to engage the viewer or the reader, will win out over regurgitation of known facts or known positions of the government, which by definition often isn’t really news.</td>
<td>A. Sure.</td>
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<td>Q. Reading on in the quotation: “News is rarely news unless it generates heat as much as or more than light.” Is it right that newspaper reporting in this period was seeking to generate heat as much as light?</td>
<td>LORD JUSTICE LEVESON: It’s a mistake to assume that all of the former is necessarily the latter.</td>
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<td>A. I don’t believe so. I mean, my feeling, as I argue in this chapter later on, is that Mr Blair was speaking after the very painful experiences of post 9/11, of the — Afghanistan and Iraq, and what happened then was (a) very important and (b) was a national controversy, and I think that as they wear on, in particular, governments very often feel that seeing things their way is the only way, and I don’t think, certainly in an issue as important as that, it’s the job of the media to simply repeat the views of the government.</td>
<td>A. Exactly, and I think that's the point Mr Blair was making.</td>
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<td>Q. Isn't he saying rather more than that? Isn't he saying that even with a story of immense importance, as that one was, one way of reporting it is without making it sound excessively scandalous, but reporting it objectively, with opinions.</td>
<td>LORD JUSTICE LEVESON: It may very well be, but -- I mean, it's the same point as conspiracy is always better than cock up.</td>
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<td>sound excessively scandalous, but reporting it objectively, with opinions.</td>
<td>A. A. Well, I don't know. There have been some pretty good cock ups over the years.</td>
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<td>A. Well, I -- well, you know, I don't want to reopen the Hutton Inquiry but the 45-minute claim was certainly something which I had my attention drawn to by Downing Street as something that was worth reporting, and I think with hindsight one would say that that was sensational, so -- you know, obviously, as we know elsewhere from Mr Blair's writing, he wanted to be associated with eye-catching initiatives. I don't know whether you would class that as heat rather than light.</td>
<td>Again, I think -- you know, conspiracy might read better over three pages of a Sunday newspaper, but on television, a cock-up, genuine mistakes, can often make extremely good news reporting and extremely interesting news reporting.</td>
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<td>Q. The second point he makes is: &quot;Attacking motive is far more potent than attacking judgment. It is not enough for someone to make an error; it has to be venal, conspiratorial.&quot; What we're talking about here really is a form of exaggeration, isn't it? Did you sense that that was in fact the way that press reporting had gone?</td>
<td>LORD JUSTICE LEVESON: Yes, I understand.</td>
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<td>A. I have to say, reading that again, I have some sympathy with the way in which some people have reported and examined the matters now under examination by this Inquiry and elsewhere. In other words, the assumption or the implication that meetings and contacts between press and journalists are necessarily venal or conspiratorial. Certainly some people are implying that.</td>
<td>A. For example, things going wrong in the health service are generally cock-ups but they are things which we pretty relentlessly focus on in television news.</td>
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<td>LORD JUSTICE LEVESON: I understand and don't in any sense dissent. I'm merely giving you an example of possibly the first two of Mr Blair's observations.</td>
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<td>A. Yes. As I say, I have some sympathy with those observations and as I've already said, the third one about Watergate -- I mean, there's no doubt that there is a sort of myth of investigative journalism and scoops which I think is probably dying out a bit now, with the growth of digital media, but certainly for the period I've been a journalist I don't think has always been particularly helpful, and I've already drawn the distinction between the type of journalism I'm involved with and electronic journalism and newspaper journalism in that respect.</td>
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Q. Moving to the fourth point:

A. I think there has been an inevitable process whereby, because primary information has been conveyed electronically, print media have been forced, to a certain extent, into a secondary market of comment and disclosure. For example, when there were regular Prime Ministerial monthly news conferences, they were things that television, both rolling news and news bulletins, used quite extensively. They were largely overlooked by many of the newspapers because they felt that that material had already been on the record elsewhere. Therefore I think there was a natural tendency to look for secondary matters or controversy,

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1. perhaps some pertinent to this Inquiry, that's led to
2. a degree of desperation in the pursuit of getting
3. something different.
4. LORD JUSTICE LEVESON: That's interesting.
5. MR BARR: Moving now to your analysis of Tony Blair's
6. speech, you point out that the example he gave was of
7. the Independent, whereas you believe that his real
8. target was the Daily Mail. I'm looking now at page 180,
9. the penultimate paragraph:
10. "Out of office, Blair conceded that it was a mistake
11. to single out the Independent. His real target had been
12. the Daily Mail but he feared what the paper would do to
13. him and his family should he have targeted it."
14. A. Yes.
15. Q. Obviously that's a rather arresting assertion. Can I be
16. clear. How sure are you that this accurately reflects
17. Mr Blair's thinking? Is it your analysis of things he's
18. said or do you have this on hard authority?
19. A. As I think I say in my statement, in the course of
20. preparing this book, my researcher and I did have
21. a meeting with Tony Blair where we discussed these
22. matters.
23. Q. Accepting that this is an accurate analysis, is this an
24. example of perhaps the most potent weapon that the press
25. have, namely the personal attack?

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A. Well, what I mention is that in a sense the speech
1. turned out to be a bit of a damp squib because it went
2. after the Independent and I make the point that it
3. mentioned neither News International nor the Mail. It's
4. a matter of record that Alastair Campbell and others
5. have been most excoriating about the Mail and its
6. activities, and it's a matter I think I also discuss in
7. one or two of the lectures. A number of politicians
8. have expressed to me their fear of intrusion and
9. exposure, and very often they mention the Mail in
10. connection with that.
11. I'm not suggesting that the Mail does anything
12. illegal, but, you know -- for example, when my own first
13. marriage broke up, my house was rung, their reporters
14. attempted to talk to my children, relatives of both me
15. and Anji were pursued, a journalist went to local
16. restaurants showing a photograph, claiming to be an old
17. friend of Anji's, did the restauranteur know anything
18. us?
19. As it happens, I make no complaint about that.
20. I think that is -- if they believe it's of genuine
21. interest, I think that journalists do have to go to
22. quite great extent to try and get stories.
23. Q. If I could just stop you there and come back to --
24. A. But it's not a pleasant process, and I can well see why
25. some people might feel intimidated by that.

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1. what I am reporting the Prime Minister as saying.
2. Q. Well, you --
3. A. He is saying that he felt that if he "went to war with
4. the Mail", there would be consequences inasmuch as they
5. would look at him and his family in a way, and he's
6. saying he felt intimidated by that.
7. Q. So that is what he was saying? He feared what the paper
8. would do to him and his family, should he have targeted
9. it. So he was afraid of intrusive coverage in response
10. to his criticism on an entirely separate point?
11. A. Yes.
12. Q. And that is, isn't it, a matter of concern?
13. A. It's a matter of concern, but as I say, it's also
14. a matter of balance of power between different pillars,
15. if you like.
16. Q. Moving to page 181, the quotation there really summing
17. up the state of affairs:
18. "This relationship between public life and media is
19. now damaged in a manner that requires repair. The
20. damage saps the country's confidence and self-belief; it
21. undermines its assessment of itself, its institutions,
22. and above all, it reduces our capacity to take the right
23. decisions in the right spirit for our future. I've made
24. this speech after much hesitation. I know it will be
25. rubbished in certain quarters but I also know this has

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16 (Pages 61 to 64)
A. Yes, and I think I believe I accepted it at the time in what I said to the Phillips Inquiry and elsewhere.

Q. Moving now to the lobby, you've already told us you were the chairman for a year in 2007. You tell us that it is a parliamentary institution and that status is obviously important.

Moving from its status to its practical importance, would it be right to glean from your statement that its practical importance to a member is the access it gives to political information?

A. Yes. I mean, physical access originally, as in access to the lobby where you could exchange face-to-face -- have face-to-face exchanges with politicians. That's what it involved. Membership of the lobby also means access to the vote office, which means automatic access to published government papers, and it means access to twice-daily briefings, Monday to Thursday, when the House is sitting, from the Prime Minister's spokesman, one on Friday and other contacts.

It means less now than it did back in the 1980s, because one of those briefings has been put on the record by the government, originally by Alastair Campbell and followed by others since, and is open, but there is an afternoon briefing which is still a closed briefing to members of the lobby.

Q. We will come back to what might be the best way of presenting information to the press lobby, but before we do that, can I ask you about the quotation that you've attributed to Roy Hattersley, the then Labour deputy leader, who you say told you: "If you do right by us and treat us fairly, we'll do right by you."

Assuming that you had -- and I'm not suggesting you would have done, but assuming you had treated him unfairly, what did you think the consequence might have been?

A. Well, going back to the bargain we were talking about earlier on, the consequence or the sanction which anybody in any political party has against any broadcaster is not to participate in their programming, not to agree to do interviews with their cameras and to exclude them from party events, such as party conferences, and I report that in the context of having been through the TV AM dispute when, at the urging of the ACTT, the Labour Party had done precisely that. They had blacked, as it was then called, TV AM so we could not take our cameras, for example, into the Labour Party Conference of that year so that we -- their spokesman would not appear on our programmes. And of course, the immediate effect of that is that it means that their offering is weaker than the offering of your competitors, who have full access to all the political parties.

LORD JUSTICE LEVESON: Is it worse than that? I'm just interested. If one party says, "I'm very sorry, you're not going to come to us", how does your impartiality kick in in relation to everybody else?

A. Well, what I did at the time was I did go to the Labour Party Conference, because journalists physically were not excluded from the party conference after a decision, and I reported on what was being said in the conference without being able to have access to pictures of people saying it directly, but it did mean in order to preserve impartiality and balance --

LORD JUSTICE LEVESON: You had to do that.

A. Yes, exactly.

LORD JUSTICE LEVESON: So it's a piece to camera rather than --

A. Willingly, yes, in those circumstances, but obviously it's less interesting hearing me say it than hearing Neil Kinnock say it.
servants — and this is basically the situation which pertains to this day — never really had the authority to convincingly brief on behalf of the government, both in politically and in informational terms.

An early example of that was during the whole question of Cherie Blair and her flats when Godric Smith, I’m sure, absolutely with total integrity, briefed that there had not been contacts with the swindler because that was what he was told to say, and it transpired that it wasn’t true, and even if you go to the recent experience with Gordon Brown, you had a very distinguished public servant, Treasury official, in the role of Mark Ellam, who I think would admit that he was uncomfortable in his role because he knew that there were a series of special advisers who spoke with greater authority about Gordon Brown’s intentions and about the government to journalists than he did, and I think a particular problem with this is that those spokesmen are unaccountable, and to this day — I see that Steve Field, the current Prime Minister’s spokesman, has announced he’s stepping down. To this day, most journalists, if they wanted to know what the Prime Minister was up to or what the Prime Minister was thinking, would go to someone like Gabby or Steve Hilton or whatever, behind the back of the official spokesman.

So my argument is that the official spokesman has really become a bit of a front guy and is actually being put in a very uncomfortable position. I know that Lord O’Donnell suggested that probably we should go back to the position of a civil servant having that responsibility. I take the view that that genie is rather out of the bottle, and what we should go back to is having an authoritative and politically accountable spokesman, more on the model of a White House spokesman, but — we can disagree about it, but at the moment I think it’s a corrupt system, that there’s an official spokesman who is not the authoritative figure in terms of communicating the government’s intentions to the media.

Q. Can I draw out of that answer that perhaps a cure to the underlying problem is more accountability for special advisers?

A. Yes, I think that would be one way. I mean, another way — I think things like monthly news conferences by the Prime Minister, debates at election time, are also examples of unmediated direct accountability which are healthy for the democracy.

Q. On the question of whether the briefings should be on the record or off the record, are you content with the current situation or do you think there is room for improvement?

A. I think off the record is — this is somewhere where I’d agree with Alastair Campbell or most senior ministers. I think it is no longer a distinction which is respected or widely understood by the public. I think the reason for off the record was largely a convention of not naming civil servants, to protect civil servants, that what they said was off the record, but in the way — over 30 years, the way in which I reported what Bernard Ingham said without naming him was no different from the way in which I reported Alastair Campbell, and generally I didn’t do it without naming him either.

The problem is — although I think it’s a minor problem, but it is the fear of sort of — if you put a particular problem which is that you think arises from an overcosiness in the relationship between Number 10 and the print media or is it simply a pragmatic recognition of the fact that if they got to pay to go on a foreign trip, they want at least to have a story before their deadline?

A. Yeah. There, I think, you have got your bargain or your quid pro quo, that they want to hold something back to give to print, to sort of justify the trip for print on both sides. I just don’t see it as a recognition of the modern realities of the digital media. I’ve had situations where I’ve been asked not to report on television a story from America which was already appearing on the website of the newspapers on the front pages of tomorrow’s papers. I accept sometimes there is a need for embargos but I think they should only be there for very practical reasons. I think it’s almost impossible, with 24-hour media and with the Internet and all the rest of it, to try and impose artificial embargos to benefit one medium or another.

Q. Can I now ask you for your view on what you describe as a Masonic conspiracy. We’ve heard some evidence from Mr Staines, aka Guido Fawkes, in Module 1, where he suggested that the relationship between the lobby and politicians was so cosy that a blind eye was turned to the MPs’ expenses scandal. Is that anything in that?
A. Well, I think on various occasions Mr Staines has applied to become a member of the lobby. Certainly when I was chairman, it wasn't necessarily something I opposed. The -- I don't -- I think there were consistently stories in the Mail on Sunday and the Sunday Times and elsewhere about MPs' and peers' expenses and I think it was a newspaper, the Telegraph, which exposed it, so I don't really understand the point. I think it's very easy -- you know, in my experience, the lobby is simply a means of briefing specialised journalists in a way that, as far as I can tell, all other groups of journalists -- showbiz journalists, economic journalists, whatever -- form groups and are invited to meetings --

LORD JUSTICE LEVESON: The CRA, the Crime Reporters Association?

A. Exactly. I would imagine something similar to that.

So -- and I can assure you I've never been told any Masonic secrets in the lobby. I think the only two secrets I can recall in 30 years were both from John Biffen, then leader of the house, one, admitting that the Conservatives were indeed going to lose a by-election that day, and the other was actually Bernard Ingham, where he got his ups and downs muddled up on the movement of interest rates and managed to put a large hole in the sterling exchange rate by mistake.

MR BARR: So can I take it from that that you're telling us that the lobby did not know about the expenses scandal?

A. Well, I'm saying that journalists, who include members of the lobby, were working on the expenses scandal.

What I'm absolutely saying is I can't see any evidence of a cover-up by journalists on that.

Q. Before we move to the future, just a miscellaneous point. At paragraph 50, right at the end, you say: "It has subsequently emerged that the decisive allegation against News of the World was untrue." You wrote this statement before the Inquiry added further evidence about the state of investigations about the hacking of Milly Dowler's phone. You're not seeking to suggest, are you, that the phone was not hacked?

A. No. I was referring to the deletions and the "false hope" in the Dowler family as a result of the deletions which were alleged or reported in the Guardian as to be the consequence of objection as by the News of the World, and I think the Guardian now accepts that evidence for that is inconclusive. That was the point I was making, and I personally feel that without that allegation, subsequent history, possibly including the existence of this Inquiry, would have been very different.

Q. There are still factual disputes and it wouldn't be right to say --

A. But I'm happy to clarify the word "untrue" to whatever the appropriate phrase of what the Inquiry has discovered is.

LORD JUSTICE LEVESON: Mr Boulton, I don't know whether that's right or wrong about whether this Inquiry would have started. I just don't know.

A. No, I raise it as a question.

LORD JUSTICE LEVESON: There were lots of things happening, as you will well remember.

But I would be interested in your view -- and you are able to stand a little bit aside as a broadcasting journalist rather than a print journalist -- whether you believe that what has been discovered over the last six months has been a journey that has been worthwhile to undertake in the public interest.

A. Well, clearly breaking of the law is something that we all disapprove of and should be investigated, and clearly there are issues that we're discussing about, whether you're talking about media organisations or politicians or indeed the police, people who are in positions of power and authority, and they should probably be invigilated more than the activities of others. But one has to place, as you say, all the matters that are being discussed and uncovered in this particular case in the context of all the other evils in the world: wars, famine, robbery and all of that --

LORD JUSTICE LEVESON: I quite agree, I quite agree, and I'd be very grateful if you wouldn't suggest I tackle any of them, but I am concerned to know whether you, from your perspective, think that what has been revealed has been worth revealing and does itself indicate that there is a need for some change.

A. Well, as I say in this section, question 2.8, I make the point that already what has been revealed outside of your Inquiry has had very severe consequences for a number of individuals and for a number of businesses and organisations. So the point I'm trying to make there was even before we come to your recommendations there are parts of the system that appear to be working in terms of the specific wrongdoings. And I do think it is important because -- that those matters should be discussed and should -- and should be aired, but as I also say elsewhere, my understanding of the law is you can't frame law to prevent crimes happening. You have to deal with the consequences of what happened.

LORD JUSTICE LEVESON: Yes, but you don't also just want to rely on the criminal law, do you? I mean, the criminal
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<td>Law will always suffer from the problem, as was revealed in this very case -- you have some activity that is potentially criminal and could be very serious, but, however odious, which I think was the word Deputy Assistant Commissioner Clarke used, nobody died as a result, and you have 70-odd terrorist incidents. So there's a balance.</td>
<td>Compensation of what's been done, apologies have been made, and I don't know whether newspapers have disciplined --</td>
<td>LORD JUSTICE LEVESON: Don't we need to be able to look to the industry to some extent to step up to the plate of having a mechanism, whether it's policing itself or in some other way, to ensure that the public can be reassured that actually the press is doing its job in a proper, appropriate way and always in the public interest?</td>
<td>LORD JUSTICE LEVESON: I'm not asking for a witchhunt, but I have been told that the reputation of journalists on polls or studies at the moment is pretty low. That may or may not be true.</td>
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<td>A. There is indeed. LORD JUSTICE LEVESON: Don't we need to be able to look to the industry to some extent to step up to the plate of having a mechanism, whether it's policing itself or in some other way, to ensure that the public can be reassured that actually the press is doing its job in a proper, appropriate way and always in the public interest?</td>
<td>A. Yes, I think we do. I think we, as journalists collectively, have standards. I think organisations -- as I tried to make clear, I think there are reasons why they behave in different ways, but they should have standards as well. But what I also believe -- and it's a point I make very strongly in the two lectures I've made -- is that ultimately the point -- professional journalism will only thrive if people want to consume it, and they want to consume it, I hope, because they trust what we are saying and trust their relationship with us as decent people or people who they believe they can support, and if they don't, then I think (a) in the electronic media you're subject to regulation, in the newspapers you're subject to not just the criminal law but losing your livelihood as well. So I don't think -- it's not just a question of being pious. I actually think there's quite a strong commercial imperative to behave in the right way and to --</td>
<td>LORD JUSTICE LEVESON: And also for the public to see that those who don't behave in the right way are exposed and in some way dealt with?</td>
<td>LORD JUSTICE LEVESON: Therefore it's quite important that something is done -- to make the very point you're making, to create the commercial imperative that you've identified, something is done to boost that, to improve it, so that the public do say, &quot;Well, actually, if it's in the paper, we can rely on it.&quot;</td>
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<td>A. Yes. I think we do. I think we, as journalists collectively, have standards. I think organisations -- as I tried to make clear, I think there are reasons why they behave in different ways, but they should have standards as well. But what I also believe -- and it's a point I make very strongly in the two lectures I've made -- is that ultimately the point -- professional journalism will only thrive if people want to consume it, and they want to consume it, I hope, because they trust what we are saying and trust their relationship with us as decent people or people who they believe they can support, and if they don't, then I think (a) in the electronic media you're subject to regulation, in the newspapers you're subject to not just the criminal law but losing your livelihood as well. So I don't think -- it's not just a question of being pious. I actually think there's quite a strong commercial imperative to behave in the right way and to --</td>
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<td>A. Yes, I would agree with that, although I think in most cases what should normally happen is that journalists who are responsible for professional misconduct would be dismissed by their employers and are unlikely to be employed by other people.</td>
<td>LORD JUSTICE LEVESON: But then you might ask how many people were dismissed in relation to the stories about some of the issues we've heard, whether it be the McCanns stories and the Portuguese problem or the Chris Jeffries stories. Or possibly you don't think those are worthy of the same sort of criticism?</td>
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<td>A. I think that -- well, I think certainly in the case of Chris Jeffries, he had legal redress, and he's received</td>
<td>A. I think that -- well, I think certainly in the case of</td>
<td>LORD JUSTICE LEVESON: I think Paul Dacre raised this point: the reason why people don't buy newspapers, he said, is because people don't believe them, and if they don't believe you, then I think your business is at stake, and I -- certainly what I've seen of people like Paul Dacre or Rupert Murdoch or whoever appeared before you, I don't think that they've disputed that question, that this is an existential reputational question and something needs to be done about it.</td>
<td>Whether -- in my view, it may well be able to done by</td>
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A. Exactly. I would be very hostile to that.

LORD JUSTICE LEVESON: Well, what it smacks to me of is licensing people to be journalists, and the whole point about a journalist is that he is a person exercising the right of free speech that we all have; he just has a larger — well, he used to have a rather larger megaphone to do it. It's not quite the same with modern modes of communication.

9. A. I would entirely agree with you on that point.

10. I remember the days of the NUJ closed shop, which I don't think were particularly happy because I think you need access to — a lot voices should have access to the media.

LORD JUSTICE LEVESON: But I wouldn't want you to misunderstand me. Whereas I entirely agree with you on that, I'm not at all sure about the mechanisms that should be brought to play to regulate the way in which those who publish news or views by way of a business should take place. I'm just not sure that we've got there.

21. A. No, I'm not entirely sure. I suggest in my witness statement later on that belonging to a regulatory organisation — self-regulating, possibly backed up by statute — is something which, for newspapers and magazines, I think would be desirable, and I think there should be, if possible, some consequences for major news organisations that don't participate in that, such as commercial registration, whether they can have an A, B, C listing, those sort of things, because, as we know, there is certainly one newspaper group at the moment which is not subscribing.

LORD JUSTICE LEVESON: Yes. All right.

8. MR BARR: Perhaps we can agree on two propositions. I'll take them one at a time. First of all, the last thing that needs curbing is freedom of the press. You would agree with that very readily, I imagine?

12. A. Yes, although I would call it freedom of speech.

13. Q. However, what does need urgent improvement are cultural standards, practices and ethics in the press?

15. A. Yes, I agree with that, although I think part of that process is inevitably under way, given the disaster of the last year.

18. Q. You describe transparency, where possible, as being desirable. Could I suggest to you that in fact transparency, where possible, is in fact essential?

21. A. I think there are obviously degrees of transparency and who you are transparent to, whether you're transparent to the public or whether you're transparent to, in our case, in broadcasting's case, to the regulator, and there may well be a role for that in whatever replaces the PCC for newspapers, on a private basis, to be accountable to the regulator for some of their activities.

4. Q. You say that it would be unfair to say that the PCC had failed, and I understand that behind that is — you're picking up on the evidence that in some areas, at least, the PCC was succeeding, but equally it wouldn't be right to say that it had succeeded as a body either, would it?

9. A. Well, yes, indeed. I was referring to the evidence from Christopher Meyer, the former chairman of the PCC, amongst others, that — my understanding is that the number of complaints from ordinary citizens about the way they've been treated which were dealt with by the PCC had gone up quite dramatically. Clearly, in the role of invigilating the behaviour of — internal behaviour of major newspapers or replacing the need for prominent people to go to the courts to get satisfaction — clearly there the PCC wasn't fulfilling that function. I think certainly in the case of dealing with phone hacking, the argument the PCC makes is that it was never its role to deal with that sort of thing.

22. Q. Moving now to paragraphs 68 and 69, where you explain it was never its role to deal with that sort of thing.

24. Q. If the press has influence rather than control over politicians, would you agree that the degree of influence which the media, some parts of the media at least, have had over politicians in recent years has been a high degree of influence?

24. A. Could you give me an example?

25. Q. I'm thinking in terms of the efforts that have been made acceded to, and making the point again that media power lies in agenda-setting and acting as a conduit for public discourse, does it amount to this: that the media's power vis-a-vis politicians is a matter of influence rather than control?

6. A. Yes, but it's not always on a particular issue. The media may raise an issue, but, if you like, the public view on that issue may not necessarily go in the direction that the media necessarily thought. To give an example drawn from my own experience, when I and we on Sky News were the first people to report the Prescott punch, I generally felt at the time that this was a career-threatening incident for the Deputy Prime Minister to go around punching members of the public. Now, the public clearly saw it in a different way. It wasn't my intention to get John Prescott sacked but I did think it was a very serious issue. The public took a rather lighter view.

Q. If the press has influence rather than control over politicians, would you agree that the degree of influence which the media, some parts of the media at least, have had over politicians in recent years has been a high degree of influence?

24. A. Could you give me an example?

25. Q. I'm thinking in terms of the efforts that have been made

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<td>1. by political parties in recent years to curry favour</td>
<td>1. But what I think is already apparent is that things</td>
<td>1. A. Yeah. I don’t blame the people on the media side</td>
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<td>2. with media figures, to get support of their newspapers</td>
<td>2. are never going to be the same again for a lot of the</td>
<td>excessively, because I think one of the things about the</td>
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<td>3. and so on. Has that phenomenon resulted in the press</td>
<td>3. key actors caught up in this affair, and to that extent,</td>
<td>media is seeking access, and I think if you’re pushing</td>
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<td>4. having a high degree of influence over politicians?</td>
<td>4. effectively the scandal itself has been self-policing,</td>
<td>at an open door, it’s quite difficult to know when you</td>
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<td>A. I’m not sure -- certainly, you know, politicians like to</td>
<td>5. if you like.</td>
<td>should —</td>
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<td>6. have the press supporting them behind them, and they go</td>
<td>6. LORD JUSTICE LEVESON: It may be that the press aren’t at</td>
<td>7. A. -- when you should pull back. Well, I think you can be</td>
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<td>7. out of some way -- some way to court them, but whether</td>
<td>8. all to blame.</td>
<td>blamed with hindsight if a lot of people think it looks</td>
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<td>8. it actually has led to transforming their behaviour</td>
<td>9. A. -- when you should pull back. Well, I think you can be</td>
<td>wrong, and -- you know, the famous Wendi Deng pyjama</td>
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<td>9. otherwise than perhaps getting them to do things rather</td>
<td>10. blamed with hindsight if a lot of people think it looks</td>
<td>party, for example. I remember a then member of the</td>
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<td>10. more quickly than they might have done otherwise -- such</td>
<td>11. wrong, and -- you know, the famous Wendi Deng pyjama</td>
<td>cabinet telling me about that at the time and I just</td>
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<td>11. as, for example, the Sarah Payne campaign on</td>
<td>12. party, for example. I remember a then member of the</td>
<td>thought: “This is completely bonkers that this sort of</td>
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<td>12. paedophiles -- I rather doubt, and conversely the other</td>
<td>13. cabinet telling me about that at the time and I just</td>
<td>intimacy is being indulged in between the Prime Minister</td>
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<td>13. way -- you know, I note the point made by</td>
<td>14. thought: “This is completely bonkers that this sort of</td>
<td>and the Prime Minister’s wife and a senior proprietor’s</td>
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<td>14. Alastair Campbell about the wide range of issues on the</td>
<td>15. intimacy is being indulged in between the Prime Minister</td>
<td>wife”, and I thought at the time, you know, it will end</td>
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<td>15. News Corporation agenda which, even during that period</td>
<td>16. and the Prime Minister’s wife and a senior proprietor’s</td>
<td>in tears. But we all find ourselves in social</td>
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<td>of alleged closeness, did not come to pass.</td>
<td>17. wife”, and I thought at the time, you know, it will end</td>
<td>circumstances or awkward social circumstances which we</td>
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<td>Q. One can certainly find examples against, but the</td>
<td>18. in tears. But we all find ourselves in social</td>
<td>perhaps have been recruited for, which we didn’t seek</td>
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<td>18. examples for are there too, are they not? For example,</td>
<td>19. circumstances or awkward social circumstances which we</td>
<td>out but we’ve ended up in.</td>
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<td>19. the parties' stances on European matters, policies on</td>
<td>20. perhaps have been recruited for, which we didn’t seek</td>
<td>But, yeah, I think -- was there a carelessness? Did</td>
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<td>20. media regulation and so forth have often moved so that</td>
<td>21. out but we’ve ended up in.</td>
<td>it become too excessive? Yes. When -- you know, last</td>
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<td>21. they have not been offensive to the newspapers being</td>
<td>22. summer, I was at the News Corporation party and one saw</td>
<td>summer, I was at the News Corporation party and one saw</td>
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<td>22. courted by a political party.</td>
<td>23. the leader of the opposition, the Prime Minister and all</td>
<td>the leader of the opposition, the Prime Minister and all</td>
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<td>A. I certainly think you could say that on the European</td>
<td>24. as, for example, the Sarah Payne campaign on</td>
<td>the other people turning up, as it were, to pay court.</td>
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<td>24. question there have been times when newspapers have</td>
<td>25. paedophiles -- I rather doubt, and conversely the other</td>
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<td>25. helped keep scepticism alive, if you like, but if you</td>
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1 LORD JUSTICE LEVESON: You say:
2 "Why do we need it? Certainly there was some spite.
3 As the former chairman of the PCC Sir Christopher Meyer
4 has eloquently explained, the facts of more complaints
5 than ever being satisfactorily settled certainly do not
6 support the cross-party near universal assertion that
7 the Press Complaints Commission has failed."
8 Are you therefore expressing merely or repeating
9 what Sir Christopher Meyer says, or are you identifying
10 that you yourself have a firm view that the Press
11 Complaints Commission has failed, not least because
12 I think I'm right in saying that Sir Christopher is the
13 only witness in the months of evidence that I have heard
14 that has so categorically asserted that fact.

A. Well, I did feel, as I've already explained, that to
a certain extent the Press Complaints Commission was
somewhat railroaded, and I was surprised when it became
a truism, that from the Prime Minister down, people were
saying the Press Complaints Commission had failed,
whereas, as I think I made clear in the extract you've
read out, I think in significant areas of its
responsibility — exactly the same areas, as it happens,
that Hugh Grant and others said they were most concerned
about — I think there is evidence that the Press
Complaints Commission, you know, was doing its job.

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1 LORD JUSTICE LEVESON: Well --
2 A. What I'm really saying is: was what went wrong at
3 News International, which I agree is as yet not fully
4 proven, the responsibility of the Press Complaints
5 Commission? It may have failed to detect it, but if it
6 wasn't its function to detect it, is it fair to accuse
7 it of failing?
8 LORD JUSTICE LEVESON: If then goes on to make
9 pronouncements on the subject without investigating it,
10 then those pronouncements may indeed attract concern if
11 they're proved to be without foundation, as indeed was
12 the case. So, for example, it was the Guardian that was
13 criticised after September 2009 by the Press Complaints
14 Commission. That doesn't look very satisfactory, does
15 it?
16 A. No, it's not satisfactory, and if the explanation
17 I would take from Christopher Meyer, that it wasn't his
18 area of responsibility, I would also agree that it
19 should not have pronounced in that area.
20 LORD JUSTICE LEVESON: But Sir Christopher himself was
21 approached by the Information Commissioner after
22 Motorman and didn't disable the Information
23 Commissioner that he was acting as a regulator.
24 A. As I said earlier -- I mean, look, I --
25 LORD JUSTICE LEVESON: All right.
A. I'm no great expert on the PCC, but as I said afterwards, it seems to me, in fairness, the point has to stand that if the PCC did not have an investigatory function, it can't be accused of not having conducted an investigation. But likewise, it shouldn't have pronounced on an investigation.

LORD JUSTICE LEVESON: Of course.

A. I will entirely concede that.

LORD JUSTICE LEVESON: And if they were set up in response to Calcutt, which was concerned about all sorts of things, and it wasn't doing what it was thought that it was doing, then there's something wrong there.

A. Well, I mean, Calcutt didn't really go anywhere very much, did it?

LORD JUSTICE LEVESON: No, because the government accepted --

A. But that was really pursuing the privacy law.

LORD JUSTICE LEVESON: Not just that. The Press Complaints Commission was thought to be doing a sufficient job.

If you give another example, do you think that it's appropriate -- I'm not having a go at you, Mr Boulton. I'm really not. What I'm really doing is testing whether you are, as it were, recycling Sir Christopher's view or whether this is an independent freestanding view.

Let me give you one other example. There has been much evidence, which I mentioned this morning to Lord Wakeham, about the decision that unless you are yourself the subject of the complaint, no complaint will be considered. So if there is a general complaint that, for example, Muslims are being unfairly treated in an article, the Press Complaints Commission won't even think about whether that's right unless you are a Muslim who is named in the article and about whom complaint can be made. Or other groups.

A. Yes, I've understood the position.

A. That's basically the position I take, and I think the reason why I was trying to make it is that although -- and again, I'm not an expert on this -- I can see the need for a statutory basis, I can see the need possibly to bring in people from outside of the industry and there is the problem of getting everyone to comply with it, I don't see self-regulation or -- as a first step, as being something which should automatically be thrown aside because "the Press Complaints Commission failed". It made mistakes, got things wrong, couldn't do things, but it may be a model that could be built on.

LORD JUSTICE LEVESON: Let's say that we would agree that independent regulation, independent of government --

A. Yes.

LORD JUSTICE LEVESON: -- is absolutely critical.

A. Yes, I think we both agree on that.

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

A. Thank you.

LORD JUSTICE LEVESON: I'm sorry to have kept you waiting at the beginning of the afternoon.

A. That's all right. It's interesting.

LORD JUSTICE LEVESON: Right, 10 o'clock.

(4.43 pm)

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