Day 73 - AM  Leveson Inquiry  17 May 2012

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(+44) 207 404 1400  www.merrillcorp/mls.com  8th Floor 165 Fleet Street  London EC4A 2DY
Day 73 - AM Leveson Inquiry 17 May 2012

1. position --

2. A. What did I suppose, sorry?

3. Q. That he wasn't being entirely frank about his beliefs.

4. A. Oh yes.

5. Q. Then you say that he would have had every motive to do that, because if he'd been frank and said, "Yes, I'm thinking of running for leadership if Mr Duncan Smith resigns", then it would have been reported as him seeking to challenge Mr Duncan Smith for his leadership, and would have undermined Mr Duncan Smith.

6. A. Yes. I think I went on to say that it would have been preferable if Mr Howard had found a form of words which perhaps were comparable to use by Michael Heseltine before 1990, when he was constantly being asked that question and found a form of words which, without being directly -- without being false, were nevertheless left open possibilities, and that's -- I think I was saying that -- and because Mr Howard gave the right answer from the point of view of political strategy, but the wrong answer, perhaps, from the point of view of fact -- although we can't see into his mind at the time -- I was -- and I think I suggested that he might have found a more ambiguous wording to deal with that problem.

7. Q. Mr Heseltine said he could envisage no circumstances

8. A. Yes.

9. Q. How accurate a summary is that of the change in government communications during that period?

10. A. I completely agree with what Mr Shrimsley -- who, by the way, I think is a sort of Labour-supporting figure, it's up to him to confirm that. I felt that what was true -- I think what we had when New Labour emerged in power in 1997 was really a -- what I'd call a new epistemology, which was that truth was really seen as something which served the purposes of government or the party in power. It wasn't -- the rigorously testable, empirical truth was of no interest -- of a kind which would be of interest to this Inquiry -- was not of interest to New Labour spokesmen. They were interested in truth as it served their political purposes, and so that was a different definition of truth.

11. That, I think, is what Mr Shrimsley is referring to there, that denials or assertions became really an instrument of government rather than an instrument of telling the truth.

12. Q. Move you now from the factual, as it were, to the conceptual, you quote Baroness O'Neill many times in your book, and there are a couple of quotations I'd like to ask you about. The first is where she's dealing with the problem of a free press. I'm quoting from page 238 of your book, where you say:

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13. "Onora O'Neill sensibly warns that a free press is not an unconditional good. Press freedom is good because and insofar as it helps a public to explore and test opinions and to judge for themselves whom and what to believe and trust."

14. Does that quotation, in your view, succinctly summarise the purpose of a free press in a democracy?

15. A. I think the purpose of a free press is to inform, to entertain, to -- and play a big role in a democracy, which is to enable people to make judgments about the issues of the day and the conduct of the government of the day, so roughly -- I can't see it here, I wouldn't like -- but yes, I would roughly agree with that.

16. Q. And she's kept --

17. A. It was a rather high-minded position. It does have the air of Newnham College Cambridge rather than -- about

18. Q. But if you're looking at it from the perspective of what is the public interest in a free press, it gives the answer, doesn't it?

19. A. Yes.

20. Q. She's careful also to use the word "free press" rather than "freedom of expression" and there is a difference, isn't there, because the press carries a megaphone and therefore has a particular role in public life?

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21. Q. Do those quotations which I put to you in the examples, do they fairly exemplify the pressures on politicians generated by media coverage?

22. A. Yes.

23. Q. She's careful also to use the word "free press" rather than "freedom of expression" and there is a difference, isn't there, because the press carries a megaphone and therefore has a particular role in public life?

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24. Q. Move you now from the factual, as it were, to the conceptual, you quote Baroness O'Neill many times in your book, and there are a couple of quotations I'd like to ask you about. The first is where she's dealing with the problem of a free press. I'm quoting from page 238 of your book, where you say:

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25. Q. Mr Heseltine said he could envisage no circumstances

26. A. Yes.
A. All right, yes, I’ll take your -- nice distinction, but I’m sure you’re right.

Q. The second quotation gives a flavour of the power which Baroness O’Neill at least attributes to the press. She says:

“We now live in a world where media conglomerates have unrestricted rights of free expression and therefore a licence to subject positions for which they don’t care to caricature and derision, misrepresentation or silence.”

does that quotation sum up in a nutshell what it is that a hostile press can do to a politician?

A. I’m sorry, I apologise, can you read it again just so I can give a properly considered answer?

Q. Of course:

“... unrestricted rights of free expression and therefore a licence to subject positions for which they don’t care ...”

A. To "subject positions"? Licence to what positions?

Q. "Subject positions" --

A. "Subject positions"?

Q. Yes. "... therefore a licence to subject positions for which they don't care to caricature and derision, misrepresentation or silence."

A. Yes, I -- sometimes you get, reading the works of

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1  Onora O'Neill, a feeling she doesn't much like the press, and I think that this -- this is where I start to part company from her. If all -- if newspapers were written in the manner of a sort of -- of an article in a philosophical journal, nobody would read them, and I think that sort of vehemently pronounced opinions, including unfair opinions, including caricature, are all part of what makes for a free press.

Q. I'm certainly not suggesting that they are bad things that should be banned or anything like that. The question was about the power of the press. These are tools which can be used by a hostile press, can't they, adversely to affect a politician who is out of favour?

A. Oh yes, certainly they are tools which the press can use. It would be a grave distortion, however, to suggest that those are habitual or the natural posture of the press towards those in power.

Q. In fact, perhaps coming back to the point you were making, if you were looking at the four tools, caricature and derision, misrepresentation or silence, only one of them is actually unethical: that's misrepresentation. Would you agree with that?

A. Caricature, derision --

Q. Caricature, derision, misrepresentation and silence.

A. Yes, I rather agree with that. To misrepresent somebody

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that the newspapers don't have a go at one another?
A. I certainly think that is one of the abominable characteristics of Fleet Street over the last 20 to 30 years. It goes back as long as the Maxwell business, when Maxwell was quite clearly a crook and you had to -- it was only the Wall Street Journal that started to hint at it at the very end of his life, and up until that moment, the rest of Fleet Street had looked the other way.

LORD JUSTICE LEVESON: Well, all right, let's use that as an example rather than phone hacking. If that is so, is that inevitable?
A. I don't know if it's inevitable or not, but it has been a very, very -- it has been a feature. I mean, to the Guardian's eternal credit, it stood outside that system and there are -- and I think it's been weakened a little bit, or even quite a lot, by blogs, and Private Eye has played a fantastically important cleansing function in the last 30 or 40 years with material which has not found its way into mainstream publications, has found its way into Private Eye.

LORD JUSTICE LEVESON: Private Eye has also been publishing during the course of this Inquiry what the newspapers don't publish. In other words, they've gone through a number of stories and said, "Actually, it's rather interesting that this story appeared in this paper but it didn't cover another aspect."

A. There is one defence, if I may make an observation, which is that mainstream newspapers, the Sun or the Daily Mail, take the view that their readers, you know, are not wildly interested in the internal mechanics or the sort of hypocrisies or evasions of their rivals. They take a -- you know a news editor has to take a very robust judgment about what his readers want to read and I don't think most newspapers' readers are interested in a big way in the hypocrisy of the Murdoch press or Associated Newspapers or the Telegraph Group, or whoever it may be.

MR BARR: Your criticism of the coverage of the issues of rendition and so on, which you advertsied to a moment ago, are part and parcel of a wider criticism which you make in paragraph 3 of your witness statement, which is: "The press and broadcast media have normally failed to hold politicians to account."

If I might challenge that assertion so that you can comment upon it, there have been, haven't there, a number of examples where the press have challenged politicians, very vigorously. Perhaps the most salient of those has been the MPs' expenses scandal.

A. Yes, I know. The MPs' expenses scandal I feel was...
Journalists -- the political journalists, with almost no exceptions, just ignored that.

Q. If we move to the example of Afghanistan, which you mention in your witness statement, it's right, isn't it, that in fact some parts of the media were extremely critical of the government in relation to Afghanistan?
A. I'm saying that -- we're still on the theme of --

Q. I'm looking at paragraph 3 of your witness statement.
A. It's part and parcel of where you're saying the broadcast media and press have normally failed to hold politicians to account.

A. Oh yes. The Sun on Afghanistan is a very interesting study. It supported our occupation of Afghanistan, it supported the invasion. It was incredibly bullish about the British presence throughout. It was on the side of "our men" and so forth. I would suggest that the Sun did not engage in any way whatsoever with the deeper problems attaching themselves to the British presence in Afghanistan. It may have said -- launched this vicious attack on Mr Brown. I thought much of it deeply unfair.

That wretched business when the Sun -- the letter of condolence by the Prime Minister of the day, shameful and wretched business when the Sun went for him over

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that.

There are major issues concerning Britain's presence in Afghanistan which are still massively underreported in the British press. I'm thinking about illegal killing, the use of drones, human rights abuses. I haven't read a single thing about that in a number of our papers, and I feel that's an example of how the British press has been silent.

Q. You're careful in your answer there to say, as I understand it, some papers, because there are others which have covered this.
A. There are some -- the Guardian, I think Ian Cobain of the Guardian dealing with the use of torture has been exemplary, and others too, but very few.

LORD JUSTICE LEVESON: I'd like to go back to your answer of a moment or so ago, which is very much at the core of what I am concerned with. What you said was that the reason for the problem -- let me see if I can find it -- is that the lobby, the parliamentary lobby or journalists became "too close to the MPs", and that very much is part of what I am concerned with. That is the conduct of relationships between politicians and journalists, and journalists and politicians. It's a two-way process. The reasons why politicians want to get close to journalists, the reasons why journalists want to get close to politicians, and the appropriate conclusions to be drawn from that, the lessons to be learned and the recommendations that can be made.

Now, that's the over-arching issue, but I'd be interested for such evidence that you have that helps me try and unpick the extent of the closeness, your view of the reasons for it, the dangers of it, and the consequences.

A. Yes, I think that -- I've thought about this a great deal and researched this issue a great deal, and it's clear that there was a very significant cultural change towards the end of the 20th century in the relationship between politicians and journalists. I think if you go back 50 years you will -- I was told by one old-timer that when Harold Wilson went into a press conference, which would normally in those days be held when he was -- the first time that Harold Wilson went into a press conference, sorry, which was in 12 Downing Street, the press stood up. It was then the -- that is what they did. There was a sort of deference. Nobody probably wants that deference and Harold Wilson removed it, he started to call people by their Christian names, journalists, I mean, and encouraged an easy familiarity, and I think the deference was steadily replaced by familiarity.

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There was something to be said for that deference, because it brought with it a distance.

By the time I arrived on the scene in the early 1990s as a professional, as a political reporter, I was staggered by the status I had. You know, the Cabinet Ministers would accept my invitations to lunch, and if you went to party conferences, there were these -- it was not really -- it was ceasing to be a conversation to some extent between political activists and the party leaders and the politicians, but between the media and the politicians -- I mean, the News International annual party at the Tory and Labour conference was an extraordinary power event to which people were excluded and you got it -- I think I'm right in saying -- I unfortunately never got in, but you got the entire Cabinet and you got the sort of -- all the influence brokers and the senior members of the political class -- sorry, the media class, and it was a very important statement, I felt, about how Britain was being governed.

And then you got the astonishing business of the senior News International people sitting just behind the Cabinet in the auditorium. You know, they were placed in the sort of important place for VIPs in the party conference chambers, and I believe other senior -- you know, really important media types were put there too,
and the importance attached -- you know, they brought into the inner group, inner sanctum, and I felt that was -- this was a perversion, I think, of our democracy because our democracy was starting to become a private conversation between elite groups rather than a popular engagement, a proper popular engagement.

LORD JUSTICE LEVESON: But might that not be justified on the basis that politicians have identified that the way in which they have to get their message across, perhaps less so in 2012 than in the time that you're talking about, is through the press and in particular the popular press. So they have to engage, they have to involve, they have to try to persuade, because otherwise the validity of their message will never ever get across?

A. I never -- I know that's what the politicians thought.

LORD JUSTICE LEVESON: I'm merely putting to you --

A. They thought that. A lot of them thought that in the quote with which you started out, seems to me to be part of that thinking. But it was pretty clear to me that you didn't need to -- you didn't need to do this, that some important boundary had been crossed. A confusion of categories had occurred, and if somebody had turned up and laid out the dividing lines, I think they could have been properly understood.

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Political reporting, as I observed it, had become a matter of sort of private deals or private arrangements, invisible to voters, between media and politicians, and there were all kinds of problems with that system, and one of them actually is that white papers, parliamentary debates, are no longer covered in a serious way that they used to be. Jack Straw was very interesting on this. And I think that there is a possible -- it is highly desirable for the sake of our democracy to return to a much greater distance between politicians and the press.

LORD JUSTICE LEVESON: Doubtless we'll come later on to how we do that, but can you identify, when you say an important boundary had been crossed, what that boundary actually is?

A. Yes. Of course you will -- of course there must be a business relationship between politicians and press, but the mistake is turning it into a social relationship. I mean, I think -- take an analogy from, you know, the City of London. A pension fund manager is looking after the shares of his pensioners, the clients. Now, it is very, very important that he should have a distant relationship with the stockbroker who is selling him those shares. If they start getting hugger-mugger, they will start to enter into

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a conspiracy against the pension funds, and I saw again and again journalists and politicians entering a conspiracy against the readers and I felt that was very deeply not the way to do it.

LORD JUSTICE LEVESON: That puts it very high: conspiracy against the readers.

A. That's exactly what was going on. There were some papers did stand out against it. I think the Daily Telegraph -- George Jones of the Daily Telegraph, the political editor who -- I mean, he was fastidious. He didn't -- but he was also frozen out, because you would have -- in order to report during that time, you had to get close, you had to get close to the people who ran New Labour -- there were very few of them -- in order to get information. If you didn't do that, and I think you could ask George Jones, he was particularly the victim of this, in my view as an outsider. I don't know him particularly well. But people who tried to report objectively and fairly were frozen out, were bullied, victimised, not given access to information, and that was a very -- and people who were part of the inner circle and developed social connections, very often, with the powerful political people, were favoured. And of course there's a price for that, because it was very hard to be an independent observer, keep your integrity in those circumstances.

MR BARR: Putting some more detail onto the relationship between politicians and the media, you've helpfully exhibited to your witness statement a forthcoming article that you've written for the Political Quarterly. In that article you say of the relationship:

"They live together, eat together, dine together, go to bed together."

I don't want to invite any prurient details in your answer, but does that help us to understand something of the relationships which have developed in the last couple of decades between the media and politicians?

A. Yes. There's loads of -- yes. That has been the relationship.

I wrote it because I wanted to challenge the narrative which had been created by New Labour that there was a hostile press. I felt that, on the contrary, the press and the media had become -- sorry, the press and the politicians had become a separate category, an elite category, which you could observe manufacturing a particular kind of acceptable public truth.

Q. That's a very conspiratorial analysis. Might an alternative be that that proximity is the product of the journalists' desire to get at the information, control
of which is being increasingly tight, and the politicians' desire to communicate their message but to have some control over how it's done?

A. You can easily see the motives, absolutely. I don't disagree that there are advantages for politicians and there are advantages for journalists, and indeed, you know, one of the duties of a journalist is to get a story, and how better than to become a great friend of somebody who is in a position to supply information? But it’s not a desirable thing.

I mean, and I think if you look at, say, important moments where the British press has failed, in the run-up to the Iraq invasion, this collusion between the political people and reporters was part of the reason why the British public was so grievously misinformed about the nature of the threat from Saddam Hussein.

Q. Since we’ve already had a public inquiry about that, I won’t delve into the details.

A. Yes, but one of the things which that public inquiry, if you call it a public inquiry with integrity -- I wouldn’t -- was that it failed to examine properly the way in which respectable newspapers became instruments of a political faction in a mission to tell falsehoods and untruths to the British people.

One example, the --

Q. If I could stop you there, because I really don't want to go into an argument which turns on what the terms of reference of the Hutton Inquiry were, but to get back to the business of this Inquiry, another feature of your article is you draw attention to a number of the politicians who were formerly journalists and vice versa. You list former journalists as including George Osborne, Boris Johnson, Michael Gove, Gordon Brown, Ed Miliband, Yvette Cooper and Ed Balls, so it does seem to be a very well-trodden path. Does that crossover between the professions again tell us something about the way in which relationships are developed?

A. One of the interesting and I think malign phenomena about modern British public life is the knowingness of our leading political figures. Let’s take the example of the Chancellor of the Exchequer. He is at one level a very, very sophisticated person because he knows the rules of the political game. At the other level, he is very unsophisticated because he's very unfamiliar, really, with life as it is lived out there, and I think that this career projection which is shared by Ed Miliband, by Ed Balls, by George Osborne, David Cameron, where you start to become part of the political process and mingle -- and invariably as a special adviser mingling very intimately at an early stage with the press creates a particular social structure, an ambience, which defines people in a particular way.

I feel that there's a lot to be said for people who come in at the age of 35 or 40, as Denis Healey was observing in an interview the other day. Denis Healey who was beachmaster in the attack in southern Italy.

Q. Moving now to an assertion you make that the press tend to side with the powerful against the weak, you've exhibited an article, "Muslims under Siege", and we'll be coming back to that in more detail in a moment, but are you meaning to say that the discrimination, as it were, in the coverage covers not only issues of religion, and Islam in particular, but also other equality strands such as sexism, disability, racism, transgender and so on?

A. It's a complicated answer, that. Sorry, it's a quite complicated question. I think -- I feel at the moment that there are laws about -- the problem is Islamophobia, attacks on Muslims --

Q. Well come to the specific example of that in a moment.

A. No, I apologise. No, the general is this, that when it comes to sexism, disability, racism, the things you mentioned, as I understand it, there are statutory requirements or it's illegal to be sexist, to be racist, but it's not illegal to attack a religion, and therefore what you have with Islamophobia is an attack on a religion --

Q. It is, as it happens, but --

A. I'm not sure that's --

Q. I'm not here to argue what the law is. What I'm here to ask you is what the coverage is on the ground. Are you telling us that it's not just Muslims who get adverse coverage but also women, people from ethnic minorities, the disabled and so on?

A. I think that those papers -- I think that most papers -- my case here was that the weak tend to lose out. Most papers are read by women, and I understand they form 50 per cent of the population and I doubt that the papers go after women as a -- you know, I don't understand that point, but I do think that vulnerable minorities are pursued by some newspapers in an invidious way.

Q. Coming to the specific, and your article about treatment of Muslims in the press, and I'm particularly interested in what you say about an article which was published in the Guardian shortly after 9/11. It was entitled "Last chance to speak out", published on 5 October. You draw attention in your paper to the fact that the article
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<td>quoted a number of passages from the Quran in the context of asserting intolerance, words such as &quot;Kill those who join other gods&quot;, Muslims must &quot;slay or crucify or cut off the hands and feet of the unbeliever, &quot;From them [the unbelievers] garments of fire shall be cut and there shall be poured over their head a boiling water whereby whatever is in their bowels and skin shall be dissolved and they will be punished with hooked iron rods&quot;. And so it continues. Your research looking at the context in which those passages should be understood led you to the view that the quotations were selective and misrepresented the position. You spoke, didn't you, to the journalist who wrote the article; is that right? A. Yes. Q. And what was her response? A. I think she rather -- she accepted -- what she said was that &quot;We all learn as we go along and I wouldn't have written that piece now, today&quot;.</td>
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<td>27-44</td>
<td>LORD JUSTICE LEVESON: Does it mean that we have to be very, very much more careful, and that journalists should be more careful about what they write on the basis that it is no longer, as it were, fish and chip wrapping tomorrow, but actually enters a permanence which was never originally envisaged? Of course I appreciate that archives have always been there and somebody can always go to a newspaper archive and research back, but that is a very, very different exercise to taking a mouse and clicking six times after a search and coming up with stuff that was written years ago. Does that alter -- does that impact at all in the way in which the job should be undertaken? A. I think -- I've never thought about this -- I was going to try and answer your question as best I can. I think that it is the case that journalism is written often at a very great speed. You know, you have 45 minutes to write 800 words to hit the deadline and so on. It is natural in those circumstances that mistakes will get made. And it isn't like a sort of academic article where you spend months and then footnote everything. If you went back and changed everything on that article, I think that's nonsense, but prejudicial or deeply unfair comments, I do think there's every case that you should acknowledge those mistakes. And I've noticed -- LORD JUSTICE LEVESON: Or just take them off the web? I suppose you can't. Once they're there, they're there forever. A. But what you can do, and I think this would be a promising development, and is already starting to happen, is that you would change -- you can very easily change a word or two or take off a sentence on a newspaper's website, and note somewhere at the bottom it has been changed. I mean, that's something which can be done. LORD JUSTICE LEVESON: But you have to be careful not doing this for every error, this is only the extremely prejudicial stuff is what you're saying, and</td>
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<td>45-53</td>
<td>a website? A. Yes, I would say that it would have been -- if something is written which is wrong or misleading, then I think you should correct the website, and it's quite common -- it's increasingly common practice to do that. In defence of the journalist concerned, I doubt that article is consulted by a lot of people now, but it does remain, as you say, on the record, and it represents a strand of thinking which is to vilify Islam generally for the acts of a few people who don't represent Islam at all. LORD JUSTICE LEVESON: Does it mean that we have to be very, very much more careful, and that journalists should be more careful about what they write on the basis that it is no longer, as it were, fish and chip wrapping tomorrow, but actually enters a permanence which was never originally envisaged? Of course I appreciate that archives have always been there and somebody can always go to a newspaper archive and research back, but that is a very, very different exercise to taking a mouse and clicking six times after a search and coming up with stuff that was written years ago. Does that alter -- does that impact at all in the way in which the job should be undertaken? A. I think -- I've never thought about this -- I was going to try and answer your question as best I can. I think that it is the case that journalism is written often at a very great speed. You know, you have 45 minutes to write 800 words to hit the deadline and so on. It is natural in those circumstances that mistakes will get made. And it isn't like a sort of academic article where you spend months and then footnote everything. If you went back and changed everything on that article, I think that's nonsense, but prejudicial or deeply unfair comments, I do think there's every case that you should acknowledge those mistakes. And I've noticed -- LORD JUSTICE LEVESON: Or just take them off the web? I suppose you can't. Once they're there, they're there forever. A. But what you can do, and I think this would be a promising development, and is already starting to happen, is that you would change -- you can very easily change a word or two or take off a sentence on a newspaper's website, and note somewhere at the bottom it has been changed. I mean, that's something which can be done. LORD JUSTICE LEVESON: But you have to be careful not doing this for every error, this is only the extremely prejudicial stuff is what you're saying, and</td>
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<td>1. I understand why, because the news is immediate and one has to move on to the next story, and one has to accept that this is a snapshot at a time. My question was really whether the fact of its ready accessibility has or should change the dynamic of what reporters are doing to fill their deadline in 45 minutes. Maybe they can't. These are inquisitorial, not accusatorial questions. A. I think that is leading in a fruitful direction. I think that the existence of these websites is leading to a greater accountability for journalists, because people will -- I mean, people will study them, the articles, will note when false or the prejudicial stuff appears, and I think that there's no reporter in the land who would not welcome this -- no reporter in the land who is decent who will not welcome this extra scrutiny which we're talking about here. LORD JUSTICE LEVESON: Almost every reporter in the land is indeed decent. A. So I think that -- LORD JUSTICE LEVESON: I'm not saying there aren't some exceptions. I'll make use of the opportunity to say that which people have been concerned I haven't said enough, namely the majority of journalism -- tell me whether you agree with it -- is people doing their job</td>
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(+44) 207 404 1400  
www.merrillcorp/mls.com  
8th Floor 165 Fleet Street  
London EC4A 2DY  

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honourably, honestly, with dedication, fearlessly and entirely in the public interest.

A. That's a very generous statement, sir.

LORD JUSTICE LEVESON: The majority.

A. And getting things wrong from time to time in the spur of the moment. I think absolutely, I'm very, very proud to be a journalist, and also I would strengthen that.

By upsetting rich and important people, they are doing a superb service for democracy and even for humanity.

LORD JUSTICE LEVESON: Yes, well, let's not make this too much of an advertisement. I am merely keen to make it clear, and I hope you agree, but if you don't agree I would very much like to know, that the bulk of the work that is done does not fall within the category of that work which you have been spending time criticising.

A. I mean, is the work which I'm -- can we just get this quite straight, sir? I'm criticising work which is complicit, I'm criticising work which is venal, I'm criticising work where the journalist loses his true independence and becomes the instrument of the party in power or the government of the day.

Well, I think that there has been, I think, a fairly high proportion of journalism falls into -- has fallen, particularly in grave matters, into categories which I regard as too dependent on sources or -- and too nontransparent, in a way. Although I do accept that journalism is at bottom a noble profession, I sometimes fail to understand why my colleagues went into journalism, because instead of wanting to tell the truth or to upset powerful people, which I think is a very, very important thing indeed, they suck up to powerful people and bow their heads rather than tell the truth about injustice.

And I provided examples in my witness statement --

LORD JUSTICE LEVESON: Yes. Yes. I am not suggesting that that isn't exemplified in a number of ways, but it is important, I'm sure you would agree, that I get the balance right and that I do not tar with the brush that you have just used -- for example, I just take one example, the regional journalism that reports on local affairs, that reports on local crime and does the general stuff of keeping the community informed about what goes on.

A. Well --

LORD JUSTICE LEVESON: I'm trying to keep a balance. I'm not for a moment -- I'm not so sure that this discussion isn't the wrong way around. I'm trying to keep a balance in my mind, and if you think that I'm getting that balance wrong, I'd be very happy to be told.

A. Well, I'll make an observation about regional journalism. One of the problems of regional reporting is that most -- is the issue of local corruption, and very powerful -- in a neighbourhood such as almost any major city one cares to mention, there are networks of corruption which play a very, very powerful role. It's jolly -- I'm not certain that regional papers, for all their blissful parish magazine qualities that you referred to, play a serious role in addressing the Poulson style scandals which I guess carry on to this day.

LORD JUSTICE LEVESON: All right.

MR BARR: Can we move now to the relationship between politicians and the Murdoch empire? Can we first of all ask you about an article you wrote on 8 July last year.

It's at tab 10 of the bundle. It's entitled "Phone hacking: David Cameron is not out of the sewer yet."

On the second page of that article you assert: "To begin with, Cameron was wary of Murdoch. His first meetings with the tycoon went badly. After one meeting, a senior News International figure complained to me: 'We told David exactly what to say and how to say it in order to please Rupert, but Cameron wouldn't play ball. I can't understand it.'"

"Can I ask you, first of all, without identifying your source, how certain can we be that this is an accurate quotation from a News International executive?"

A. In all essentials, it's completely accurate. It may -- it was said to me over a lunch and by an extremely relevant figure.

Q. Is this first-hand hearsay from the person concerned or --

A. I'm pretty certain it was first-hand hearsay. If you'd like me to clarify that, I would, but I'm completely confident that this was an accurate account.

Q. I don't want to press you into territory which might reveal a source. And why was this, in your mind, such an arresting thing to have said?

A. Well, because it gives us a very interesting glimpse into the relationship between the Prime Minister and the Murdoch establishment. It's pretty clear to me, from talking to the relevant people, that the early years of David Cameron's leadership of the Conservative Party, a strategic decision was made that they would treat Murdoch, Rupert Murdoch, at a distance. There would be none of the collusion which was a feature of the Blair and Brown premierships.

And so I was very impressed. I remember hearing this account and the person who was telling it me was criticising Mr Cameron for not telling Mr Murdoch what Mr Murdoch wanted to hear and I thought: good for
| 1  | Cameron! And that was, I think -- and I know that was the position, that they would treat Murdoch like anybody else, and his papers like anyone else, and his executives like anyone else. Any other journalist. |
| 2  | Q. Moving more broadly, you assert that there was a sense of impunity within News International because of its close relationship with government, which is well documented. Can I ask you, can that be right, because we know that despite close links between the government or various governments and News International, and Mr Goodman was imprisoned, that News International ran the rogue reporter line and seemed, therefore, for quite a period to have persuaded a lot of people, not just politicians, that there was nothing more sinister about what had gone on, isn't a sense of impunity putting it too high? |
| 3  | A. No, I absolutely don't think that. I think that there was a sense that somehow News International was above the law. I don't know if you've heard or asked the former Culture Secretary, Tessa Jowell. I understand that she was told in 2006 that her phone had been hacked by News International and yet it doesn't appear -- |
| 4  | a Cabinet Minister was told that a newspaper had illegally invaded her privacy and listened to her voicemail messages, and as I understand it, Ms Jowell had, as I understand it, attacked a party policy three weeks after having been elected on a manifesto which supported that policy. |
| 5  | Q. Were you in any way encouraged to write that article? |
| 6  | A. No, I wasn't encouraged either. I make that completely clear. |
| 7  | Q. Turning to the Westminster lobby system, we've heard conflicting opinions as to who should best deliver briefings to the lobby, whether it should be a civil servant or a special adviser. What is your opinion? |
| 8  | A. Yes, it's -- as I understand it, the lobby -- these are formal briefings on behalf of the government, on behalf of Downing Street. It's a spokesman for Downing Street. A distinction should be made between Downing Street, which is part of the government, and Conservative Central Office or Labour HQ, which is political. |
| 9  | It is absolutely clear that you should have a civil servant delivering briefing on behalf of the government. It is an abuse if you get a political figure, and it leads to terrible hazards and dangers if a political appointee were to be given that role. |
| 10 | Q. Might it be said, though, that if you have a civil servant doing the job -- |
| 11 | A. As we do know, I believe there's a civil servant. |
| 12 | Q. -- then the lobby doesn't get such a direct communication with the Prime Minister and that the civil servant may be in a position where quite genuinely he can say, "I don't know the answer to that", whereas the SPAD, who is perhaps much more informed about the political thinking, can't hide behind such ignorance? |
| 13 | A. No, I think that's a good point, but I think it's been solved, actually. I think at the moment if you look at the structure within Downing Street, you have a civil servant who is the spokesman for Number 10 and if you want to divine the thinking more of the Prime Minister, political thinking of the Prime Minister, there is also -- he also has a personal press spokesman, and I think that's probably quite a sensible role. |
| 14 | I do also think, though, that it's essential that the high standards of integrity should attend that political spokesman function just as it would of course do for civil servants. |
Q. You talk in your statement about government being in a position to do commercial favours to media concerns.
A. You are, I understand, going back into history and I just don't feel I have enough knowledge about the purchase of Times Newspapers in the early 1990s.
Q. But perhaps you can throw any interesting testimony about that.
A. Harold Evans, I'm sure, this afternoon, will give interesting testimony about that.
Q. I feel that the conversation, for instance, between Tony Blair and Mr Prodi in the time when he was Prime Minister of Italy was an improper one. I mean Blair asked Prodi basically if one of -- if some Italian company was for sale and might be sold to Mr Murdoch, and I don't think a prime minister should be an intermediary for a company for a commercial concern, particularly an American, in the case of Murdoch, an American commercial concern.
Q. But you, of course, are not privy to exactly what happened and are working on the basis of other reports, are you, in establishing the facts?
A. On the Prodi case?
Q. Yes.
A. Well, obviously I wasn't listening to the conversation.
Q. But you, of course, are not privy to exactly what happened and are working on the basis of other reports, are you, in establishing the facts?
A. On the Prodi case?
Q. Yes.
A. Well, obviously I wasn't listening to the conversation.
Q. That's not quite an answer to the question, because in your witness statement, you say that you can think of no case where a Cabinet Minister has resigned or been sacked thanks to media pressure, but can you help us, are you in a position to throw any light upon whether that's actually happening?
A. Mr Blair was asking Mr Prodi about.
Q. The question of political resignations, paragraph 8 of your witness statement, you say that you can think of no case where a Cabinet Minister has resigned or been sacked thanks to media pressure, and then give a long list of ministers who, you say, have resigned essentially because they've done something wrong.
A. Mm.
Q. Doesn't that underplay the role of the media in, first of all, deciding whose head should be called for and then also in how loudly and for how long they pursue the topic of resignation. Are you able to point to any instance in which a minister who perhaps should have gone wasn't the subject of a press call for him or her to go?
A. Yes, I think this is very interesting. I think that -- it's a fascinating question, because ministers who mislead the House of Commons and don't come back to correct that moment of -- I think should resign, you know, unless they've done it inadvertently. And -- or...
"Meetings between journalists and politicians should be viewed as a potential conspiracy against the public, even more so meetings between ministers and editors and proprietors."

It might be said that is a rather pessimistic view of things, because meetings between journalists and politicians have, if conducted ethically, a very important role to play in passing information between the two and ending up better informing the public. Do you agree?

A. Certainly. I think there is scope for briefing and conversation about policy which is a valuable part of the news gathering process. I think what I wrote was there's a potential conspiracy against the public because when journalists mingle with politicians, often other factors come into play. There may be an implicit deal that the politician concerned will be written up favourably in return for providing information, so that politician will get a much more generous projection in the press effectively in return for briefing against colleagues and being disloyal to the government he represents. That is the situation.

A politician may have very little talent but a very effective press machine and therefore be represented to the world at large as a man of extraordinary capacity when actually a very different picture is the reality.

Q. You propose reinstating the "social apartheid", that's the phrase you use in your witness statement, that used to exist between reporters and politicians. Isn't that a system which doesn't require any personal interaction of any kind which don't require any personal interaction of any kind to exist between reporters and politicians which don't require any personal interaction of any kind to do that, and also that the public expect much more direct access, particularly in the era of 24-hour television news, they expect to hear much more directly from their politicians?

A. Well, yes, that's a different point.

Q. There are two points --

A. Sorry, that the public wants the television studio access, you mean? Direct access between the journalist and the politician the public probably doesn't know about, let alone expect it, but yes, I think that obviously TV has changed the relationship between politicians and voters.

As for resources, I see, our papers seem to divert their resources to highly paid columnists such as myself rather than reporters who actually find out the important things which happen, the important things which happen, the white papers, the green papers, the hustings, the debates, which don't require any personal interaction of any kind between the journalist and the politician.
A. I think it's pretty clear what's a column and what's a news story. I don't think anybody who picks up one of our broadsheet papers, one of our tabloid papers, can tell the difference, and if -- it's my -- so I don't -- this idea that news and comment have merged, which I occasionally read about, is not something I particularly accept. I mean, on the Daily Telegraph I feel very confident that my colleagues who are news reporters write a very accurate and clear and don't have -- and their agenda is to tell the truth, and I think that's true of many reporters on other papers as well.

MR BARR: In paragraph 9 you also deprecate the amount of leaking that there is from Parliament these days, and contrast that with historic precedents of -- the example you give is Labour Chancellor Hugh Dalton resigning after inadvertently handing a tiny snippet to the Evening Standard. What can be done about that?

A. That is where there's an incredibly obvious and easy solution to that. You take the case of the recent budget. Virtually all of its contents appear to have been leaked, presumably by the government, to the newspapers. Now, the Speaker of the House of Commons is in a position to come down like a ton of bricks on that sort of thing, and of course when it happened 60 years ago it was so shocking that the Chancellor -- for a much more minor infringement of the rules -- resigned. It's a breach of House of Commons rules. I mean, it's as simple as that.

If you read your Erskine May, George Osborne ought to have been got rid of, he should have resigned on that point, but he didn't and there was no criticism I saw of him either, or very little, and I would have thought that I -- one of the -- I think this is a moment in British history where Parliament -- where a political system is coming to an end, based around media dominance, and I think Parliament has an opportunity to reassert its traditional function as the main source of news about executive decision-making.

Q. Implicit in your answer is that it was an officially sanctioned leak. Is that the premise of your answer?

A. I can't say where the information came from because I don't know --

A. Can I first of all just withdraw that weasel word "arguably"? I'm happy to defend the more robust position that newspapers can be justified --

LORD JUSTICE LEVESON: It was your word, not mine.

A. I know. It was a mistake in drafting. I apologise, sir.

LORD JUSTICE LEVESON: All right. Well, then you'd better go on to the second question, about the public interest.

A. There are a number of examples where newspapers have brought to light malfeasance and wrongdoing using illegal methods. I do a certain amount of TV work, undercover filming is one case in point which has brought to light the most shocking things --

LORD JUSTICE LEVESON: What's criminal about undercover filming?

A. Is that right? I thought that you couldn't -- there's an intrusion on privacy.

LORD JUSTICE LEVESON: Ah, it may be tortious, it may be a civil wrong. Criminal is very, very different, that's why I want to be quite focused. That it is legitimate in the public interest, for example, to film undercover is eminently sustainable as an argument. Indeed, the Data Protection Act, about which there has been much discussion during the course of the last few months, carries with it a defence for journalists acting in the
Director of Public Prosecutions to consider the question of public interest and he has since promulgated a discussion paper on how he will approach the task of deciding whether to prosecute, because it isn't the law of the land that every single possible crime must be prosecuted. There has to be a public interest. So I'm very comfortable with that view being taken. But it doesn't remove the underlying question whether you have to set a high bar to public interest before justifying breach of the criminal law.

A. Yes. I think, though, that if there are cases where there is corruption within government, corruption within the police, it's unheard of, I know, but corruption within the judiciary, something like that, where there is a -- the state is complicit in crime itself, and it is necessary to break -- you know, bribery, phone hacking was necessary to obtain documents which proved some terrible scandal against the public was going on, then I would defend very strongly the --

LORD JUSTICE LEVESON: Mr Oborne, you and I may not disagree. I would have thought there was the highest public interest in revealing that which I would be staggered if it were the case, but there it is, of corruption in the judiciary, but then you have set the bar very high, as I've just put to you.

A. Absolutely accept your point, that there must be a bar which is high and also that there must be a proper process before this breach of the law takes place. I don't think it -- one of the -- I mean, clearly what happened at News International was that it became part of the culture that it was something you did without thinking about it much, and if you're going to take the very grave step of breaking the law in order to get information for an important story, of course there should be a high bar and there should be a proper discussion in advance and it should be minuted or all those things.

LORD JUSTICE LEVESON: I'm not sure that I am, will be or need to be in the position of suggesting that phone hacking at News International was something which people did "without thinking about it much", but --

A. Maybe I was speaking loosely there. Absolutely, I understand that point. I retract that point. I shouldn't have spoken so loosely. There are allegations.

LORD JUSTICE LEVESON: No, it's just that I saw some concern, which I think was legitimate.

A. No, no, I understand that concern.

LORD JUSTICE LEVESON: Right.

A. These are things which are under investigation.

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<td><strong>A.</strong> Yes, I mean there's an analogy maybe with, say, doing any kind of business, you know, that you shouldn't break the law, you shouldn't bully people, you shouldn't -- you should conduct yourself as a civilised member of the human race, broadly speaking.</td>
<td><strong>A.</strong> It's like -- all right, let's -- it's quite -- there's a real spirit to it. You have to be a certain type of person, and the day moves very fast, and I can very well understand how at the end of the day if somebody was hauled in front of a leading judge and asked to account for the -- they might find at odd moments that they behaved in a way which they found regrettable and I wouldn't -- and I do understand that, particularly for younger journalists. So I think -- and that is of course true of any -- again, I just think that any walk of life has some pretty -- you know, stuff going on.</td>
<td><strong>A.</strong> Clearly, I absolutely agree with you, sir, that there are limits to how journalists should behave. They should not, unless in certain very clear circumstances which should be set out by due process, ever break the law, and I also think there are ethical considerations, you know, which apply. We shouldn't allow ourselves to become an instrument of some force or power which is trying to make us write a story which suits some non-transparent interest, and that happens.</td>
<td><strong>A.</strong> Right. Yes, that seems to me to be -- I can see the dangers of the conscience clause, namely that it might well be very loosely framed and therefore would enable people to have a spurious reason for something -- for not doing something which they ought to do.</td>
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<td><strong>LORD JUSTICE LEVESON:</strong> I entirely agree, but you wouldn't want to distinguish journalists from that category of people, would you?</td>
<td>A. It's like -- all right, let's -- it's quite -- there's a real spirit to it. You have to be a certain type of person, and the day moves very fast, and I can very well understand how at the end of the day if somebody was hauled in front of a leading judge and asked to account for the -- they might find at odd moments that they behaved in a way which they found regrettable and I wouldn't -- and I do understand that, particularly for younger journalists. So I think -- and that is of course true of any -- again, I just think that any walk of life has some pretty -- you know, stuff going on.</td>
<td><strong>A.</strong> Yes, this has been part of the NUJ conscience clause.</td>
<td><strong>A.</strong> Yes.</td>
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1 and that journalists need to have their ethical
2 compasses on, and if they depart from them in the heat
3 of the moment they can get back on course, the question
4 then arises as to whether the present bar is set at the
5 right level, the actual level of the standards. Taking
6 perhaps the code as the main signpost to where the bar
7 is presently set, are you content that that is at about
8 the right level?
9 A. I don't know -- I haven't read the code recently.
10 I have read it, but not recently. I'd say it's about
11 right, absolutely.
12 Q. And if the actual standards that are set are about
13 right, it becomes then a question of enforcement,
14 doesn't it?
15 A. Indeed.
16 Q. And would you agree that the position at the moment, and
17 the Inquiry's heard a lot of evidence about this, is
18 that there have been too many instances in which the
19 standards have not been met?
20 A. I'd go further than that, I think, that there was
21 a collapse in standards.
22 Q. So if there's been a collapse in standards, we need to
23 be looking for solutions, and the first one that you
24 propose is that there should be a standing committee
25 within a newspaper, and you suggest editor, managing

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<td>1 editor, legal head and an old hand, who should formally</td>
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<td>2 meet to discuss and sanction any illegal conduct.</td>
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<td>3 However it's organised, strong internal controls are</td>
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<td>4 obviously a very important component of a healthy</td>
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<td>5 ethical future, but would you agree with me that they</td>
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<td>6 can't be relied upon in themselves to guarantee a happy</td>
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<td>7 future?</td>
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<td>8 A. I think that when you look at -- when we look back at</td>
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<td>9 the astonishing events of the last few years, what we've</td>
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<td>10 discovered, I think that much of it was down to the</td>
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<td>11 failure to enforce existing laws, by the police as well</td>
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<td>12 as a collapse of proper systems within newspapers. And</td>
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<td>13 I think therefore that if we could just enforce the</td>
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<td>14 law -- if the police had just enforced the law as they</td>
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<td>15 should have done and that newspapers had been managed in</td>
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<td>16 an ethical and serious way, none of these problems would</td>
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<td>17 have happened.</td>
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<td>18 LORD JUSTICE LEVESON: I'm sorry. We've debated the first</td>
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<td>19 of your two examples several times in the Inquiry. The</td>
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<td>20 fact that speeding is illegal doesn't allow the motorist</td>
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<td>21 to say: &quot;Well, it's not my fault that I'm speeding, the</td>
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<td>22 police should enforce the speeding law.&quot;</td>
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<td>23 Inevitably, I'm sure you would agree, there are</td>
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<td>24 going to be constraints upon what the police can</td>
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<td>25 actually do, and if I take this example, and I'm</td>
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<tr>
<td>1 So that's something that I will consider and I will have</td>
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<td>2 to look at, but I'm not so much asking for you to</td>
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<td>3 comment upon the particular, but on the general. So</td>
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<td>4 perhaps one should go back to my speeding example.</td>
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<td>5 A. I'm not an expert on this --</td>
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<td>6 LORD JUSTICE LEVESON: All right, all right.</td>
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<td>7 A. But what I would simply say, though, it seems to me, on</td>
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<td>8 the evidence which I have read, that there was a gross</td>
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<td>9 failure by the Metropolitan Police to investigate clear</td>
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<td>10 evidence of criminal behaviour.</td>
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<td>11 LORD JUSTICE LEVESON: All right. With great respect,</td>
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<td>12 Mr Orborne, that wasn't actually what I was asking you.</td>
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<td>13 What I'm asking you is a different question: do you</td>
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<td>14 agree that it is not appropriate for the press to say,</td>
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<td>15 &quot;This is simply a question or primarily a question of</td>
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<td>16 law enforcement&quot;, that actually we should be able to</td>
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<td>17 trust the press to observe the law without forcing</td>
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<td>18 a policeman to stand at their shoulder to make sure they</td>
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<td>19 do?</td>
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<td>20 A. Yes.</td>
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<td>21 LORD JUSTICE LEVESON: Right.</td>
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<td>22 MR BARR: Other suggestions you make in your book, &quot;The rise</td>
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<td>23 of Political Lying&quot;, to which I'd like to return, one --</td>
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<td>24 and I'm only going to stick to those which are relating</td>
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<td>25 to the press as opposed to wider issues -- the first is</td>
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<td>1 obviously going to have to think about it, because</td>
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<td>2 several people have advanced the proposition that you've</td>
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<td>3 just identified, but the police evidence was that at the</td>
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<td>4 time that Mulcaire was arrested, actually there were</td>
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<td>5 70-odd serious counter terrorism incidents and that</td>
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<td>6 however odious phone hacking was, it didn't cause</td>
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<td>7 anybody to lose their life, and therefore there's</td>
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<td>8 a priority question.</td>
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<td>9 Would you agree that the press cannot simply say --</td>
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<td>10 and, to be fair, most haven't -- well, this is a failure</td>
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<td>11 of law enforcement?</td>
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<td>12 A. I'm not sure I entirely agree with you, sir. I felt</td>
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<td>13 that the counter terrorism squad, for reasons of</td>
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<td>14 accident, were in charge of the first investigation, and</td>
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<td>15 if they -- they could at any moment have handed it over</td>
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<td>16 to another part of the police and said, &quot;Look, this</td>
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<td>17 is ...&quot;</td>
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<td>18 LORD JUSTICE LEVESON: I don't know if you read the evidence</td>
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<td>19 or saw the evidence of Deputy Assistant Commissioner</td>
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<td>20 Clarke, who spoke of the pressure on the</td>
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<td>21 Metropolitan Police in the summer of 2006, and the</td>
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<td>22 enormous investigative resources that were going into</td>
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<td>23 counter terrorism and being sucked into counter</td>
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<td>24 terrorism from all other parts of the Metropolitan</td>
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<td>25 Police and indeed the country, from around the country.</td>
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that there should be more objective checking, both of
what is said by politicians and what is reported by journalists. We already have some checking
organisations, Tabloid Watch, Full Fact, and so on. Do you think that since you wrote this book in 2005, the position has improved on this score?

A. And Channel 4, FactCheck, was another one. I think that there have been very substantial improvements. I think Full Fact and the other -- and partly for the reason alluded to by Lord Leveson earlier, that the websites enable newspaper articles to be read much more readily and fact checked, and politicians have become much more aware that their statements can be held to account, so I think there is already emerging a more scrupulous form of public discourse.

Q. Do you think there is room for further improvement on that front?

A. Yes. I think there is room for -- but I definitely feel that there is much less outright deception going on at an official level than there was, say, five or ten years ago.

LORD JUSTICE LEVESON: How can one incorporate that into a system to encourage good practice?

A. Again I think we partly return, I suggest, to the House of Commons, which is the cockpit of democracy in this country, and I would criticise MPs and ministers over the last 20 years for allowing false statements to be made on the floor of the House and in official documents, and really with no real recourse or trouble being made. And that is maybe because the government of the day tends to be too powerful within the Commons and therefore to restrict -- use Commons procedures to strangle attempts to hold ministers to account when they lie.

But I think that the Commons has enormous powers which it doesn't fully use to demand integrity from ministers.

MR BARR: Returning to the question of checking by outside groups, do you see checking as solely the preserve of independent pressure groups or is that a function which ourselves and why one should vote for them. Clearly, we need to leave them plenty of licence but I think there are certain demonstrably and provable lies. It would be very healthy if they knew there was a sanction and I would welcome the same sanction being applied to political journalists and indeed other journalists.

Q. There would, would there not, be very serious difficulties in defining such an offence?

A. I don't agree with that. I have noticed -- one of the problems about this debate is that the House of Commons does not acknowledge the possibility of a lie. To call somebody a liar -- it is assumed that MPs are honourable people who don't lie, and therefore there is no language within the House of Commons to confront ministers and MPs who don't tell the truth.

Q. But politicians can be held to account by Parliament if they mislead Parliament, can't they?

A. Yes, but they can't be challenged within the -- on the floor of the House of Commons in that way, and because it is assumed that they are honest men. It's a false
1. **assumption, by the way.**

2. **Q.** Are there not also likely to be very serious practical
difficulties in prosecuting any such offence?

3. **A.** Look, I have to admit that I'm not an expert on how the
law works.

4. **LORD JUSTICE LEVESON:** If one wanted to talk about the
chilling effect, I would have thought that the creation
of a criminal offence covering what journalists reported
would create an enormously chilling effect upon
journalism because they would want to ensure that every
single fact and every single statement was backed up six
different ways for fear of running foul of the law.

5. **I mean, that's my immediate reaction, but --**

6. **A.** *If I could react to you?*

7. **LORD JUSTICE LEVESON:** Yes, please. It's your evidence, not
mine.

8. **A. We were talking here about setting a very high bar, and
we're not talking about expressions of opinion, but if
somebody -- I was talking about a politician who
deliberately tells a lie in order to sell a policy or
get elected, and a lie is a very serious thing, which we
define as a deliberate untruth, something which is not
true, which you say or write down in the full knowledge
that it isn't true. I am very comfortable that when
those statements are made, that there should be very
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9. **heavy responsibilities.**

10. **MR BARR:** Turning to the position between internal controls
and the criminal law, there's the intermediate position
of regulation. I'd like to ask now about the future of
regulation and put some propositions to you to see
whether you agree or disagree. Would you agree that
future regulation of the press needs to be independent?

11. **A.** That is -- I'm not very knowledgeable about this area,
but I'll -- I mean I haven't sort of made a study of it
or thought it through very much, but my instinct is yes.

12. **LORD JUSTICE LEVESON:** Mr Oborne, please don't feel obliged
to answer any of the questions on this topic which you
don't feel suitably qualified to answer, because I'm
trying to get your evidence across the piece based upon
your experience, and it would be unfair to you to
require you to commit yourself to positions where you
weren't comfortable, so I'm very content that you simply
say, "Thank you very much, I'll pass on that."

13. **A.** *I also think I'd be wasting your time, sir.*

14. **MR BARR:** If you'd like to pass on those questions about the
future of regulation, that concludes what I have to ask
you.

15. **LORD JUSTICE LEVESON:** All right. Mr Oborne, thank you very
much.

16. **A. Can I make one further observation?**

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17. **LORD JUSTICE LEVESON:** Please.

18. **A.** *On the -- perhaps it does involve regulation. I wonder
how much you would think about foreign ownership of the
press. I have noted that the most powerful newspaper
group in Britain over the last 30 years or more was
owned by an American citizen, who often behaves as
though he is a British citizen, and it's not just
talking about News International. The Telegraph Group
at one stage was owned by a Canadian citizen. And
I personally feel that one reason why newspapers have
ceased to provide a proper civic function is that too
many of them have been owned by people whose true
interests do not lie in this country.

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19. **LORD JUSTICE LEVESON:** Yes. That raises a subset question
about the extent to which those who own newspapers
affect what is printed in their newspapers, which has
been the subject of much discussion, as I'm sure you
appreciate, during the course of the Inquiry. Plurality
is -- or mechanisms to deal with plurality do come
within the terms of reference, but the argument that has
been advanced, and I merely say this if you wish to
comment, is that, given the rise of so many other
mechanisms for obtaining news, the Internet among
others, the problems of plurality -- the opportunity to
to get news from different sources is much, much greater

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than it even was 15 years ago.

As regards the ownership of the press, that's
a slightly different issue.

All right. If there is anything else on the topic
covered by my term of reference that you wish to say,
then please say it.

20. **A. The second point, of course, is monopoly ownership,
whether it is a good thing that one group should have,
as has been the case in recent decades, such a dominance
defined by the City regulation as -- 25 per cent is
monopoly control, I believe, and they have one group
having 35 or 40 per cent. I always -- it struck me that
that was not in the public interest to have one group so
dominant, and I hope that that -- I think that is
something -- I don't know if it's within your remit.

21. **LORD JUSTICE LEVESON:** The terms of reference require me to
make recommendations on how future concerns about press
behaviour, media policy, regulation and cross-media
ownership should be dealt with by all the relevant
authorities, including parliament, government, the
prosecuting authorities and the police. But one has to
be careful about that, because that's asking me to
consider how it should be done, not what the result
should be. So if you have a view on how it should be
done, again this is either within or without your remit,
then so be it, but that's what I'm required to do.

A. Well, I mean it's pretty -- there's very clear
monopolies legislation in this country, and companies
which have more than a certain percentage of the market,
whatever it may be, whether it's widgets or whatever,
are required to divest, and it seems to me that there's
nothing very complicated about applying British
monopolies legislation to the media, and I think
cross-media ownership raises a fresh set of issues,
which I don't fully understand.

LORD JUSTICE LEVESON: All right. Thank you very much
indeed.

A. Thank you.

LORD JUSTICE LEVESON: The next witness is appearing by
video-link and the video-link is set to start at
2 o'clock; is that right?

MR JAY: Yes.

LORD JUSTICE LEVESON: Right. Thank you very much, we'll
break.

(12:17 pm)
(The luncheon adjournment)
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