

Tim Toulmin

From: Brian Cubbon [redacted]
Sent: 01 May 2007 18:54
To: Tim Toulmin
Subject: tomorrow's Commission meeting

Expecting that I was coming to the meeting, [redacted] sent me the papers, and I could not resist reading them, especially the post-Goodman paper. May I make three points on that paper, as always wishing to be helpful:

1. Can you strengthen 1.6. Coulson may not be answerable to the Commission now, but he was at the time. He could be asked, and refuse to answer. We cannot know whether the police investigation tackled him vigorously on whether he knew or suspected or should have asked.
2. In 4.9 do you have to rely on the editor's version of what was said in court? It looks too trusting. There must be a transcript.
3. I am confused by 9.3. Is the Commission saying that there ought to be a public interest defence (as in Ponting) to any criminal charge? Or only under the DPA? And is it saying that because there is not, it is especially wrong for DPA offences that might be committed by journalists in the public interest to have a penalty of imprisonment?

Should "commissioning" be "committing"?

I leave these points entirely to you. Absolutely no need to reply.

Brian

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