IN THE MATTER OF AN INQUIRY UNDER THE INQUIRIES ACT 2005

LEVESON INQUIRY INTO THE CULTURE PRACTICES AND ETHICS OF THE PRESS

Part 1 : Module 1

EXHIBIT "PDS1"

This is the bundle of papers entitled "Exhibit PDS1" which is attached to, and forms part of, the Witness Statement of Paul Delaire Staines dated 30 November 2011.

Paul Delaire Staines

culture, practices and ethics of the press

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Mr Staines

By e-mail c/o pr@harriman-house.co.uk

28 November 2011

Dear Mr Staines

Leveson Inquiry into the Culture, Practices and Ethics of the Press

Notice under section 21(2) of the Inquiries Act 2005

As you are aware, an Inquiry chaired by the Rt Hon Lord Justice Leveson has been set up under the Inquiries Act 2005. Under Part 1 the Inquiry is inquiring into the culture, practice and ethics of the press, as more fully set out in its Terms of Reference available on-line at http://www.levesoninquiry.org.uk/terms-of-reference-for-judge-led-inquiry/.

In short, under section 21(2) of the Inquiries Act 2005[1], read in conjunction with the Inquiry Rules 2006 (S.I. 2006 No 1838)[2], Lord Justice Leveson, as Chairman of the Inquiry, has power to require a person, within such period as appears to him to be reasonable, to provide evidence to the Inquiry panel in the form of a written statement, and/or to provide any documents in his custody or under his control that relate to a matter in question at the Inquiry. Under section 21(1) Lord Justice Leveson has the power to require a person to attend at a stated time and place to give evidence.

Lord Justice Leveson has determined that it is appropriate, in view of his Terms of Reference and his investigatory obligations, that you should at this stage be required to provide evidence to the Inquiry Panel in the form of a witness statement, to provide any documents in your custody or under your control as more specified below and to attend the Inquiry to give oral evidence about the matter to which this notice relates.

[1] http://www.legislation.gov.uk/ukpga/2005/12/contents
[2] http://www.legislation.gov.uk/uksi/2006/1838/contents/made

This notice only covers one matter, namely the circumstances in which the statement submitted by Alistair Campbell was received and published on the Guido Fawkes website. The Inquiry intends to serve a further notice upon you in due course covering wider issues relating to new media and reporting.

Your witness statement should cover at least the following issues:-

(1) The date and time upon which you first obtained a copy of the witness statement which Alistair Campbell prepared for the Inquiry ("the Witness Statement").

(2) How you first obtained the Witness Statement.

(3) From whom you first obtained the Witness Statement.

(4) If and insofar as you consider that you obtained the witness statement lawfully, please explain why you consider that you obtained it lawfully.

(5) Why, having obtained the Witness Statement you chose to publish it on the internet before Mr Campbell gives his evidence in circumstances where the Inquiry has been careful to keep witness statements confidential until a witness gives evidence?

The documents you should provide to the Inquiry Panel at this stage are all of those which are relevant to the matters set out above.

Lord Justice Leveson wishes without delay to understand how the Witness Statement came to be put into the public domain. With this in mind, and having regard also to the scale and scope of his foregoing requirements of you, he has determined for the purposes of section 21(2) of the Inquiries Act 2005 that you should comply with the requirements relating to the provision of a witness statement and the provision of documents as set out in this notice by 4pm on Wednesday 30 November 2011.

Further, pursuant section 21(1) of the Inquiries Act 2005, you are required to attend Court 73 at The Royal Courts of Justice, The Strand, London to attend to give oral evidence at 2pm on 1st December 2011.

Lord Justice Leveson is also directed by law to explain to you the consequences of failing to comply with this notice. He therefore draws to your attention the provisions of section 35(1) of the Inquiries Act 2005 which make it a criminal offence to fail without reasonable excuse to do anything which is required by a notice under section 21. He wishes to make to clear that all recipients of section 21 notices are having their attention drawn to this provision, since it is a formal legal requirement.

He is also directed by law to indicate to you what you should do if you wish to make a claim under sub-section (4) of section 21, namely a claim that you are either unable to comply with this notice at all, or cannot reasonably comply with this notice within the period specified or otherwise. You are invited to consider the full text of section 21, including for these purposes sub-sections (3)-(5), if necessary with the benefit of legal advice. Lord Justice Leveson invites you to make any such claim in writing and as soon as possible, addressed to the Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press.

Furthermore, Lord Justice Leveson has power under section 19(2)(b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence of documents given, produced or provided to the Inquiry, including evidence produced under section 21. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.

Finally, Lord Justice Leveson draws to your attention the provisions of section 22 of the Act which state that you may not under section 21 be required to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or the requirement would be incompatible with a Community obligation.

Yours sincerely

Kim Brudenell
Solicitor to the Inquiry

from [REDACTED]

to Guy Fawkes <

date Fri, Nov 25, 2011 at 2:53 PM

subject [REDACTED]

Thank you for your letter drawing attention to my statement of 2004 that 'if the public knew the truth about the way certain sections of the media operate, they would be absolutely horrified' and asking me to elaborate.

I would like to preface my remarks by saying that although there is much that is wrong with British journalism, there remains a good deal of quality journalism, and many good journalists who see journalism as a noble calling and practise it in that spirit, with a commitment to inform, educate and entertain. One of Rupert Murdoch's Australian executives once said to me 'Britain has the best press in the world, and the worst press in the world, and sometimes it is in the same edition'.

Indeed, when I made the statement to which your letter drew attention, I said in the same breath that 'there are plenty of good journalists in the UK and it was in the interest of everyone that the many good journalists stand up against the bad.'

But the centre of gravity in our press has moved to a rotten place; the combined forces of technological change, intense competition, an obsession with celebrity, a culture of negativity, and amorality among some of the industry's leaders and practitioners have accelerated a downmarket trend, and accelerated too the sense of desperation in the pursuit of stories. Speed now comes ahead of accuracy, impact comes ahead of fairness, and in parts of the press anything goes to get the story first. Whilst a free press should always be fought for, the impact upon our culture and our public life of what the press in Britain has become has a huge debit side alongside the credit that freedom brings.

THE CONTEXT OF CHANGE

Your letter asks for an assessment of the context of change, and I think it is important here not to see newspapers separately from the rest of the media. The move to a more downmarket, sensationalist approach has seen the age old aim of many in the media - inform, educate and entertain - to a large extent been lost in the pursuit of sales and viewing figures thought only possible via impact rather than informed let alone balanced debate.

The background is the pace of change which has swept through many industries, but few more so than the media. In addition to putting newspapers under enormous financial pressure, so that some fear for their very survival, the advent of 24-7 news and the internet has forced them to adapt substantially from the role they once played. They are no longer the main providers of news, because major events are now covered instantly and in detail, both news and comment, on TV, radio and the web. This has had two main effects – it has forced the newspapers themselves to shift much of their effort online, with as yet little financial reward and considerable loss; and it has forced them to rely even more on creating the extra impact which gets them to stand out from their rivals.

Sometimes – as with The Guardian's investigations into phone-hacking, which to some extent have led to this inquiry - this will be done by dogged and talented journalism backed by editors prepared to invest time and commitment. On other occasions - The Daily Telegraph's expose of MPs' expenses springs to mind - it will be done by the wholesale purchasing of illegally obtained information whose significance and impact is such that the public interest defence is easily made. It was then for the paper to pursue the story in a way that dominated the agenda over a sustained period, which it did successfully, getting the rest of the media to follow in its wake, to the extent that at times it felt like nothing else was happening in the world.

These enormous stories are the exception. Yet even without them – which is the reality for most papers on most days - newspapers have to keep making the extra impact, because they have to get noticed in an ever bigger, noisier and more competitive market place. Where once that battle took place across the news-stands now it takes place relentlessly and noisily across the 24 hour media of the technological age. The powerful hold of the celebrity culture over the media has exacerbated the dive downmarket. Stories which used to be 'Any finally' items on the news will now come close to the top of bulletins. Stories which in years gone by would have made the gossip column can now lead a paper. Papers are competing in the same space as a slew of celebrity magazines. The exposure of people's private lives, particularly their sexual relations, is now the staple diet of large parts of our media. It is this they fear losing, for some fear that without it, their already dwindling share of the market will erode further.

Editors are under enormous pressure. Journalists are under enormous pressure. In most of the newsrooms, there are fewer of them with more pages and online space to fill, and less time to do it. The story is all that counts. To some extent that has always been the case in journalism. But because the online revolution means there is no longer such a thing as a deadline, or a geographical boundary, speed is of the essence and in much of our media now, the race to get the story first takes precedence over taking time to get the story right. Speed is more important than accuracy.

In the days of competition on the news-stands papers held back the front page until as late as possible, including internally, because what mattered was the impact on the street. Now, even before the paper has been printed, front pages are being put online and sent to broadcasters in the hope that the impact can be more immediate. Then the story, if interesting enough, is taken up immediately by rivals keen to catch up. Again, this includes the broadcasters. It used to be the job of journalists working a night shift to wait for the other papers and check out any stories these rivals had. Today, there is no time to check. Debate on such stories is instant. It means journalists and broadcasters now routinely republish stories from elsewhere with no knowledge whatever as to their veracity. The pressures are of course increased by the fact that members of the public are doing so in the same timeframe across the internet.

It means that the phrase 'if true' has entered the media lexicon and can be heard and read most nights. 'If this story is true, the impact is a, b, c.'. The idea of the journalist as establisher of truth as opposed to interpreter of story has gone. It means that the processes of journalism are now played out live across the media. On the TV and radio news stations, this has always been the case ... 'We are getting reports of an explosion in x ... We will bring you more details as we get them.' Newspapers, having had to move substantial parts of their operations online, now do the same.

In addition to 'if true,' another phrase which is now more common than before is 'forced to deny.' This is a device which allows newspapers to report allegations made against someone, again without knowing them to be true. And of course 'forced to deny' carries with it a sense of defensiveness, if not guilt, designed to convey there is no smoke without fire. This is part of the same trend – speed is more important than accuracy; the time it takes to check out the facts may be wasted and others will get to the story first.

This is an inevitable response to the pace of change. But it has meant that rather than journalism being about the pursuit of truth, much of it is the coverage of the process of getting to the truth, which often gets lost in that process. The old editorial rhythms that gave people time to think before they went on air, or committed to print, have gone. Discussions which used to be part of a backroom editorial process – have we checked this story out, who should we be speaking to, what are they likely to say, what are the implications if true? – are now a staple diet of broadcast news dialogue, live on air, in direct competition with newspapers, printed and online. 'Not wrong for long' is the amusing phoney slogan given to Sky News. There is a grain of truth within the joke.

A CHANGED DEFINITION OF NEWS

This has created a situation, accelerated by the internet and the social networks, in which false stories can become 'news' for the fact of being said or reported, rather than because journalists have checked them out. A recent example was the prominent reporting in some UK newspapers of 'rumours' that the British husband of a prominent Danish politician was gay. The use of the word 'grotesque' in the headline next to the word 'rumour', and the fact that the context was a hard fought

election, were clearly thought to be justification for running the story. Then the broadcasters would use the fact of the papers' reporting it to pass this 'news' on. The stories were based on no evidence whatsoever. I think it is the pressure of competition, the fear that someone else will do the story first, that leads to this kind of thing, where stories get published regardless of the truth, or any actual knowledge of where the truth lies. I believe this is relatively new. I can think back to many rumours which circulated in my days as a political journalist, damaging in their way, but which newspapers refused to print because of lack of evidence.

Again, the internet is a major player in this. It gives access to news, information and consumer choices unimaginable before its advent. On the other hand, it has further contributed to the general shortening of our attention spans when it comes to news. And in civic or citizen's journalism, which sounds so benign there can surely be nothing wrong with it, it has become home to a form of journalism in which there are things constantly said and written which in old media would lead to papers and radio stations fearing for their future. Working out where news and views are coming from, and what weight to attach to them, at a time when a new blog is probably created every second of every day, is now an essential part of the media consumer's toolkit. It has meant an acceptance that certain basic journalistic standards which used to be taken for granted have been eroded. Not only can news be news simply for the fact that someone reports something, regardless of veracity, but anyone can be a journalist, anyone can be a cameraman, a rumour can be launched on a message board and find its way quickly, if interesting enough, onto a radio phone-in, or into the heart of an election debate. It is a new landscape and everyone, media, politicians and other newsmakers alike, is having to adapt to it. But it is only traditional journalists and publications – bar those who have opted out of self-regulation – who are subject to any regulatory oversight at all. So the 'civic journalist' may report what they like, often with little regard for truth or comeback. This puts the traditional journalist at something of a disadvantage.

Indeed, to be fair to newspapers, there are some rumours which do not surface in the press, even when they are circulating on the internet. It was on the internet that 'rumours' of Gordon Brown and anti-depression medication began to circulate. To their credit, newspapers largely ignored them, and accepted official denials without publishing the story. It was the broadcaster Andrew Marr who took the rumours into the mainstream by asking Gordon Brown about the rumours direct, live on TV. Unsurprisingly, newspapers felt they could legitimately report on this, though several did so as much as a story about media ethics. So though I argue rumour without foundation is now more likely to surface than before, it is not always the fault of the press that it does.

WHEN HYSTERIA BECOMES INHUMANE

However, when big news stories break, the written press continues to have the capacity to set the agenda for the rest of the media, as Trevor Kavanagh said proudly to the inquiry's seminar, and when they are in full cry, a hysteria can take hold which infects the broadcast media too. Of recent times, the McCann case is a good example of this. Sometimes, stories become so big, in the eyes of large parts of the media, that an 'anything goes' mood sets in. The disappearance of Madeleine McCann was an interesting and important story, which quickly became a commodity in which most of the media got close to hysteria, which took it at times in the opposite direction to the pursuit for truth. Even those parts of the media which acknowledged the hysteria – one or two of the broadsheets, some of the broadcasters – could not resist going along with it. A point came where it was felt by some that the word 'Madeleine' was a seller, almost at times on a par with Diana in the heyday of the Princess of Wales, and any story, no matter how cruel, no matter how insubstantial or unchecked out, would go on the front, regardless of the pain it might cause, regardless of its veracity. The Express and Star were the worst offenders, which is why it is right they were the most hurt by the subsequent libel claims. It is at least understandable, if often unfair, for newspapers to decide that people used to being in the public eye – politicians, Royals, business leaders, celebrities and so forth – 'can handle it' or that 'they want publicity so they can't complain when things turn against them'. But I think much the same approach is now taken to anyone who finds themselves in the public eye, through choice or not, with experience or not, and leads to coverage which at times can only be described as inhumane. Anyone who for whatever reason got caught up in the hunt for Madeleine became 'fair game' for anything. Not just the McCanns, but the friends they were on holiday with, one-time suspect Robert Murat, and his girlfriend, have all successfully sued for libel. It is hard to imagine, however, that any financial settlement could compensate for what happened to them when the media frenzy was at its height.

I have no time for the 'Big Brother/I'm a celebrity get me out of here' hold on modern TV, and its symbiotic relationship with newspapers in desperate need of more and more 'celebrities' with stories to tell. But I would use the same word – inhumane – to describe some of the coverage of Jade Goody in her journey from sudden fame to early death, or Kerry Katona at various difficult points in her life. In February 2008 I wrote an article for The Times on the 24/7 hounding of Britney Spears, suggesting the media who chased her had lost any sense of humanity at all. I have been unable to locate the article either online or in my own files, but here is an interview I did on the subject at the time.

http://www.youtube.com/watch?v=ytX5MmHXRIY

The press will argue – as Sky's Kay Burley does in the interview - that the desire for fame made the people we were discussing fair game for all they could throw at them. Interestingly, she mentions both politicians and the McCanns as people who court publicity and therefore have to take the downside. But what happens with 'major celebrities' now is that once they are established as such, there are few if any limits placed on what kind of story is deemed permissible. Shortly after I wrote the piece in The Times, a paparazzi photographer resigned from Splash agency, admitting that the hounding of Britney Spears had gone beyond anything his conscience would allow. Rarely do editors – here the magazines are as bad as the papers - seem to stop and think of people as human beings. At a dinner last year, I was introduced to the editor of Heat magazine. I did my usual diatribe about the role of the celebrity culture and the celebrity magazines. He seemed a reasonable enough person. He had a very interesting defence. "We perform a useful role. What would you rather have - magazines like ours, or public executions?" I rather admired his honesty.

It is, however, the culture of denigration and of desperation to get the story at all costs, that leads someone working for a newspaper to think it permissible to hack the phones of celebrities. And once that moral and legal limit has been breached, it leads the same person to think nothing of hacking Milly Dowler's phone too. It was this that provoked the national outcry that finally forced the country's politicians to admit the extent of the cultural problem, and the establishment of this inquiry. But long before that the press could be extraordinarily hard-hearted in its coverage of people who through no fault of their own suddenly became 'newsworthy commodities,' and utterly dishonest when challenged over some of the tactics employed.

THE FUSION OF NEWS AND COMMENT/INVENTION

Alongside this, news and comment have fused, which makes it harder and harder for the public to establish where fact ends and comment begins. This is particularly prevalent in those newspapers – now the majority - which have an agenda, political or otherwise, and who often make their impact by relentlessly pursuing their campaigns, using news columns as well as comment columns to paint a wholly one-sided picture of an issue or personality. Once again, this is not new, as anyone who worked for media moguls of the past will testify. But the acceleration of the trend has been clear, as newspapers have relied more on front page impact campaigns and manufactured news, less on hard news in the traditional sense. It means that as a matter of editorial policy, newspapers essentially refuse to set out two sides to a story. The Sun on Europe, or the trade unions, might be an example of this. The Mail on pretty much anything that does not coincide with the extreme worldview of its editor. The Express on Europe. The Star on asylum seekers.

Tabloid newspapers in particular pride themselves on the robustness and aggression with which they pursue their campaigns. The question is whether they allow their zeal for the campaign to infect their commitment to accuracy, which is central to the code under which they are supposed to have been operating. Several of our national daily titles – The Sun, The Express, The Star, The Mail, The Telegraph in particular – are broadly anti-European. At various times, readers of these and other newspapers may have read that 'Europe' or 'Brussels' or 'the EU superstate' has banned, or is intending to ban, kilts, curries, mushy peas, paper rounds, Caerphilly cheese, charity shops, bulldogs, bent sausages and cucumbers, the British Army, lollipop ladies, British loaves, British made lavatories, the passport crest, lorry drivers who wear glasses, and many more. In addition, if the Eurosceptic press is to be believed, Britain is going to be forced to unite as a single country with France, Church schools are being forced to hire atheist teachers, Scotch whisky is being classified as an inflammable liquid, British soldiers must take orders in French, the price of chips is being raised by Brussels, Europe is insisting on one size fits all condoms, new laws are being proposed on how to

climb a ladder, it will be a criminal offence to criticise Europe, Number 10 must fly the European flag, and finally, Europe is brainwashing our children with pro-European propaganda! Of the UK press and the European institutions – I speak as something of a Eurosceptic by Blairite standards – it is clear who does more brainwashing. Some of the examples may appear trivial, comic even. But there is a serious point: that once some of our newspapers decide to campaign on a certain issue, they do so with scant regard for fact. These stories are written by reporters, rewritten by subs, and edited by editors who frankly must know them to be untrue. This goes beyond the fusion of news and comment, to the area of invention.

This approach means newspapers really can have their cake and eat it. So the Mail can run a nonsense story claiming 'the EU' is going to ban grocers from selling eggs by the dozen ...

http://www.dailymail.co.uk/news/article-1289882/EU-ban-selling-eggs-dozen-Shopkeepers-fury-told-food-weighed-sold-kilo.html

... and then run the opposite story, claiming the victory of a U-turn from something that was never actually going to happen in the first place

http://www.dailymail.co.uk/news/article-1290768/Eggs-dozen-NOT-banned-say-Brussels-backlash-Britain.html ...

... based on the fact that the European Parliament put out a statement making clear the original story was nonsense.

http://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20100629IPR77186

There is no subject too sensitive for papers like the Mail to be able to squeeze in one or more of the prejudices of its editor.

Take this example of a story of a young girl who killed herself. She went to a grammar school (a good thing in Dacreland.) The headline and intro suggest 'the pretty (good thing) schoolgirl' killed herself after being bullied by girls from a comprehensive school (bad thing in Dacreland).

Yet even within the story there are the words 'the inquest heard no evidence of bullying', and the headline is effectively supported only by the words in the intro 'amid fears'. It is classic Mail-speak. Hundreds, thousands of stories are manufactured in this way. http://www.dailymail.co.uk/news/article-1168871/Grammar-schoolgirl-14-hanged-row-pupils-nearby-comprehensive.html

Another common tactic of papers with an agenda, but who fail to stand up a story factually, is to pose a question in the headline. I would support newspapers campaigning against Al Qaida. But it is hard to escape the conclusion that this story, asking if Al Qaida were conducting test bombings on the banks of Loch Lomond, might just as well have been about another fiction in Loch Ness.

http://www.dailymail.co.uk/news/article-1330975/Loch-Lomond-forest-blast-linked-Al-Qaeda-Was-training-exercise.html

The shift towards even more agenda-driven journalism is also a consequence of newspapers feeling they have a different job to do than in years gone by. Far from separating news and comment, agenda driven journalism relies on their fusion. I came from this strand of journalism myself when on the Mirror. However, I think two big changes are the refusal of many editors to allow any balance at all – such as right of reply, even within a story – or to allow any facts to dispel the impression of a story they seek to create.

THE STORY RIGHT OR WRONG

The commitment to accuracy is no longer a cornerstone of much journalism. I recall once in the 80s writing a trailer of the Budget, speculating what might be in it. The editor asked me if I had seen the Budget. Of course not, I said. 'Then why are you writing this crap?' With so much space to fill, journalists have to speculate all the time. When working in Downing Street, I was always conscious of

this before Cabinet reshuffles. Before one reshuffle, I recall ministers being reported on different occasions in different newspapers as being moved to nine different departments. In the end they didn't move at all. There is rarely if ever any comeback on the journalist who writes these stories. Indeed, I recall some saying the ministers had stayed in their old jobs 'as expected'. It is my considered view that many of these stories were simply invented. Once one paper starts to speculate, others feel they have to follow suit. Ironically, given we have more media now, the herd tendency is even greater. Brave is the journalist who tells the editor, asking for a reshuffle story, or a line in advance of a major speech, that he doesn't have a clue what the Prime Minister is planning. Yet in advance of all the reshuffles I was involved in, that was almost certainly the case, so few were the people who knew what was planned.

As the inquiry has already heard, Richard Peppiatt resigned from the Star because of his disgust at the kind of stories – many untrue – that he and others were being asked to write to promote the paper's line on Islam. He confirmed too that he wrote invented stories to order about celebrities. It is surely worth bearing in mind that he now speaks from a position of having resigned in disgust, whereas those who on the same day painted to the inquiry a somewhat rosier and more wholesome picture of life in the modern newsroom are still there, defending the trade they ply, including, in the case of Trevor Kavanagh for example, those who for a long time mounted the 'lone rogue reporter' defence in relation to phone-hacking, and who have led the paper's editorial campaigns on issues like Europe. The bulk of those who spoke to your seminar are very well paid, reasonably secure, and part of a campaign to ensure the status quo is not overly troubled. Mr Peppiatt came over as something of a lone voice, but I believe his voice carried more weight and moral authority . There are many more who feel and think as he does. But they are badly paid – casual shift reporters earn little more than they did when I was in Fleet Street many years ago – they are under massive pressure, and they know that if they step out of line, the bosses on their six and seven figure salaries can find plenty of cheap young replacements elsewhere. In his evidence to your first seminar, Mr Peppiatt spoke of the 'canon of ideologically and commercially driven narratives that must be adhered to' as a basic approach in newsrooms of agenda-driven newspapers. That description was far closer to the truth than anything said to you by the editors and reporters from those papers.

In papers hostile to the government of the day, such as the Mirror today, or the Mail in most of Labour's time in power, on The Sun once it had shifted its political position before the last election, it is rare that any story is published which might reflect well on them. Or tactically, they may do the occasional one to pretend they are somehow balanced and objective. Papers with an editorial line for or against changing the voting system then slanted news coverage to suit the line. The recent debate on the Human Rights Act has been a good example of an issue where papers only report the stories that fit their editorial line. There are almost as many invented stories about the impact of the HRA as there are about Europe. The Sun is currently engaged in a campaign to get the Prime Minister to sack Ken Clarke as Justice Secretary. Headlines, pictures, 'news' reports and editorials are all bent in that direction. When Theresa May messed up with a half-baked story about a cat, in the anti HRA papers, it was Ken Clarke not Mrs May who got the bad press.

POLITICS AND THE MEDIA

I know that your letter indicated I would be asked separately about politics and the media, but I would like to say something about this here, because I think it is central to the debate, as ultimately so much media coverage emerges from the political system. Politics has been more affected than most walks of life by the changes I set out above. When I made the statement you referred to about the modern media, I also noted that 'if the public knew the truth about politicians, they would be pleasantly surprised'. I remain of that view, and apply it to all parties, including those whose politics, policies and values I disagree with. But politics and public life are now filtered through such a negative and cynical prism that it is very hard for any of them to maintain the understanding let alone the backing of the public they are seeking overwhelmingly to serve. Except in times of crisis and scandal, coverage of Parliament and parliamentary debate is now reduced to the occasional comedy sketch. What the politician says gets less coverage, in both print and on the broadcast media, than what the journalist says about it. Policy debates are reflected as much via the personalities involved as they are on the issue under question.

This might be a useful place to set out some of the changes we introduced to make politics and media coverage of it more 'on the record' in an effort to make it more accessible to the public. When I was a

political journalist the media were not even allowed to refer to the fact of Downing Street briefings. I put the briefings on the record so that anything I said could be directly attributed to the PM's official spokesman, and accounts of all briefings were put online. Tony Blair agreed to a monthly Prime Ministerial press conference and to becoming the first to appear before select committees in addition to PMQs, and to going out to do regular on the record meetings with the public, practices which have continued under Gordon Brown and David Cameron. But all of these attempts to put the debate on a more open and healthy footing tended to be dismissed as 'spin.'

I acknowledge that some in the media believe that we were a bunch of control freaks determined always to set the agenda on our terms. It is certainly the case that we felt we had to do a better job of setting the agenda than our predecessors of both Tory and Labour hue. Modern government is hard enough without being run ragged by the media, which is what happened to John Major, and to Labour leaders. Margaret Thatcher had much more press support, partly for political and ideological reasons, in that most owners and editors are right wing and genuinely supported her, but also because she operated what today would be seen as a corrupt system of patronage using the honours system to reward supportive owners and editors. She also, as set out in Harold Evans' new preface to his book, Good Times, Bad Times, turned a blind eye to the law to allow Rupert Murdoch to take a greater control over the media, which he used not just to his advantage, but to hers as well. She gave the media a sense of their own power, and many used it against her successor. I was always determined to do what I could to avoid the same fate befalling Tony Blair. Though the press largely turned against him at various stages of his Premiership, and some continue to campaign relentlessly against him even now, we did have a fairly benign media environment for some years, and by the time they turned, most of the public knew him well enough to have a fairly settled view.

But though we did have a proactive strategy to minimise the potential negative impact of the press, our attempts to be more open were genuine if ultimately unsuccessful in terms of meeting the objectives we set for them. Freedom of Information was a real attempt to make government more open and accountable. I am not sure the net effect has been that, because the way many in the media use it – to pursue often trivial inquiries which take up huge amounts of civil service time and money - has made government employees, both ministers and officials, often less willing to commit to print thoughts and actions which probably they should. There has to be space within government for a process of debate and discussion, and it is arguable whether the extent to which FoI claims can disrupt that has been good for government. FoI will only work if there is a genuine commitment by both government and media to use it for the purpose it was intended – better to inform public debate. By some, that is indeed how it is used. But it is far from universal.

RELATIONS BETWEEN POLITICIANS AND OWNERS/EDITORS

Politicians are often criticised for seeking to cultivate relationships with owners and editors. The reality is that most would probably wish they didn't have to. But in addition to the advantage of political support that can be generated by favourable media access and support, it is also an act of self defence because of the political damage that can be done by the media in full cry. The same goes for high profile celebrities or businesses who have ever more sophisticated teams to try to deal with the media. Ed Miliband stood up for what he believed in the stance he took on phone-hacking, and he is right in saying political leaders of both main parties ignored wrongdoing in the media in the past, in part because they wished either to gain their support, or minimise the damage they could do. But in truth he is already paying a price in terms of the hostility of coverage, and the negative fusion of news and comment about his leadership. It is also possible to see within the government an attempt to ensure that though they have to make critical comments about the events which led to the inquiry, part of their calculation is about how they keep the media broadly onside as they approach the next election.

The modern media is so omnipresent, loud and aggressive that any politician or prominent public figure who does not court it, or at least find strategies for dealing with it, is likely to be damaged by it. In any event, the time and energy spent simply dealing with the volume of inquiries, and false stories which require rebuttal, make media management a necessary part of a public figure's operation. The internet has certainly opened the space, hopefully, for a more distant relationship between politics and media owners, but I would not bet on it.

OWNERS AS POLITICAL PLAYERS/JOURNALISTS AS SPIN DOCTORS

It is also the case that newspaper owners, editors and senior journalists have become political players as well as spectators, using newspapers either to promote their own commercial interests (as often happens in the Murdoch and Desmond papers' coverage of issues related to their broadcast interests for example), or to promote their own political agenda, not just in comment columns but across news pages too, which often continue to carry a style of objectivity, but whose substance is geared almost word by word to promoting the paper's line on an issue or an individual. It is this phenomenon that leads me to say the real spin doctors are the journalists, and politicians and their spokesmen spend inordinate time and energy trying to counter media propaganda with explanation of what they actually said and what they actually meant.

It is also a paradox that we have more outlets and more space than ever before, yet more homogeneity around single themes and often single views, particularly when a herd mentality sets in.

There was an interesting description by Polly Toynbee in The Guardian recently of what happened in the press room after Ed Miliband's speech to Labour's conference. "'Lurching to the left' and 'Red Ed' were the inevitable responses of the mostly rightwing press convening in an instant huddle after the speech. If you want to see the herd mentality in action, stand there and watch them gather to agree this is a plunge back to Labour's dark days or some such nonsense. Murdoch may be maimed, but don't imagine any weakening grip by Britain's 80% rightwing press whose gale force influences the prevailing wind among the broadcasters too."

Of course it has to be said Polly Toynbee has her own agenda. But she is right to point out where the political balance lies, and to note the impact this has on our broadcast media. It is why I think it important not to see the press as a separate entity, isolated within the rest of this changing media landscape, but as having a fundamental impact upon the rest of the media, and a consequent decline in standards of faimess and accuracy. When I drew attention to Polly Toynbee's observation on my website, the following comment was posted by David Blake, a former editor.' I used to go to party conferences every year as a journalist working on a national newspaper. What struck me was that my fellow journalists spent very little time listening to speeches, no time at all talking to delegates and huge amounts of time talking to each other. So the man from The Telegraph would ask the man from The Mail what he thought, who would pass on what he had heard from a bloke on The Sun. And next day that would be what the Conference was thinking. And during the next day BBC radio and then the news channels would spend the day discussing why conference was thinking that. This wasn't really a party point. The same thing happened at Conservative conferences, though naturally most of the journalists had a more favourable view.' He did added however 'Having 80% of the press against you is still a problem, but it is a diminishing one as people read it less and less and don't increase the amount of time they spend on TV much. And at last on the intemet they get different voices unfiltered.' There may be something in this. But it does raise the question: is there anywhere anyone can go for a healthy, fact-based debate?

THE RELIANCE ON ANONYMOUS (AND OFTEN INVENTED) QUOTES

In coverage of politics and many other areas, there has been a growing reliance on anonymous quotes, which on examining stories are often found to justify the screaming headline. We have no way of knowing how many of these quotes are real, and how many invented, but I am in no doubt whatever that many of them are invented. A rare example that proved this practise came recently when the Mail Online inadvertently published the wrong version of two stories prepared for the Amanda Knox appeal verdict. They mistakenly published the version prepared for her appeal being rejected, complete with reactions from her and her family, and quotes that 'justice has been done' by the prosecutor. This was spotted by Tabloid Watch.

http://tabloid-watch.blogspot.com/2011/10/mailonline-makes-up-events-quotes-from.html

The build up to Budgets was an area where the invention of stories via invented anonymous quotes was widespread. Now it is true that there has been a recent and unfortunate trend of advance briefing of Budget details. I can have no criticism of a journalist who, if briefed by senior people in the Treasury, reports that. But that does not negate the fact that so much pre-Budget coverage is invented. Of course it is also the case that sometimes the anonymous quotes were real and accurate, and that can be a legitimate form of journalism. But I strongly believe now that the invention of

quotations by 'senior sources', 'insiders', 'senior ministers', 'close friends', etc is widespread. As Michael White of The Guardian has pointed out, quotes are never attributed to 'junior backbench MPs who don't see the Prime Minister very often.' It is also noticeable that most of the people quoted anonymously speak in the house-style of the medium in which they are quoted. Short sentences in the tabloids, longer in the broadsheets, pithy homilies on TV.

It is also my belief that most editors do not challenge their journalists, even when the story is proven to be wrong. There was a considerable furore recently when it was revealed that the Independent columnist Johann Hari took quotes from other people's books and interviews and made them part of his own. There was a similar furore over the broadcaster Alan Yentob pretending to have been in interviews which were actually done by a producer or researcher. Yet I am not aware of a single case where a story based on anonymous quotes has, on being shown to be wrong, led to a reporter being disciplined or the paper acknowledging the possibility of invention. When the Sunday Times apologised to John Prescott over an anonymously based 'story' that he had attacked Ed Miliband's start as Labour leader, which turned out to be an invention, the paper attributed their mistake to a 'production error.' This is in stark contrast to the US say, where not only is there a system of 'fact-checking' in many of the papers or magazines, but where a journalist whose anonymously based story turned out to be false would at least face the opprobrium of colleagues, and possibly disciplinary action. American newspaper journalists see themselves as professionals, with professional standards to uphold. I can recall one weekend being interrupted by persistent calls from reporters following up a story in the Sunday Express that I was leaving Downing Street to take up a position at Manchester United. This was based on quotes from so-called friends and colleagues. I called the newspaper – which had not put the story to me in advance – to complain and to issue a strong denial. I said there was no truth in it whatsoever. 'I know,' came the response. 'But it's a good story.' The PCC code on putting stories to the people concerned is broken routinely in this way. They knew the story was untrue, so did not put it to me because a denial would weaken it.

CULTURE OF NEGATIVITY

I'm afraid I reached the conclusion that many journalists, including senior figures in the industry, did not wish to get the debate to a healthier place. It suited the culture of negativity being fostered to resist any such moves. It suited too the use of their papers as instruments of political power and influence without accountability.

That the Murdoch-Dacre-Desmond approach has created a culture of negativity is clear. Before his death, Robin Cook used to cite a report by an academic which suggested the positive to negative ratio in our papers had moved from 3-1 in 1974 to 1-18 in the early 21st century. Even if that overstates possibly, it certainly reflects a trend.

The scale of negativity can have a material impact upon the security, economic performance, health and well being of the country. To give an example: in a decade with Tony Blair, I think we had half a dozen genuine crises. We had hundreds described as such. Two of the genuine ones were the Foot and Mouth epidemic of 2001 and the fuel protest of 2000. In both of these, it became clear that much of the media saw its role not to report or to analyse, but to slant that reporting and analysis in a way designed to make the situation worse.

The fuel protest was one of those moments when the media genuinely and collectively lost the plot. Starved of a genuine opposition in Parliament, they saw in the rag-bag army outside refineries a way of curbing the Government's power. As I said in a speech on the issue a few years ago, they pretended a show of hands of a few farmers and truck drivers was somehow representative democracy or the stirrings of the same sort of political movement which brought down communism. They saw themselves as agitators not journalists, not least when it came to their reporting of panic buying, which created it, and were left feeling rather stupid when the public decided it had gone on long enough.

I think it was around then, as Tony Blair realised the media was doing everything it could to make the crises worse, rather than simply cover them, that started to worry less about their opinions and more about their role in our society. His analysis, set out in a speech he made shortly before leaving office, was that the changed media context meant that all that mattered was impact. "Of course the accuracy of a story counts, but it is second to impact," he said. He went on, and I agree with this too "It is this

necessary devotion to impact that is unravelling standards, driving them down, making the diversity of the media not the strength it should be but an impulsion towards sensation above all else."

I believe the speech, made shortly before he left office, and which failed to spark the debate he hoped it would, merits reading again in the light of all that has emerged since. At the time, 'feral beasts' took the headlines, he was accused of whining, and the caravan moved on.

http://news.bbc.co.uk/1/hi/uk_politics/6744581.stm

Jeremy Paxman's response in the Mactaggart Lecture which followed was interesting.

"I thought the way we responded to Tony Blair's speech was pretty pathetic," he said. On the central charges – that the media behave like a herd, have a trivial and collective judgement, and prefer sensation to understanding – he said "I'm sorry to say, but I think there's something in all of these arguments." But there was a collective refusal to engage on the substance. As Paxman put it, the media just "pressed the F12 key. Yah booh. You're a politician. We're media yahoos. Get over it."

http://www.telegraph.co.uk/news/uknews/1561287/In-full-Jeremy-Paxmans-MacTaggart-Lecture.html

LABOUR SHOULD HAVE ADDRESSED THE ISSUE WHEN IN POWER

It is also the case that whilst from around 2000 onwards I argued government had a responsibility to be open with the public about his analysis of the press, and if necessary to make changes to the system of regulation and possibly ownership, the Prime Minister felt such a move at that time would not command public support, and it would simply appear like an already powerful government seeking to control the press. I do understand that approach, but equally I believe we could and should have done more to address the issue, whatever the political consequences may have been. He referred to my suggestions that the government confront this issue – possibly via a replacement of the PCC with a new body with the right to fine, and order placement of corrections and right of reply, alongside new cross media ownership laws – as my stuck record. For some months, he agreed to my office preparing a daily rebuttal of the many false stories in the Daily Mail, for example, called Mailwatch. Some days this ran to several pages. But after some fairly intense lobbying from ministers who were closer to the Mail than we were, he asked me to suspend it.

He shared much of my analysis of what the press was becoming but felt a rational debate on it would be impossible because the media would control the terms of that debate. But the extent to which the decline in standards, and the culture of negativity were impinging upon open democratic debate and good governance was a real issue. All too often, because of the sheer volume of events governments have to deal with, issues only get the attention and the chance to repair that they need when a crisis has been reached, or a set of circumstances has combined genuinely to shock and revolt public opinion. After years of build-up, the full extent of the phone-hacking scandal did so, but it is important not to overlook the many changes in the years leading to that. Phone-hacking is the direct cause of this inquiry. But the broader trends and changes that have given us the media we have today are more significant even than the criminal activity already exposed.

CULTURE OF NEGATIVITY EXTENDS WELL BEYOND POLITICS

This culture of negativity relates not only to politics and government, but business, the law, public services, sport, charities, celebrities. Newspapers tend only to be interested in the story that is bad for the above. England sport internationals complain that sometimes they feel the press wants them to lose rather than win, because savaging them in defeat is an easier game to play. Of course journalists have a duty to expose wrongdoing and to reflect on failure. But for many - The Mail is the most extreme example of this - their mission is to communicate the worst aspects of all aspects of our national life. The worst of British values posing as the best. And I remember an old colleague on the Mirror, whose stock in trade was stories which showed the NHS in a positive light – doctors and nurses doing wonderful things to save lives, miracle babies, new drugs, new hospitals, emergency services' stories of rescue and courage – being laid off because there was 'no longer a market' for stories of that nature. There is not a public service worth the name whose professionals do not complain about the constant negativity. In polls, people overwhelmingly say that their last experience of the NHS was a good one. Polls asking general questions about the service as a whole mark it

down below the ratings based on actual experience. That is the result of fairly relentless media negativity, which has an effect on morale and on the way that people treat those delivering the service. The same goes for teachers and social workers, in the latter case with a negative effect on recruitment.

The MMR issue is a good example of agenda-driven journalism regardless of facts. It was largely based on the criticisms of a single campaigner and ignored the prevailing, overwhelming evidence of the MMR vaccine's virtues by government, mainstream health bodies, doctors and epidemiologists. This hysterical press-led campaign, reinforced by the broadcasting echo chamber, with its penchant for reporting-on-the-reports, was grossly irresponsible. It was driven by the belief that any story which damaged the government was a good story, regardless of the facts or consequences. The rise in measles should of course be on the conscience of the campaigner who first started the campaign. But it should also be on the conscience of those editors, again notably the Mail, who created as much fear as they could, under the spurious cover of trying to make the PM's young son an issue, with the inevitable effect of a decline in take-up. The desire to believe the critics of the government was so strong that normal journalistic scepticism was suspended, and campaigns mounted with wilful disregard for the impact they were having on take-up on an important vaccine. The PCC, as so often, was useless in terms of the abdication of any leadership on the issue at the time.

Of course, the idea of news as something that someone, somewhere would rather not see published is a good one. But it is partial. When a prevailing wisdom takes hold that news is ONLY news when it is bad for someone, and especially someone in power, and anything is permissible in pursuit of a story, then it narrows and distorts the view of the world, and makes the rational open debate necessary for good government in a healthy democracy virtually impossible. It is also the case that our media puts good people off the idea of going into public service. The public, led to some extent by the media which feeds a relentless diet of negativity about politicians and others who work in public service, may feel justified in complaining about them. But there comes a point where as a country we need to ask what impact this is all having on the quality of person prepared to go into public life at all, especially when the rewards – whatever the impression of the expenses scandal – are far lower than in most other professional walks that many MPs could tread. The above definition of news came from Lord Northcliffe. Another tabloid legend, Hugh Cudlipp, said "A sensationalist tabloid newspaper should strive - more diligently perhaps than a 'serious quality newspaper' - to be acknowledged as mature, stable and fair in its attitudes to people and public issues." He also said he would sack any reporter who intruded on private grief. The two views together might make for a healthy press. The Northcliffe negativity has taken hold alone.

THE MEDIA CONTROLS THE TERMS OF DEBATE ABOUT THE MEDIA

As to what Parliament or government can actually do about this culture of negativity – that is a very difficult question, because the media to a large extent controls the terms of debate about the media and will always be able to claim any political attempts at change are political attempts at control. I have said many times over recent years that media standards are unlikely to change for the better unless there is a proper debate within the media about the media. Even now, as I believe the contribution of most editors and senior journalists to your first seminar showed, they are not approaching that debate in anything other than a self-serving way. Had it not been for the relentless pursuit of phone-hacking by The Guardian, the story would probably have died away, which is what most papers wanted because of the light it was likely to shed on the profession as a whole. I recall the Mail, on the day Andy Coulson stepped down as David Cameron's communications director, suggesting it was now time to move on. I suspect we know why they and other papers were so keen for the subject to die down.

Any attempt to challenge the status quo, whether in relation to regulation, ownership or any of the other major issues in the industry, is quickly condemned as an attack on the freedom of the press. Even now, despite all that has become known, that remains the prevalent attitude within the media about the media. Those who challenge from within, like John Lloyd or Roy Greenslade, are often seen as lone voices. Yet if you look at polling figures (YouGov 2009) which show 75% of the public saying that 'newspapers frequently publish stories they know are inaccurate', and only 7% saying they trust national newspapers to behave responsibly – a lower trust score even than banks – and 60% calling for greater government intervention to protect privacy, 73% saying they would like the government to do more to correct inaccuracies in the media, surely they have a problem even they would wish to

address.

For it is an interesting paradox that while we have more media space than ever, complaint about the lack of healthy debate has never been louder; fewer stories and issues are being addressed in real depth in a way that engages large audiences; and despite the explosion in outlets, there are very few days in which there is not a single homogenous theme or talking point dominating the vast output. That ought to worry editors and owners. Yet even with the backdrop that exists to this inquiry, and the events that led to it, the contribution of most editors to the debate since the inquiry was set up has largely been marked by complacency about standards, arrogance about the value and integrity of modern journalism, and a continuing belief that they are able to regulate themselves.

DUBIOUS PRACTICES

Of course much of the focus has been on phone-hacking. But I believe the listening in to voicemails is just one dubious practise that journalists and those working on their behalf have engaged in. Of far more seriousness, potentially, is the threat from computer hacking. I have no evidence of newspapers hacking computers, but the capacity to do so exists and as we know some were prepared to breach moral and legal limits on phones, I see little reason to see why they would not, if they could, do the same to computers. And of course Operation Tuleta was started because of activities of private investigators hired by the News of the World under Alex Marunchak to obtain emails from ex-intelligence officer Ian Hurst in 2006.

The News of the World routinely used covert recording, covert filming and subterfuge as part of elaborate plots to entrap 'victims' on the thinnest of evidence and often even thinner public interest justifications. It made much of this in lauding its investigations editor, Mazher Mahmood, the so-called fake sheikh. He did catch genuine villains on occasion but much of his highest profile work involved luring people into committing illegal acts they might not have considered without his provocation. People like the Earl of Hardwicke.

http://www.guardian.co.uk/media/1999/sep/27/newsoftheworld.mondaymediasection

Sven Goran Eriksson

http://www.timesonline.co.uk/tol/news/uk/article716329.ece

Snooker player John Higgins

http://www.guardian.co.uk/media/greenslade/2010/sep/09/john-higgins-newsoftheworld

A couple allegedly willing to sell their baby.

http://www.guardian.co.uk/media/2005/oct/17/newsoftheworld.pressandpublishing

When the News of the World defended its great investigative and campaigning record around the time of its closure, it focused on campaigns like Sarah's law (somewhat undermined since by the revelation that Sara Payne's phone, given to her by the paper, was also hacked by the paper). But let us not kid ourselves that the paper's goal was to change the law and the world for the better. A campaign which leads to paediatricians being attacked on the grounds they were confused with paedophiles says something about the tone of campaigns they ran. In any event, more usual examples of intrusive News of the World stories, in which subterfuge took place or people were encouraged, by the use of the chequebook, to tell intimate secrets were these - model Sophie Anderton is a coke-snorting hooker; Sarah Ferguson trades on her ex-husband's royal status; Kate Middleton's uncle in drugs and vice shock; Kerry Katona takes cocaine; Peaches Geldof does a drugs deal; swimmer Michael Phelps smokes cannabis; chef Gordon Ramsay cheats on his wife; boxer Joe Calzaghe takes cocaine; boxer Ricky Hatton takes cocaine; Wayne Rooney cheats on his wife with a hooker. Their tactics were largely aimed at filling the paper with stories about celebrities, not changing the world for the better.

Perhaps worse than the use of subterfuge is the use of agents provocateur. This practice led to the arrest of five men for plotting to kidnap Victoria Beckham, a case the prosecution withdrew before the

trial.

http://www.guardian.co.uk/uk/2003/jun/03/ukcrime.roygreenslade

and

http://www.guardian.co.uk/media/2003/jun/13/pressandpublishing.crime

and

http://www.guardian.co.uk/media/2007/feb/14/newsoftheworld.pressandpublishing

and

http://www.guardian.co.uk/media/2006/jul/25/newsoftheworld.pressandpublishing2

Several similar cases have collapsed, such as the so-called 'red mercury plot'

http://www.guardian.co.uk/media/2006/jul/10/newsoftheworld.pressandpublishing

and

http://www.guardian.co.uk/media/2006/jul/25/newsoftheworld.pressandpublishing

In the case of Besnik Qema, he served a jail term, but his conviction was later held to be unsound and has been quashed.

http://www.guardian.co.uk/media/greenslade/2011/jan/31/newsoftheworld-mazher-mahmood

THE GROWTH INDUSTRY – PRIVATE DETECTIVES AS JOURNALISTS

It may be that I was mistaken, or excluded from knowing about such practices, but I do not recall any of the papers I worked for using private detectives, routinely if at all. Yet it is now clear many of our newspapers have done so in recent years, on what looks like something close to an industrial basis. This growth industry has been allowed to grow because it means owners and editors can then get stories more cheaply, without the inconvenience of training journalists and most importantly because the people in question are likely to do the things that journalists can not, should not or will not do. It is clear that in some circumstances private detectives have been able to access private information including not just phone records but bank account details, credit card details, building society details, medical records, information from DVLA. There may be occasions when these are being pursued with a genuine public interest. But when it is being done routinely, or with the pursuit of celebrities or people who through no fault of their own become of interest to the media, I believe that defence falls away.

In addition to having been shown by police references to me and my partner in Glenn Mulcaire's notes, I have seen invoices in relation to myself and others, being paid by The Mirror to private investigator Jonathan Rees. I do not know the stories he was pursuing, so cannot judge either whether a 'normal' journalist would have been unable properly to investigate, or whether a public interest defence could be mounted with regard to the inquiries being made. But the trend towards greater use of private detectives has without doubt been a factor in an overall decline in standards. 'Did the editor and senior executives know?' was a question asked often in relation to the scandals which led to this inquiry. They may not have known every single thing that every single journalist or private detective did on their behalf. But they certainly knew more was being spent on private detectives, and they knew more stories were coming via that route, and they certainly knew the kind of thing private detectives appeared able to do more easily than journalists.

It is remarkable, and evidence of the laxity of both media and MPs in this area, that the Information Commissioner's report of 2006, What Price Privacy?, attracted very limited coverage or political comment, despite revealing widespread trading in illegally obtained information, and has only become a part of the debate because of the phone-hacking scandal.

http://www.ico.gov.uk/upload/documents/library/corporate/research_and_reports/ico-wp-now-0602.pdf

Had Operation Motorman been about any business other than the media, I am sure the public would have been told about it. It is also remarkable that Paul Dacre, editor of the Mail, can state publicly, as he has done, that he never published a report based on illegally obtained information. Yet his papers are Number 1 and Number 4 in the list of which organisations had the most transactions with private detectives trading in private information – over 1,000 between them involving almost 100 'journalists or clients' His statement must surely mean he has checked out, and can answer for each and every transaction, and the stories they led to. The report noted that in none of the Motorman cases was a public interest defence entered. The public have never seen Mr Dacre or any other editor properly questioned about the use of private investigators: why they were hired, how much they were paid, what they did that journalists could not do, what stories were published with their help?

PHONE-HACKING

Working in Downing St, we were advised always to be careful about how we used, and what we said on, mobile phones. This was mainly because of possible surveillance by foreign intelligence agencies. But equally we were aware that the technology existed not just to hack voicemails but to listen to calls. Famously, the Prince of Wales discovered this to his cost. However, that was a rare example of the tapes of conversations being made public. The greater likelihood was of stories being run based on information gained in this way, without the victims ever knowing that was the source. We know of Glenn Mulcaire's hacking activities. We do not know all the stories that were published as a result of it. Nor do we know the extent to which other private detectives and journalists were hacking phones, but not keeping such copious records. But I think we can assume many more peopie than Mr Muicaire were doing it, and more papers than the News of the World.

Paul McMullen, one of the few former journalists to have admitted the extent of illegal activity, has described hacking as 'the tip of the iceberg'. When making a short film for the BBC One Show on phone-hacking, I interviewed Mr McMullen. Some of the remarks he made were not broadcast on the advice of the BBC lawyers. They included his observations that phone-hacking was widespread across Fleet Street, and not confined to the News of the World, that senior editors and executives at the News of the World were aware that this and other illegal practices were taking place, and on occasions listened to some of the messages. In other meetings I have had with him, he has said that the use of private detectives was widespread across newspapers, and that in addition to hacking, private detectives and journalists on occasions sat outside the homes of targets in vans fitted with technology capable of listening in to conversations taking place inside (based on the assumption more people now use mobiles at home than landlines).

There were a number of occasions when we were concemed that stories were getting out via some kind of interception. The first point to make here is that when stories are getting out in this way, it has an extraordinarily debilitating impact on an organisation. Leaks happen often in govemment. There may be a political motive, or someone may be using the media to seek to influence an intemal debate. But when information known only to a few people who generally work together well appears to have been leaked this can have a dreadful impact. An example of this is the story of Elle Macpherson, the Australian model, who believed her business manager Mary Ellen Field was leaking information about her. It transpired this came from the fact both of them were being hacked by the News of the World. But by then Mary Ellen Field had been sacked, accused of leaking stories about her employer. She lost both her job and her reputation. I attach a TV report on this story.

http://www.abc.net.au/7.30/content/2011/s3272250.htm

Elements of David Blunkett's private life are thought to have been obtained via listening in to voicemail messages. Ultimately it could be argued that led to his political demise. I have no evidence of Carole Caplin being hacked. However, there were times when I believed she or someone close to her was leaking information to the Mail and others about the activities and movements of Cherie Blair. Given that Carole is now sueing the Mail over something else, and as she has never talked publicly about the Blairs, I am now certain that I was mistaken in these suspicions. I do not know if her phone was hacked, or if Cherie's was, but knowing what we do now about hacking and the extent of it, I think

it is at least possible this is how the stories got out. They often involved details of where Cherie was going, the kind of thing routinely discussed on phones when planning visits, private as well as public. I have also never understood how the Daily Mirror leamed of Cherie's pregnancy. As I recall it, at the time only a tiny number of people in Downing Street knew that she was pregnant. I have heard all sorts of stories as to how the information got out, but none of them strike me as credible.

The reason I became suspicious my own phone may have been hacked arose when I arranged to meet Tessa Jowell at her request at the time her husband's business affairs were the subject of an Italian court case and considerable media attention. She was suspicious someone in her office was leaking out information about her movements (much as Elle Macarthur had been) and we set up the meeting via mobile phone, rather than through our offices. When we arrived at my house, where we had arranged to meet, a photographer was outside.

OTHER ACTIVITIES, of which I have personal experience

Rooting through dustbins - I suppose this could have been by others, but at least twice I was woken by sounds outside and looked out to see people going through the bins. My colleague Philip Gould had a large number of memos stolen in this way which were published in a series by the Sunday Times.

Blagging – on different occasions I was contacted by my bank, and by my telephone company, to inform me someone pretending to be me had sought access to my accounts. I have no way of knowing if this was a journalist or private detective working for one. My GP (now retired) kept my medical records at his home rather than his surgery because he was concemed about media attempts to access them. I am aware of private information about Gordon Brown which was revealed through blagging.

Harrassment by groups of reporters and photographers, including when with children.

Targeting of relatives – the only time I managed to force an abject apology from the Mail, despite the many lies they have told about me and my family, was when they reported the impact that my father's death had had upon me. It helped that he was alive at the time. Newspapers know that people in public life can be troubled and unsettled when their parents, children, other relatives or close friends are deemed newsworthy purely because of the connection to the public figure. We see this not just in politics, but increasingly in sport and across the celebrity culture. The PCC code is clear that people should not be pursued simply because of their family connection to public figures yet I, in common with many other people with a profile, have had intrusive and sometimes damaging stories written about parents, children (including one recently in the Mail on Sunday which falsely suggested I corruptly secured a job for my son) and friends. People higher up the political food chain can point to this on a near systematic basis, though for political reasons – I make no complaint here – the current government appear to be coming off more lightly on this front than the last one did. But what public interest defence can there really be in the exposure of the private lives of teenage children of ministers (of which there were several cases I had to deal with when in Downing Street), let alone the child, say, of Richard and Judy Madeley?

THE USELESSNESS OF THE PCC

The Press Complaints Commission has claimed throughout this period that it commanded public confidence. I do not believe that to be so. I remain of the view that regulation independent of government ought to be possible, but the press has abused that widespread approach across the political spectrum, and the PCC has played along with that. The funding via PressBof is a bad start. The appointment of a succession of chairs of the PCC who have tended to operate more as fixers for the press than defenders of the public interest has not helped. The inclusion of some of the worst offenders against the spirit of the PCC in senior positions – something widely unknown by the public – has further eroded its credibility. Was anyone really surprised that despite 22,000 complaints that the reporting of the death of singer Stephen Gateley in the Mail by Jan Moir violated parts of the code that deal with grief, accuracy, discrimination and homophobia the PCC decided against any proper investigation and therefore rejected the complaints, when the paper's editor is the chairman of the code committee? It is an absurd position.

On the few occasions we resorted to the PCC, even though the head of the Commission told us we had cast iron cases, in all of them it became impossible to get a complaint in our favour once the newspapers began to put pressure on the PCC, and we gave up. Those who do win a ruling in their favour rarely if ever see due prominence given to the findings. It is also a weakness that the PCC cannot itself mount investigations, or step in publicly. One of the most recent media coverage scandals – that of the Madeleine McCann disappearance – was crying out for leadership within the industry. But none was forthcoming. The PCC stood to one side and let the hysteria develop, its code being broken day in and day out, as it has over many other media frenzies.

BREAKDOWN OF CONTEMPT OF COURT LAWS

The PCC has brought a good deal of the contempt for it upon itself. More worrying is the disrespect shown by the media for the law, including the Contempt of Court Act. There has been a weakening close to a breakdown of contempt of court laws. This may in part be down to some of the factors I set out above. The Attorney General recently brought cases which may help to reverse the trend. But there have been many instances in recent years which would suggest either a disregard for the law, or ignorance of it. It may stem from the lack of adequate training in media law for journalists, as media organisations have cut training schemes. It may also well be a consequence of the sheer volume that has to be filled. So when we have a Madeleine case or a Meredith case or a footballer's alleged rape, these are too good as space fillers to let anything as fuddy duddy as law, or indeed fairness to those involved, get in the way. And if it leads to a fair trial not being possible – provided you are not the paper involved, that's just another good story.

The inquiry will be aware of some of the recent examples – Christopher Jefferies, the former schoolmaster who happened to be the landlord of a woman murdered in December last year. When he was arrested for questioning, and in part frankly because the press decided he looked odd, they decided it was open season on him. Any thought of his rights under the law were forgotten as a character assassination was launched. He has won libel damages and two papers have been fined for contempt, but the damage to him and to his life must have been enormous. Nor would I have any confidence that were a similar situation to arise, some in the press would not behave in exactly the same way.

http://www.guardian.co.uk/media/greenslade/2011/jul/29/joanna-yeates-national-newspapers

and

http://www.guardian.co.uk/media/2011/jul/29/sun-daily-mirror-guilty-contempt

More recently, we saw similar demonization of a nurse held over mysterious deaths in the hospital where she worked. One newspaper dubbed her the Angel of Death.

http://www.guardian.co.uk/society/2011/sep/20/stepping-hill-nurse-media-arrest

NON-AGRESSION PACTS BETWEEN NEWSPAPERS

The public may also be unaware of some of the non-aggression pacts which exist between newspapers. Newspapers owners and editors, and other senior journalists, have every bit as much influence on the political debate as many politicians, business leaders and the like. Yet the focus on the Murdoch Empire in recent months has been an exception to a rule that media people tend not to be subject to the same scrutiny as other senior figures in our national life. The BBC is the main exception to this, not only because it is such an important institution but more because newspapers in News International, Associated, the Express Group and elsewhere have a vested interest (rarely declared) in undermining it. But some newspapers have unspoken agreements not to report on each other's private lives, health and so forth, though they would have no compunction about doing so with regard to people of similar status or influence in other parts of national life.

FT editor Lionel Barber said recently 'We journalists will also have to be more a bit more open about the way we do business. We are not members of a secret society. Newspapers can and should publish their respective codes of conduct. Journalists should be more forthcoming about their real and potential conflicts of interest, whether it be accepting gifts, commanding fees for speeches, or dealing

in stocks and shares. Other professions such as bankers and poiiticians have suffered simiiar scrutiny. The Fourth Estate cannot expect to be exempt.'

Mr Barber, one of the more inteiiigent and diiigent of editors, nonetheiess argued that this should aii be done within a seif-reguiatory framework. He caiied for one last drink in the iast chance saioon – the same phrase used when the PCC was estabiished.

Re his mention of gifts, i think the pubiic do have a right to know when journaiists are writing about things for which they have been paid or paid in kind – hoteis, hoiidays, pubiicity trips and the iike.

PROPRiETORiAL iNTERFERENCE, INCLUDiNG IN BREACH OF LEGAL UNDERTAKINGS

We have to decide if we are serious about the need to end editorial interference by owners, and how that can be done. It would be interesting to look at the legal commitments on interference made by proprietors in the high profile takeovers of the last 30 years. That owners' interference does not exist is a myth. Of course it always has. I worked for Robert Maxwell who interfered regularly and persistently. Though often editors saw him off, often they did not. Richard Desmond was always very open with me about how he would use his papers to push his own line, at one point telling me he was likely to back Labour because William Hague (then Tory leader) had not returned his phone call when he bought the Express. It is a nonsense, admitted to me by several editors at The Sun, to say that they rather than Rupert Murdoch decides which political parties the paper backs at elections. Likewise the stance on Europe in the Sun mentioned above is directly laid down from the top. As Harold Evans writes 'In all Murdoch's far-flung enterprises, the question is not whether this or that is a good idea, but "What will Rupert think?". He doesn't have to give direct orders. His executives act like courtiers, working towards what they perceive to be his wishes or might be construed as his wishes.'

I remember a lunch at Wapping where I asked how it was that on an important and divisive subject like Europe, every single person in the room – senior executives, commentators and political reporters –held the same avowedly anti-European view. Harold Evans is worth reading also for his account of how Murdoch made promises to acquire papers, broke them when owning them, and politicians and editors alike in the main allowed him to. 'Murdoch's acquisition of Times Newspapers in 1981, and his ability to manipulate the newspapers after 1982, despite all the guarantees to the contrary to Parliament, were crucial elements in building his empire. ... A proprietor who had debauched the values of the tabloid press became the dominant figure in quality British journalism. ....If Prime Minister David Cameron wishes to demonstrate the sincerity of his new aversion to capitulating to News Intemational he could take this opportunity to insist on enforcing the promises Murdoch made to Parliament in 1981.'

THE HERD AND THE BULLYING CULTURE

Finally, I feel I ought to elaborate on the statement to which you drew attention in the specific context in which I made it. It was about Iraq, and the reporting of the issues which led to the Hutton Inquiry into David Kelly's death. This was a hugely controversial issue, and remains so. The Inquiry shone a microscopic light on both the process of communication in the run-up to war, and the circumstances surrounding Dr Kelly's death. When Lord Hutton was putting government witnesses through their paces, and ministers and officials from the Prime Minister down were being questioned and cross-examined, day in and day out, media reporting was largely slanted to show the government in a bad light, and Lord Hutton in a good light because of the rigour of his inquiry. The moment he concluded that the central charges against the government were not bome out by the evidence, and that the BBC reporting had been false, he was condemned as Lord Whitewash. Hundreds if not thousands of reports have subsequently sought to convey the sense that the BBC report alleging that we – and particularly I – inserted false intelligence into a government dossier, knowing it to be untrue and against the wishes of the intelligence agencies – was essentially true. It was not, and as Lord Hutton said at the time, even if it emerged there were no WMD in Iraq, that would not make the reporting true. But a media which thought it was going to 'get' Blair and his team via that inquiry simply does not and will not reflect anything that fails to fit the agenda it has on that issue.

There is an element within this of a bullying culture, which states that anyone who stands up to prevailing media wisdom has to be attacked and undermined. I recall Rebekah Wade telling me that so far as she was concerned, 'with Tom Watson [the MP who has pursued phone-hacking] it's

personal, and we won't stop till we get him.' In July 2009, when The Guardian published a story indicating phone-hacking was even more widespread than had been thought, I did a number of TV interviews saying this was a story that was not going away, that News International and the police had to grip it and come clean, that David Cameron should reconsider his appointment of Andy Coulson, and that what appeared to be emerging was evidence of systematic criminal activity on a near industrial basis at the News of the World. I received a series of what can only be termed threatening text and phone messages from both Rebekah Wade and the office of James Murdoch.

It is possible to see a similar if more muted approach in the coverage of this inquiry already, the questioning of the judge and the panel, the beginnings of what I guarantee will become a sustained campaign to undermine it unless it comes up with conclusions that the press themselves find palatable, particularly with regard to whatever systems of regulation and ownership are recommended. Mr Justice Eady gets a bad press because he has made rulings the press don't like. Mr Justice Nicol got a good press arising from the recent Rio Ferdinand case against the Sunday Mirror because he delivered a judgement the press liked, in that they felt it sanctions continued focus on the private lives of celebrities. This is the press as judge and jury, which is a role they would like to keep, and they would like to keep it free of the kind of regulatory oversight which every other major part of our national life has to bear. And of course even when the inquiry has reported, it will be for Parliament to implement any changes that require legislation, and once again most of the press will unite in targeting ministers and MPs minded to bring in a tougher system than the one that exists now.

Phone-hacking is the issue that had brought the issue of the modern media to a head. But it is these broader issues of ethics, professional standards, fairness and accuracy, regulation and ownership which both media and Parliament have ignored for too long, with a corrosive impact upon our culture and therefore our country, and which I hope the next generation of politicians and journalists does a better job of addressing.

The Leveson Inquiry

culture, practices and ethics of the press

THE LEVESON INQUIRY

RESTRICTION ORDER

UPON a confidential witness statement provided to the Inquiry by a prospective witness having been put into the public domain through its publication on the internet before its maker gave oral evidence to the Inquiry and without prior reference to the Inquiry;

AND UPON the Chairman considering his powers under s.19 Inquiries Act 2005;

AND UPON the Chairman noting the provisions of s.36 Inquiries Act 2005 which, inter alia, provide for the breach of an order made under s.19 Inquiries Act 2005 to be certified to the High Court;

AND UPON the Chairman considering that it is conducive to the fulfillment of his terms of reference and in the public interest that witness statements provided to the Inquiry should not be published before they are put into evidence by their maker at the Inquiry or, read into evidence, or summarised into evidence by a member of the Inquiry Team as the case may be without the express permission of the Chairman.

IT IS ORDERED that, until further order,

1. 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 shall 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 prior to the maker of the statement giving oral evidence to the Inquiry or the statement being read into evidence, or summarised into evidence by a member of the Inquiry Team as the case may be without the express permission of the Chairman.

2. This order is made under s.19(2)(b) 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.

3. Any person (including any company) affected by this order may apply for it to be varied pursuant to s.20 Inquiries Act 2005.

4. In the case of any public authority restrictions specified in this order take effect subject to s.20(6) Inquiries Act 2005.

DATED the 28th day of November 2011

RT HON LORD JUSTICE LEVESON
INQUIRY CHAIRMAN