

<p>1 2 MR JAY: Sir, the first witness this afternoon is the Right 3 Honourable Norman Lamb, please. 4 LORD JUSTICE LEVESON: Thank you. 5 MR NORMAN PETER LAMB (sworn) 6 Questions by MR JAY 7 MR JAY: First of all, Mr Lamb, your full name, please. 8 A. Norman Peter Lamb. I should just correct you: I am not 9 a member of the Privy Council, it is just "Honourable". 10 I don't mind the promotion, but ... 11 LORD JUSTICE LEVESON: Yes, I have had this problem 12 throughout the Inquiry. Everybody thinks I am a peer of 13 the realm even now. 14 MR JAY: Mr Lamb, you have kindly provided us with a witness 15 statement dated 20 June. Are you content to adopt this 16 as your sworn testimony to the Inquiry? 17 A. Yes, I am. 18 Q. Can we just establish, first of all, who you are. You 19 are a Member of Parliament for Norfolk. You are 20 currently parliamentary undersecretary of state in the 21 Department of Business Innovation and Skills. You have 22 been in that position since 3 February 2012, so for the 23 events with which we are concerned, you weren't 24 obviously in that position, but you were then assistant 25 government whip and chief parliamentary and political</p> <p style="text-align: center;">Page 1</p>	<p>1 discussed? 2 A. This was the early days of the coalition. He gave an 3 impression of being quite positive about the coalition. 4 He was a very charming individual, but it was a general 5 discussion and I don't have any recollection about other 6 matters that were discussed beyond that. 7 Q. To be clear, was the BskyB issue, if I can put it in 8 those more neutral terms, discussed at that first 9 meeting? 10 A. My recollection is that it was discussed in general 11 terms. I think it was five days or so before the formal 12 announcement. I certainly have no recollection of him 13 making any suggestion that the announcement was 14 imminent, but in general terms, I am quite sure it was 15 discussed. 16 Q. Was it discussed more in terms of an idea rather than 17 the particular bid? 18 A. I think it was -- again, from recollection, it was that 19 he put the general case for it being allowed, whenever 20 it was to happen. 21 Q. Mr Michel's evidence, as I am sure you are aware, is 22 that he didn't know that the bid was going to be 23 announced until the day before, which was 14 June, which 24 was four days after -- 25 A. Sure.</p> <p style="text-align: center;">Page 3</p>
<p>1 adviser to Mr Clegg, the Deputy Prime Minister; is that 2 right? 3 A. That is all correct. 4 Q. You have come here to tell us about two meetings. The 5 first place took on 10 June 2010, between you and 6 Mr Michel. First of all, had you met Mr Michel before? 7 A. No. 8 Q. As your statement suggests, it was at his invitation 9 that the first meeting took place; is that right? 10 A. Yes. He asked to meet with me and I consulted one or 11 two people and felt it was appropriate to meet with him. 12 I met with journalists in that job and occasionally with 13 people -- other representatives of the media, so I felt 14 it was appropriate to meet with him. But there was no 15 agenda before the meeting. 16 Q. The first meeting took place at Portcullis House at 17 Westminster, over a cup of tea or coffee, presumably; is 18 that right? 19 A. That's right, yes. 20 Q. Can you tell us, first of all, approximately how long it 21 took? 22 A. Well, I'm afraid it is a fairly vague recollection, but 23 about half an hour. It wasn't a long meeting. 24 Q. And aside from one particular matter, which is BskyB, 25 can you remember in general terms what else was</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. Can you remember whether there was any discussion about 2 Dr Cable or anybody else possessing quasi-judicial 3 functions at that first meeting? 4 A. Not that I recall, no. 5 Q. So your evidence is a discussion in general terms about 6 a bid which may or may not be announced at some stage in 7 the future; is that the gist of it? 8 A. Yes. My recollection is that it was in the public 9 domain that this might happen at some stage and, as 10 I say, there was a general discussion about the case for 11 it, as it were. But beyond that, I don't really recall 12 anything else from that meeting. 13 Q. Can we move forward, then, to the second meeting, 14 27 October. 15 A. Yes. 16 Q. At that stage, of course, the bid had been announced. 17 Dr Cable, as secretary of state, had the relevant 18 quasi-judicial duties to decide on the bid. At whose 19 invitation did this second meeting take place? 20 A. Again, it was at Fred Michel's request. I think that it 21 was words to the effect that there were some things he 22 wanted to discuss with me and would I be prepared to 23 meet with him and I said I was. 24 Q. Did those things include the BskyB bid? 25 A. Well, the invitation, the request to meet, didn't refer</p> <p style="text-align: center;">Page 4</p>

<p>1 to it. But when we got to the meeting, yes, he did</p> <p>2 raise the bid.</p> <p>3 Q. Was this likewise at Portcullis House?</p> <p>4 A. It was, yes.</p> <p>5 Q. Now, we know that you have very recently found a note</p> <p>6 which was taken of that meeting?</p> <p>7 A. Yes.</p> <p>8 Q. Can we understand a number of things in relation to that</p> <p>9 note. It is dated Wednesday 27 October. First of all,</p> <p>10 who took the note?</p> <p>11 A. I wrote the note. It is my own handwriting. I should</p> <p>12 just explain -- I mean, this was, as I say, the early</p> <p>13 days of the coalition. It was the first coalition in</p> <p>14 the post-war period, it was quite an interesting time,</p> <p>15 and I was making notes of some of the more interesting</p> <p>16 things that were happening during that period, not,</p> <p>17 I have to say, particularly consistently, because my</p> <p>18 workload was enormous, but -- and after a period of</p> <p>19 time, I think about the end of 2010, I gave up on it,</p> <p>20 because there just was no time to maintain it. But</p> <p>21 I remembered that there may be a note of this particular</p> <p>22 meeting and I asked my wife -- I texted my wife to ask</p> <p>23 her if she could look through the pile of notes and she</p> <p>24 came up with this note and sent it through to me.</p> <p>25 Q. Yes. So you texted your wife very recently?</p> <p style="text-align: center;">Page 5</p>	<p>1 had happened. I can't confirm that it was definitely</p> <p>2 the same day, but it would have been within days of the</p> <p>3 meeting taking place.</p> <p>4 LORD JUSTICE LEVESON: The standard question one used to ask</p> <p>5 in prosecution cases was: was the incident still fresh</p> <p>6 in your memory when you made the note?</p> <p>7 A. It was, and I was a solicitor until I --</p> <p>8 LORD JUSTICE LEVESON: So you understand the question only</p> <p>9 two well.</p> <p>10 A. Yes.</p> <p>11 LORD JUSTICE LEVESON: It is quite clear that it was written</p> <p>12 afterwards because of a word in the second line.</p> <p>13 A. Right. Shall I -- do you want me to read through it?</p> <p>14 MR JAY: Yes, just read it out for us, Mr Lamb.</p> <p>15 A. "Wednesday 27 October, 9.00 meeting. Fred Michel,</p> <p>16 News International. An extraordinary encounter. FM is</p> <p>17 very charming. He tells me News Int papers will land on</p> <p>18 VC's desk in next two weeks. They are certain there are</p> <p>19 no grounds for referral. They realise the political</p> <p>20 pressures. He wants things to run smoothly. They have</p> <p>21 been supportive of the coalition but if it goes the</p> <p>22 wrong way, he is worried about the implications. It was</p> <p>23 brazen. VC refers case to Ofcom -- they turn nasty.</p> <p>24 Then he talked about AV [this was obviously the run-up</p> <p>25 to the AV referendum campaign] -- how the Sun might help</p> <p style="text-align: center;">Page 7</p>
<p>1 A. Yes, this morning.</p> <p>2 Q. May I ask you this: why didn't you go through that</p> <p>3 thought process earlier, for example when you were</p> <p>4 preparing your witness statement?</p> <p>5 A. Well, I mean, the truth is that I am four months into</p> <p>6 a ministerial position, as you indicated. We have</p> <p>7 a bill starting in committee today and I have been --</p> <p>8 I have had a very, very heavy workload and my mind</p> <p>9 hasn't been -- has been on a lot of other things as</p> <p>10 well. But I felt -- when I remembered this, I just felt</p> <p>11 I had to check and I had to get the relevant paperwork</p> <p>12 to the Inquiry, given that it was obviously relevant to</p> <p>13 your considerations.</p> <p>14 Q. Yes, and where did your wife find this note?</p> <p>15 A. At home, in the pile of notes that I had collated at the</p> <p>16 time.</p> <p>17 Q. I am going to invite you just to read out -- we have</p> <p>18 a transcript, but --</p> <p>19 LORD JUSTICE LEVESON: Just before you do, do I understand</p> <p>20 this note was written immediately after the meeting or</p> <p>21 during the meeting or what?</p> <p>22 A. No, not during the meeting.</p> <p>23 LORD JUSTICE LEVESON: No.</p> <p>24 A. What I tried to do was at the end of the day, often late</p> <p>25 at night, to write out notes of interesting things that</p> <p style="text-align: center;">Page 6</p>	<p>1 the debate -- use of good graphics to get across case.</p> <p>2 "James M has met Nick -- he could be receptive to</p> <p>3 case. Times will give it fair hearing. So refer case</p> <p>4 and implication was clear. News Int turn against</p> <p>5 coalition and AV."</p> <p>6 Q. Can I ask you, please, to search your recollection as</p> <p>7 best you can, and when we get to the -- you read out the</p> <p>8 heart of this:</p> <p>9 "... but if it goes the wrong way, he is worried</p> <p>10 about the implications. It was brazen. VC refers the</p> <p>11 case to Ofcom, they turn nasty."</p> <p>12 Can you remember what Mr Michel said exactly?</p> <p>13 A. No, I can't remember the precise words used. All I can</p> <p>14 say is that I left that meeting with a very clear</p> <p>15 understanding that (a) they had tried to be helpful in</p> <p>16 the period since the election through their newspapers</p> <p>17 but that if things went the wrong way in terms of the</p> <p>18 actions that Vince Cable took exercising his</p> <p>19 responsibility, then he was concerned that things could</p> <p>20 change, and I took that to mean very clearly that the</p> <p>21 positive coverage that they had -- he said that they had</p> <p>22 given might change.</p> <p>23 Q. And there is also the suggestion, of course, that if</p> <p>24 things went the right way then they might be able to</p> <p>25 help you in certain ways?</p> <p style="text-align: center;">Page 8</p>

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<p>1 A. Exactly.</p> <p>2 Q. Can I ask you, please, about what happened fairly</p> <p>3 shortly thereafter. Your statement refers to</p> <p>4 a discussion you had with Mr Clegg but I think there is</p> <p>5 a further note, Mr Lamb, is that right, evidencing</p> <p>6 a conversation you had with the Deputy Prime Minister on</p> <p>7 2 November?</p> <p>8 A. That's right.</p> <p>9 Q. We can put that up on the screen as well. You have only</p> <p>10 very recently found it. I am going to ask you to read</p> <p>11 this one out for us in the same way you read out the</p> <p>12 previous one.</p> <p>13 A. "Later, discussion with Nick on several issues. He is</p> <p>14 horrified what I tell him of Fred Michel's meeting last</p> <p>15 week re News International. We will lose the only</p> <p>16 papers who have been positive."</p> <p>17 That is Tuesday 2 November.</p> <p>18 Q. Can you remember whether you had a similar discussion</p> <p>19 with Dr Cable? Paragraph 7 of your statement suggests</p> <p>20 you did, but I want to try and pin you down to the date,</p> <p>21 if possible, and what you might have said.</p> <p>22 A. I can't remember the date, and my wife has looked for</p> <p>23 any note of the meeting and hasn't found any. It was</p> <p>24 a very brief meeting in the House of Commons and I can't</p> <p>25 remember the date. It was, I think, almost certainly in</p> <p style="text-align: center;">Page 9</p>	<p>1 state gave his evidence to the Inquiry a few weeks ago</p> <p>2 and then I saw it in the newspaper article. I don't</p> <p>3 think I had even -- I have no recollection of seeing</p> <p>4 this newspaper article at the time. I mean, I may have</p> <p>5 seen it, but I have no recollection of it.</p> <p>6 Q. Obviously, the material is (inaudible) you are not</p> <p>7 a Cabinet minister, but I am not sure you can take that</p> <p>8 third paragraph any further, can you?</p> <p>9 A. No, I can't. And you are right; I am not</p> <p>10 a Cabinet minister.</p> <p>11 Q. I have been asked to put this to you, Mr Lamb: why were</p> <p>12 you so late, if I can put it in these terms, in coming</p> <p>13 forward with this evidence?</p> <p>14 A. Well, I have been thinking for some time about whether</p> <p>15 I should contact the inquiry. I have been thinking over</p> <p>16 in my mind, at a time, as I say, when I have been trying</p> <p>17 to get to grips with new ministerial responsibilities.</p> <p>18 When Vince Cable gave his evidence, I felt I had to tell</p> <p>19 the story of what happened. In a sense, you were left</p> <p>20 with a gap, you were left with a lack of clarity and</p> <p>21 I felt it was important that you got that full story.</p> <p>22 Q. I am also asked to put to you that Mr Michel's position</p> <p>23 remains that he made no express or implied threat to you</p> <p>24 and moreover did not link the BskyB bid with coverage of</p> <p>25 the Lib Dems by News International papers; would you</p> <p style="text-align: center;">Page 11</p>
<p>1 the fortnight after my meeting with Fred Michel.</p> <p>2 I just, in very briefly terms, told him that -- of what</p> <p>3 had happened and expressed my concern about it.</p> <p>4 Q. Did you ever use the expression "done over" to anyone in</p> <p>5 this context?</p> <p>6 A. No. I mean, it is not the sort of way I would have put</p> <p>7 it. I mean, you know, I was -- I was very much aware</p> <p>8 throughout of the quasi-judicial duty that Vince Cable</p> <p>9 was under and I just reported to him as factually as</p> <p>10 I could what had happened, as I did to the Deputy Prime</p> <p>11 Minister.</p> <p>12 Q. Because there is a piece in the Guardian, which I know</p> <p>13 you have seen, by Mr Porter and Mr Helm, dated</p> <p>14 23 July -- it is under tab 3 of this small bundle we</p> <p>15 prepared for you -- which refers to a campaign of</p> <p>16 bullying. Third paragraph:</p> <p>17 "According to one account from a senior party</p> <p>18 figure, a Cabinet minister was told that if the Cabinet</p> <p>19 did not do as NI wanted, the Lib Dems would be 'done</p> <p>20 over' by the Murdoch papers."</p> <p>21 First of all, were you the source for this article?</p> <p>22 A. No, I wasn't.</p> <p>23 Q. Do you recognise the phraseology "the Lib Dems would be</p> <p>24 'done over' by the Murdoch papers"?</p> <p>25 A. No, I hadn't seen that expression until the secretary of</p> <p style="text-align: center;">Page 10</p>	<p>1 comment on that, please?</p> <p>2 A. Well, the note of the meeting is there for all to see.</p> <p>3 My recollection accords with the note that I wrote soon</p> <p>4 after that meeting had taken place, and, as I say,</p> <p>5 I left the meeting with no doubt about the implication</p> <p>6 of what he was saying to me.</p> <p>7 Q. Those are all the questions I have, Mr Lamb. I don't</p> <p>8 know whether there will be --</p> <p>9 LORD JUSTICE LEVESON: Mr Lamb, thank you very much indeed</p> <p>10 for giving us the time.</p> <p>11 A. Thank you.</p> <p>12 (The witness withdrew from the witness box)</p> <p>13 MR DAVIES: I wanted to say something in light of Mr Lamb's</p> <p>14 evidence.</p> <p>15 It's simply this: we received Mr Lamb's note of the</p> <p>16 meeting on 21 October whilst the Inquiry was sitting at</p> <p>17 10.30 this morning. The note of his conversation with</p> <p>18 Mr Clegg we saw on the screen for the first time during</p> <p>19 his evidence. In those circumstances, we haven't had an</p> <p>20 opportunity to obtain full instructions.</p> <p>21 LORD JUSTICE LEVESON: I understand that, Mr Rhodri Davies,</p> <p>22 and I am sorry about that. You have it in advance of me</p> <p>23 in some regards.</p> <p>24 MR DAVIES: Yes.</p> <p>25 LORD JUSTICE LEVESON: If Mr Michel wants to put in</p> <p style="text-align: center;">Page 12</p>

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<p>1 a further statement, he is at absolute liberty to do so.</p> <p>2 MR DAVIES: Thank you, sir. I haven't seen him. I just</p> <p>3 wanted to explain why -- and as the Inquiry has just</p> <p>4 heard, Mr Michel's position remains that he didn't make</p> <p>5 any threats of any sort.</p> <p>6 LORD JUSTICE LEVESON: I understand. I am merely giving him</p> <p>7 the opportunity if he wishes to avail himself of it, but</p> <p>8 I understand what you have said.</p> <p>9 MR DAVIES: Thank you.</p> <p>10 LORD JUSTICE LEVESON: Yes, Mr Barr.</p> <p>11 MR BARR: Sir, good afternoon. Our next witness is the</p> <p>12 right honourable David Mellor QC.</p> <p>13 LORD JUSTICE LEVESON: Right.</p> <p>14 MR DAVID JOHN MELLOR QC (sworn)</p> <p>15 Questions by MR BARR</p> <p>16 MR BARR: Mr Mellor, once you are comfortable, could you</p> <p>17 confirm your full name, please?</p> <p>18 A. Yes. David John Mellor.</p> <p>19 Q. Are the contents of your witness statement true to the</p> <p>20 best of your knowledge and belief?</p> <p>21 A. They are.</p> <p>22 Q. You are a non-practising broadcaster, journalist and</p> <p>23 football pundit --</p> <p>24 A. And businessman, yes.</p> <p>25 Q. You were a Member of Parliament between 1979 and 1997?</p> <p style="text-align: center;">Page 13</p>	<p>1 whole thing petered out. I read with interest what</p> <p>2 John Major had to say about that, and I don't think he</p> <p>3 undercooked that particular pudding. I think there were</p> <p>4 all kinds of reasons why, when push came to shove,</p> <p>5 politicians were reluctant it to do anything about this,</p> <p>6 which was one of the things, actually, that actuated my</p> <p>7 putting in my statement and desire to say to this</p> <p>8 inquiry that it is absolutely crucial that whatever</p> <p>9 comes out of this, it is so clear-cut that politicians</p> <p>10 can't slither off into the undergrowth, because slither</p> <p>11 off into the undergrowth is what they will do, given</p> <p>12 half a chance.</p> <p>13 Q. It might be as well to remind ourselves of the first of</p> <p>14 Sir David Calcutt's reports --</p> <p>15 A. Yes.</p> <p>16 Q. -- which we have in the bundle at tab 7. The report</p> <p>17 was, of course, the work of a committee comprising seven</p> <p>18 people. They had 10 days of oral evidence from 30</p> <p>19 organisations --</p> <p>20 A. How lucky they were, compared to this.</p> <p>21 Q. And if we look perhaps, first of all, at the problems</p> <p>22 that were identified. I'm looking here following the</p> <p>23 internal pagination at page 10.</p> <p>24 A. Yes.</p> <p>25 Q. Section 4. Under paragraph 4.2, there are 13</p> <p style="text-align: center;">Page 15</p>
<p>1 A. Yes.</p> <p>2 Q. And whilst a Member of Parliament, you were a junior</p> <p>3 minister in several departments in the 1980s, including</p> <p>4 the Home Office. You were made a Privy Councillor in</p> <p>5 1990 by Margaret Thatcher. You were briefly the arts</p> <p>6 minister, chief secretary to the treasurer, but of</p> <p>7 particular importance to the Inquiry, between 11 April</p> <p>8 and 22 September 1992 you were Secretary of State for</p> <p>9 National Heritage; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Can I start, please, by asking you about a comment for</p> <p>12 which you have become famous, which was describing in</p> <p>13 a television interview the press, particularly the</p> <p>14 tabloid press, as being in the last chance saloon. In</p> <p>15 your witness statement, you say that there was an</p> <p>16 element of bravado in making that statement; could you</p> <p>17 explain why, please?</p> <p>18 A. Yes, I think that is pretty clear from what happened</p> <p>19 around the first Calcutt report, the second Calcutt</p> <p>20 report. I think the most sensible people in politics</p> <p>21 and outside of politics were aware that something had to</p> <p>22 be done to curb the excesses of some of the tabloids,</p> <p>23 but there was really no stomach within government to do</p> <p>24 anything about it, and that is pretty obvious from what</p> <p>25 happened afterwards, when Calcutt 2 reported and the</p> <p style="text-align: center;">Page 14</p>	<p>1 subparagraphs setting out the main complaints which were</p> <p>2 made to the committee. I am not going to read them all</p> <p>3 out, but once you have found the page --</p> <p>4 A. Actually, I am looking at the -- areas of complaint?</p> <p>5 Sorry, yes. I was looking at the summary</p> <p>6 recommendations.</p> <p>7 Q. Do you have the areas of complaint? What I would like</p> <p>8 you to do is to cast an eye over paragraph 4.2. My</p> <p>9 question is: are the sorts of complaints itemised in</p> <p>10 1990 in this report very much the same sort of complaint</p> <p>11 that this inquiry has heard about more than 20 years</p> <p>12 later?</p> <p>13 A. Yes, self-evidently so, yes.</p> <p>14 Q. Then if we go, following internal pagination, moving</p> <p>15 backwards to the Roman numerals, to page 9, to the</p> <p>16 summary of recommendations.</p> <p>17 A. Yes.</p> <p>18 Q. You will see that in the first report there was</p> <p>19 a section on physical intrusion.</p> <p>20 A. Yes.</p> <p>21 Q. Which recommended that a number of criminal offences</p> <p>22 should be enacted. It is right, isn't it, that</p> <p>23 initially that recommendation had the support of the</p> <p>24 government?</p> <p>25 A. Yes, and then they slithered off into the undergrowth,</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 yes.</p> <p>2 Q. Secondly, reporting restrictions should be tightened up.</p> <p>3 No right of reply, no tort of infringement of privacy at</p> <p>4 that time?</p> <p>5 A. Mm-hm.</p> <p>6 Q. The foundation of the Press Complaints Commission --</p> <p>7 A. "One final chance to prove", perhaps a more prosaic way</p> <p>8 of talking about the last chance saloon, yes.</p> <p>9 Q. I was going to point that out. So the last chance was</p> <p>10 self-regulation. Over the page, we see, at paragraphs</p> <p>11 24 to 26, the statutory complaints procedures and at 27</p> <p>12 onwards, the press complaints tribunal that David</p> <p>13 Calcutt thought ought to be set up if self-regulation</p> <p>14 didn't work at the last chance.</p> <p>15 Now, we have heard a lot of evidence about what</p> <p>16 happened with those, so I will not ask you. What I will</p> <p>17 ask you about is the debate which we have at tab 6. The</p> <p>18 minister was David Waddington, but it is right, isn't</p> <p>19 it, that you were his number two?</p> <p>20 A. Yes. The Home Secretary did all the big gigs, but I sat</p> <p>21 alongside him.</p> <p>22 Q. And present at that debate?</p> <p>23 A. Yes, of course.</p> <p>24 Q. Now, again, the language which you had initiated recurs.</p> <p>25 If you look at page 2, following the internal</p> <p style="text-align: center;">Page 17</p>	<p>1 Lawrence -- I will let you scan what he said.</p> <p>2 A. Yes.</p> <p>3 Q. But one detects a degree of impatience, doesn't one, at</p> <p>4 a last chance being given at all?</p> <p>5 A. It attracted always a good quality of back bencher,</p> <p>6 these debates, and Ivan was a very robust one who spoke</p> <p>7 his mind. The ones you always had to worry about were</p> <p>8 the ones who wouldn't appear and would only make their</p> <p>9 views known in private, and those views were generally</p> <p>10 pusillanimous.</p> <p>11 Q. Whereas if you look towards the bottom of the page, in</p> <p>12 the penultimate paragraph, Mr John Gorst, who seems to</p> <p>13 think that the idea of proceeding with these</p> <p>14 recommendations is at odds with fundamental tenets of</p> <p>15 Conservative Party faith.</p> <p>16 A. Sure.</p> <p>17 Q. So the divisions within the party clear even then.</p> <p>18 A. You see, there are always going to be divisions.</p> <p>19 I myself, as I hope my statement, which I know we will</p> <p>20 come to, made clear -- no one is looking to crack down</p> <p>21 on the press. I personally think that a free press is</p> <p>22 probably the only thing that stands between us and</p> <p>23 a whole lot of awful things going on, given the</p> <p>24 regularity with which other institutions of the state --</p> <p>25 like Parliament, government, the police -- fail us. It</p> <p style="text-align: center;">Page 19</p>
<p>1 pagination --</p> <p>2 A. Yes, "positively the last chance for the industry to</p> <p>3 establish an effective non-statutory system of</p> <p>4 regulation", yes.</p> <p>5 Q. And that, a few paragraphs further down, is endorsed by</p> <p>6 the opposition. Over the page, page 3, between the</p> <p>7 holepunches, Mr Waddington says, in the middle of that</p> <p>8 paragraph:</p> <p>9 "That is not really an idle threat because Calcutt</p> <p>10 goes on to set out quite plainly what further steps</p> <p>11 should be taken in certain eventualities. I shall make</p> <p>12 those successive steps clear to the House."</p> <p>13 And so he did.</p> <p>14 So it is clear what the minister was saying, despite</p> <p>15 what you have said a moment ago, was that it really was</p> <p>16 a genuine threat, they really were on their last chance?</p> <p>17 A. I don't know whether everybody reads Ambrose Bierce's</p> <p>18 dictionary but an ultimatum is defined in Ambrose</p> <p>19 Bierce's dictionary as "the final step before resorting</p> <p>20 to compromise". I think this was an Ambrose Bierce</p> <p>21 style ultimatum, in truth.</p> <p>22 Q. We may get a clue as to why it went in that direction by</p> <p>23 looking further on in the debate, page 4. We see</p> <p>24 a diversity of views being expressed. I will not touch</p> <p>25 upon them all but in the second paragraph down, Mr Ivan</p> <p style="text-align: center;">Page 18</p>	<p>1 is a question of trying to draw a line and a little bit</p> <p>2 of scalpel-like surgery, rather than a bludgeon, to try</p> <p>3 to keep the best of the freedom of the press whilst</p> <p>4 avoiding the worst excesses of over-mighty subjects</p> <p>5 drunk with power, which is what a lot of this red top</p> <p>6 stuff is all about.</p> <p>7 Q. We will come back to ideas for the future towards the</p> <p>8 end of your evidence, but at the same time, as the</p> <p>9 Calcutt report was being produced, you were involved,</p> <p>10 weren't you, in the passage of the Broadcasting Act</p> <p>11 1990.</p> <p>12 A. Yes, I was, yes.</p> <p>13 Q. And we can look at that briefly?</p> <p>14 A. Yes.</p> <p>15 Q. There are some extracts at tab 8 --</p> <p>16 A. Yes.</p> <p>17 Q. -- from the Act?</p> <p>18 A. Mm-hm.</p> <p>19 Q. And I am going to take you to particular features. The</p> <p>20 first is at page 8, following the internal pagination at</p> <p>21 the top left.</p> <p>22 A. Yes.</p> <p>23 Q. This is schedule 2, part 2, paragraph 1, subparagraph 2,</p> <p>24 right at the bottom --</p> <p>25 A. Such a joy to be rediscovered.</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 Q. Indeed, and these were the provisions for foreign 2 ownership.</p> <p>3 A. Yes.</p> <p>4 Q. Subparagraph 2, if one reads it, including going over 5 the page, its effect, wasn't it, was such that a foreign 6 owner of a non-domestic satellite service was not 7 excluded from operating in this country.</p> <p>8 A. Exactly. There were various attempts made to impose 9 what was then quite a strict -- although, as it turned 10 out, unsustainable -- regime on domestic services, and 11 the argument was about whether to extend that to 12 satellite services. There were plenty of people who 13 wanted to do that, but quite a lot of them, to be fair, 14 actuated by a dislike of Mr Murdoch.</p> <p>15 I myself took the view that Sky was such a brave 16 commercial venture and it nearly bankrupted the 17 News Corporation that it needed all the help it could 18 get, because good would come out of Sky, and whatever 19 anyone says about Rupert Murdoch -- and I am certainly 20 one of those who has said quite a lot about him in the 21 past -- Sky is a marvellous service. It really is. And 22 when I am quoted in one of the debates of saying, "Well, 23 it is employing 1,000 people, what is the point of 24 driving them offshore?", as would have happened, if you 25 look at the size of Sky now -- and I think quite a lot</p> <p style="text-align: center;">Page 21</p>	<p>1 pagination again, we see the other important section, 2 which is schedule 2, part 4 --</p> <p>3 A. Yes.</p> <p>4 Q. -- paragraph 2, subparagraph 1, which deals with 5 cross-media ownership.</p> <p>6 A. Yes.</p> <p>7 Q. The effect of this subparagraph, together with the one 8 at the top of the next page -- the one at page 18 deals 9 with proprietors, the one at 19 with licence holders -- 10 was such that it didn't impose a restriction on 11 a satellite broadcaster broadcasting from overseas, 12 however much of an interest he or she had in the 13 newspaper industry.</p> <p>14 A. Yes, it was -- it didn't count against, which, again, 15 you know, you can say was a mistake. I mean, I think 16 one of the things that -- I mean, I think the nub of so 17 much of the problems that have happened, certainly the 18 Murdoch press, was that he was able to buy five 19 newspapers. I don't think anyone would say Sky poses 20 a great threat to individual freedom in this country, 21 whereas some of the Murdoch newspaper titles have done. 22 It is a shame in a way that it was not possible, because 23 of circumstances in the newspaper industry when Murdoch 24 bought in, to retain a much broader ownership structure 25 where more people were empowered to come into</p> <p style="text-align: center;">Page 23</p>
<p>1 of things we did in politics when we were ministers were 2 wrong and we were stupid and we didn't see far enough 3 ahead. But with this, I stand by every word of what 4 I said then, which is that Sky is a tremendous thing to 5 be based in Britain, because the alternative was it was 6 going to go to Luxembourg. You need to bear in mind 7 that at the beginning of all this, there were two 8 satellite broadcasters: there was British Satellite 9 Broadcasting and Sky. British Satellite Broadcasting 10 hung out in a sort of late Roman imperial triumphalist 11 building, which still exists, although British Satellite 12 Broadcasting doesn't, to the south of Chelsea Bridge, 13 and I remember going there with my private secretary and 14 saying, "Fascinating. All the trappings of success 15 without the need to be successful first."</p> <p>16 You then went out to Sky, which was then a series of 17 Nissen huts, literally Nissen huts, out in Hounslow, 18 where they still are, though the Nissen huts have been 19 replaced with shiny buildings. I admired the energy of 20 Sky. I also admired them realising they were blazing 21 a trail, so I didn't have to have my arm twisted round 22 my neck to do this, though I daresay if I had shown any 23 reluctance, my arm would have been twisted around behind 24 my neck. But I was a willing victim of all of this.</p> <p>25 Q. At page 18 of the same Act, following the internal</p> <p style="text-align: center;">Page 22</p>	<p>1 newspapers.</p> <p>2 I also think it is a shame that people are free to 3 own newspapers in this country without any real 4 connection with this country, or a long-term connection. 5 Mr Murdoch changed his nationality from Australia to 6 America because in America, the land of the free and 7 free enterprise, they do have a rule that you can't own 8 certain media assets without being a citizen. I think 9 some of the problem with coarsening of newspaper culture 10 in this country has been that Rupert Murdoch never 11 really bought into the society in which his newspapers 12 had so much influence. He was an occasional visitor you 13 know. The plane would land and he would either go to 14 his office or Number 10, depending on his fancy.</p> <p>15 Q. We have looked at the debate leading to the Act. We 16 have looked at the two provisions which show how 17 Mr Murdoch was able to continue with his Sky venture, 18 and you have explained to us your reasons for supporting 19 those --</p> <p>20 A. Yes.</p> <p>21 Q. -- which we also see in the debate. But it is right to 22 say, isn't it, that the debate, which I think you have 23 had a chance to refresh your memory --</p> <p>24 A. Yes, I have, yes.</p> <p>25 Q. -- prominently featured Mr Murdoch and it prominently</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 featured people who plainly didn't want him to be able 2 to broadcast and pursue --</p> <p>3 A. Again, there was some -- it was my dear old university 4 friend, John Watts, started the debate when he became 5 a minister and would have gone on to better things if he 6 hadn't had a terrible stroke. Again, reading that 7 debate -- you know, there are a lot of debates where you 8 think, "My gosh, how awful they are and how trivial." I 9 think it was a good debate. I think there were a lot of 10 people attracted to this debate and it was argued on 11 a point of principle. I don't say that there weren't 12 some people who just wanted Murdoch -- anything that had 13 to do with him, they were against, but generally 14 speaking, Broadcasting Act -- those were the days when 15 it was possible to take a very long bill through 16 Parliament without a guillotine, because you got 17 everybody in the committee and others who were 18 interested engaged in a process where they thought if 19 they put forward sensible opinions they would be 20 listened to.</p> <p>21 And we made really quite serious changes to a whole 22 lot of requirements. For instance, the pre-qualifying 23 for television licences, domestically, the establishment 24 of national commercial radio stations, where diversity 25 was introduced at a very late stage, which meant you</p> <p style="text-align: center;">Page 25</p>	<p>1 her. Quite a lot of the time that she was in office, 2 she was unpopular, under hostile attack of a kind that 3 has almost gone off the agenda these days, in terms of 4 the vituperation against her. I think she saw Rupert 5 Murdoch as a kindred spirit.</p> <p>6 I also think, you know, without wishing to be 7 cynical about any of this or disillusion people, what 8 happens in these minuted meetings isn't really what goes 9 on. What goes on is people come and they have a chat 10 through various intermediaries.</p> <p>11 I mean, I gather you have been hearing about the 12 activities of Monsieur Michel, who is getting the 13 15 minutes of fame that Andy Warhol promised us all. 14 But you know, people like him, though hopefully of 15 a rather superior kind, were always involved in going 16 between Mrs Thatcher and people like Rupert Murdoch. 17 I myself was used as a conduit for various bits of 18 information when they were building up to what ended up 19 one of those things we have to thank Rupert Murdoch for, 20 which was the destruction of the print unions in the way 21 that they then behaved by his move to Wapping.</p> <p>22 I think an awful lot of what goes on between 23 government and powerful interests like Rupert Murdoch 24 goes on when senior executives talk to other people 25 within the administration and information is passed on</p> <p style="text-align: center;">Page 27</p>
<p>1 didn't have three pop stations but you had a speech 2 station, a pop station and Classic FM. Little did 3 I know how much I was going to benefit myself by 4 allowing that.</p> <p>5 Q. Taking you back before the days of Classic FM to the 6 1980s and you tell us in your witness statement that 7 Margaret Thatcher was ready to bend the rules for 8 Mr Murdoch to enable him to establish a commanding 9 position over the UK media. I am looking at page 3 of 10 your witness statement.</p> <p>11 A. Yes, that's right.</p> <p>12 Q. The Inquiry has seen a note of a meeting between 13 Mr Murdoch and Mrs Thatcher prior to the takeover of the 14 Times and the Sunday Times, as heard from Mr Murdoch. 15 Are you able, from your time as a politician in the 16 1980s, to tell us anything further from your direct 17 knowledge about this alleged bending of the rules?</p> <p>18 A. When I said "bending of the rules", the rules are there 19 but at the end of the day, it was a simple choice for 20 her. Was the Times and Sunday Times going to go out of 21 business or was she going to allow Murdoch to own them? 22 I don't think she saw Murdoch as any kind of threat. 23 And don't forget, she was under a great deal of threat 24 herself, because, you know, there was always 25 a significant section of her Cabinet that were against</p> <p style="text-align: center;">Page 26</p>	<p>1 in that way. I think minuted meetings are the last 2 place on earth where you will get what really happened.</p> <p>3 Q. You tell us, a little bit further down the same page, 4 that by the time of the Broadcasting Act that we have 5 just looked at, Mr Murdoch was used to ministers doing 6 his bidding. What is the basis for that assertion?</p> <p>7 A. I think a sentiment that -- I mean, in my own case, you 8 know, when I was -- the broadcasting bill lost both its 9 parents in an inconvenient reshuffle, so I was taken out 10 of the department of health and put back into run it and 11 had to get myself going and all manner of people -- 12 powerful people from the press and television came in to 13 see me. Mainly television. But there was one person 14 that I had to go and see and there was no question of 15 him padding round to our department, and that was Rupert 16 Murdoch.</p> <p>17 I also think, you know, that the influence of 18 Murdoch is clear. It was carefully cultivated. "It was 19 the Sun what won it." That was the impression. Why 20 would someone like Tony Blair fly to the middle of 21 Australia to address a group of Murdoch executives if it 22 wasn't a sign on his part that he needed the support of 23 Mr Murdoch, and a sign on Murdoch's part that he could 24 do it? You know, it's like the old story about why does 25 a dog lick its private parts? Because it can. Why did</p> <p style="text-align: center;">Page 28</p>

1 **Murdoch exercise this overt power over leading**
 2 **politicians and force them to go to tedious conferences**
 3 **that they didn't need? Because he could. Because he**
 4 **could.**
 5 Q. I am going to move now from the topic of Mr Murdoch on
 6 to what happened to you in 1992. Now, in the summer of
 7 1992, in July, you announced that there should be
 8 a second Calcutt report, didn't you?
 9 **A. I did, yes.**
 10 Q. And shortly after that --
 11 **A. Well, more than 18 months had elapsed. I do think it is**
 12 **important to remember, Calcutt said -- and it is**
 13 **important, when one thinks of the number of last chances**
 14 **we have had -- Calcutt said 18 months of the new press**
 15 **complaints arrangements. After that, there should be an**
 16 **assessment, a reassessment, and he was asked to do the**
 17 **reassessment.**
 18 Q. Shortly after you had announced that he would be
 19 undertaking the reassessment, two stories appeared
 20 successively in the media. The first was a kiss and
 21 tell story provided by Antonia de Sancha, and the second
 22 was a hospitality issue concerning a person called
 23 Mona Bauwens. Following the second one, it is a matter
 24 of record that you resigned.
 25 **A. Mm-hm.**

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1 Q. Can I ask you first of all: it has not escaped the
 2 Inquiry's notice that this took place very shortly after
 3 you announced Calcutt 2.
 4 **A. Yes.**
 5 Q. Are you able to help us or not as to whether that timing
 6 was deliberate --
 7 **A. No, I think it was coincidental, because interestingly,**
 8 **the News of the World had the first chance at the**
 9 **de Sancha story and elected not to publish it, so...**
 10 **I think it was just, you know, an inconvenient moment**
 11 **for one's private life to fall out of the cupboard.**
 12 **Then I think, after it didn't had happen, after what**
 13 **happened, I think the temptation then -- with the**
 14 **benefit of hindsight, what I should have done, which is**
 15 **what I offered to do the first night it came out -- if I**
 16 **had had to resign, I would have been perfectly happy to**
 17 **contemplate life away from the ministerial cars.**
 18 **John Major, for reasons that I now think I understand**
 19 **better than I did then, was very keen that I didn't, not**
 20 **setting an undesirable precedent about ministers**
 21 **resigning when they were found with inconvenient**
 22 **girlfriends.**
 23 **So I stuck it out and then I think it became**
 24 **a subject of amusement for the press. And this was**
 25 **where, I think, we got to the point -- at the end of the**

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1 day, as I say later in my evidence -- and I will say --
 2 I don't think politicians should be protected from this
 3 stuff, actually, and I gather someone has already
 4 anticipated me, giving evidence this morning, talking
 5 about France, which I hold as a very necessary thing for
 6 us to appreciate, about what happens in France and
 7 I will come back to that.
 8 **But in relation to me, I stubbornly clung on, and**
 9 **even when I decided I had to go, there were plenty of**
 10 **efforts to persuade me not to, and I thought at the time**
 11 **they were all meant and actually they probably were, but**
 12 **actually, I hung around too long, and while I was**
 13 **hanging around, the truth was not enough for some of**
 14 **these newspapers. They decided to go and invent it.**
 15 **And that is where -- if I have any resentment about any**
 16 **of this -- you know, generally, I think if you walk**
 17 **a bit on the wild side in your personal life and you are**
 18 **in politics, you should expect to get into trouble.**
 19 **What shouldn't happen, though, is it then becomes a sort**
 20 **of vendetta and people then go around thinking because**
 21 **you are a wounded animal, rather like in those nature**
 22 **films -- you know, the beast can sort of rip you to bits**
 23 **without any worry about fairness, truth or anything, and**
 24 **you know, we come to the wretched Chelsea shirt, you**
 25 **know, which I am -- fan that I am of Chelsea Football**

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1 **Club, I have never owned a Chelsea shirt. Never felt**
 2 **the need to -- and that was a total invention and**
 3 **I gather you had Mr Clifford. I read some of his**
 4 **evidence in front of you. I mean, Mr Clifford -- I am**
 5 **amazed -- he doesn't take his oath very seriously. It's**
 6 **already been admitted on previous occasions this was all**
 7 **totally cooked up. It was cooked up between him and the**
 8 **then deputy editor of the Sun, Mr Higgins, because the**
 9 **then editor -- now, of course, a serious statesman on**
 10 **all these matters -- Kelvin MacKenzie was on holiday.**
 11 **And I have it on very good authority from someone who**
 12 **was a very senior person there at the time, who I won't**
 13 **embarrass by saying who he was, but quite a well known**
 14 **name -- he said it was a bidding game. "If she says**
 15 **this, what you will you pay? If she says that, what**
 16 **will you pay?"**
 17 **That, you see, is when it all becomes mischievous.**
 18 **You see, you can argue that politicians who have**
 19 **irregular private lives -- although there is no shortage**
 20 **of irregular private lives in the media, or indeed in**
 21 **the law from my remembrance of my time at the Bar, but**
 22 **you know, not all of us have to confront that, and of**
 23 **course, the recruitment agencies for politicians are not**
 24 **full at the moment because a lot of people don't want**
 25 **their private live dragged around.**

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1 But the point that nevertheless has to be faced is
 2 this: the press is not running a morality patrol to
 3 cleanse public life. The press are running a morality
 4 patrol for their own squalid reasons about their
 5 circulation. As the press came under more pressure from
 6 television, the press became much more part of the
 7 entertainment industry -- I am talking here about the
 8 red top tabloids -- than the news dissemination
 9 business, and as a result, anything goes.

10 And because they knew that politicians were afraid
 11 of them -- I think it was Douglas Hird who said, you
 12 know, Britain today -- he said some years ago -- was
 13 characterised by strong journalists and weak
 14 politicians, and that is so, so true.

15 So why should they worry about inventing a story?
 16 It is all just a laugh, isn't it? And anything about
 17 the Chelsea shirt -- which, to be honest, I am sick and
 18 fed up with. You know, I really don't want to go to my
 19 grave with the only thing people remember about me is
 20 some bloody Chelsea shirt, but the point is -- the point
 21 is that that is a sign -- that is the highwater mark of
 22 the arrogance of power without responsibility, because
 23 they made that up. They made that up with total
 24 cynicism, and that, you know, is something which you
 25 cannot say in a free society is justified, because that

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1 has nothing to do with the other work of the press,
 2 which I also speak about in my statement, which is:
 3 without the press, this would not be here. The
 4 government -- I am sure the government bitterly regrets
 5 setting up this inquiry. The government never wanted to
 6 expose all of this hacking stuff. It was inconvenient
 7 to them.

8 Members of Parliament, as politicians, become more
 9 and more creatures of the system and become more and
 10 more just paid hacks, rather than having some
 11 independent substance outside politics. They weren't
 12 looking for trouble and the police -- and I gather
 13 I have attracted the ire of the counsel for the
 14 Metropolitan police by suggesting that the failure of
 15 the police in dealing with this matter was abject. But
 16 abject it was. So who has put it on the agenda? Why
 17 the press?

18 So what we have to be aiming for here is a press
 19 that actually does the job of exposing the things that
 20 a lot of people would rather not have said, but also
 21 a press that has some respect and integrity of its own.
 22 Insofar as my rather sad and pathetic little Chelsea
 23 shirt incident has any relevance to that, it shows
 24 a press that was out of control and had to concern with
 25 the truth whatsoever, no concern with the public

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1 interest. They were just having a laugh and I was
 2 stupid enough to put myself in a position where they
 3 could have a laugh at me, fool that I was.

4 Q. Moving on to some of the methods used to obtain that
 5 story, you tell us there was some phone tapping. Now,
 6 I understand you are not asserting that it was illegal
 7 phone tapping, because it was done with the consent --

8 A. So I believe. But again, you know, I come back to this
 9 point. I am old enough to have been foreign office
 10 minister responsible for Eastern Europe, and it was very
 11 interesting to have my glass of beer with Herr Honecker
 12 and wait upon Mr Ceausescu. But, you know, so much of
 13 the way in which those people kept control of their
 14 countries was through all manner of intrusions which
 15 were justified just by the need to keep tabs on people.

16 I think one of the things that surely must be of
 17 interest to this inquiry is to ensure that the methods
 18 that are used to deal with what is basically no better
 19 than tittle-tattle, you know -- the distinction we all
 20 talk about, which is so -- almost impossible to actually
 21 honour, what is of interest to the public and what is in
 22 the public interest. A whole lot of the methods that
 23 are used by the tabloid press are totally and utterly --
 24 maybe they are not so bad now as they were -- totally
 25 and utterly unacceptable in terms of their intrusiveness

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1 and which justifies what Princess Grace once said, you
 2 know: "I don't object to the freedom of the press, as
 3 long as it leaves other people some freedom as well."

4 And we end up, I think, in a situation where -- all
 5 of this is so old now and all of this is still hanging
 6 about as unfinished business. Why did Calcutt recommend
 7 three criminal offences against intrusion? Because he
 8 was equally, I think, as struck, as I always have been,
 9 that the methods that are used cannot be justified by
 10 any of the product. The product is merely titillation.

11 Then we come back, of course, to the real problem
 12 here. The real problem here is the British people,
 13 because the British people love to read this stuff, you
 14 know, and the annoyance that the British people have
 15 with the tabloids is the rage of Caliban seeing his own
 16 face in the glass. You know, why do we queue up to read
 17 this stuff? I think because it is the last big
 18 throwback to Victorian England and repressive lives, in
 19 the sense that the tabloids produce this stuff not
 20 because it is fun for them; they produce this stuff
 21 because they think they will sell more papers.

22 Q. My last question about that period in late summer and
 23 early autumn 1992 is just to give you the opportunity,
 24 if you wish to take it, to tell us about any other of
 25 the methods that were used by the media not just to

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1 obtain either of the stories but in the subsequent
 2 coverage?
 3 **A. Well, you know, I think that -- I think anyone who is in**
 4 **politics is aware that all manner of different**
 5 **intrusions are used and -- you know, trying to get**
 6 **details of your bank accounts and stuff like that.**
 7 **I fortunately never, although it may come to that,**
 8 **suffered from what is really the absolute worst in all**
 9 **of these things, which is, of course, what particularly**
 10 **excited, I think, David Calcutt and his team, which is**
 11 **what happened to a poor comedy actor, now probably long**
 12 **forgotten, called Gordon Kay, and the extent to which,**
 13 **for no better reason than just wanting photographs of**
 14 **some fellow on his deathbed -- you know, all manner of**
 15 **intrusion is used by the tabloid press to get into**
 16 **bedrooms and stuff, to get into the hospital wards and**
 17 **stuff like that, and you know -- no, I don't think**
 18 **I have anything much more to say about my own personal**
 19 **experiences.**
 20 **By the way, my sense about my own personal**
 21 **experiences doesn't make me -- I am probably about as**
 22 **sympathetic to a free press as anyone can be because**
 23 **I spend a lot of my life now being appalled at the**
 24 **impotence of Parliament, at the inability of people to**
 25 **actually -- indeed, the restraint, dare I say, that the**
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1 **courts are imposing on the publication of an awful lot**
 2 **of stuff that should circulate. The press is our only**
 3 **guarantor against that, but I do think we can't go on**
 4 **with the press fouling its own nest by being incapable**
 5 **of behaving appropriately in relation to their desperate**
 6 **desire to feed the British public's equally desperate**
 7 **desire for gossip.**
 8 **Q. You have made clear, I think, in your evidence the**
 9 **importance you attach to the freedom of the press.**
 10 **Would you agree with me that it has a vital role to play**
 11 **holding the powerful to account, getting to the truth of**
 12 **matters of public interest and facilitating democratic**
 13 **debate?**
 14 **A. Absolutely, and indeed, you know -- and that is one of**
 15 **the reasons why -- it amazes me that I think there are**
 16 **still parts of the press who don't want statutory**
 17 **regulation. Now, of course, Professor Joad, you know,**
 18 **I quote -- I don't know if anyone remembers Professor**
 19 **Joad now, but, you know, it all depends what you mean,**
 20 **so we can have -- statutory regulation covers a variety**
 21 **of different possibilities. But I'm amazed that some of**
 22 **the newspaper companies that apparently don't want some**
 23 **kind of better and more effective**
 24 **Press Complaints Commission or tribunal don't realise**
 25 **that the thing that most damages the press are these**
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1 **sort of antics. Otherwise the press can strut**
 2 **heroically through any street because the press are**
 3 **telling us things we need to know.**
 4 **You know, I revisit the point -- I am sorry, tedious**
 5 **and repetitious. This inquiry would not be here if it**
 6 **weren't for the press. If we had to rely on the police,**
 7 **on Parliament, government, none of all this stuff that**
 8 **has so shocked people about the extent of phone hacking**
 9 **would have come out and I think that, you know -- and**
 10 **perhaps the saddest thing is that even some of those who**
 11 **were supposed to protect us from this stuff were**
 12 **actually engaged in trying to suppress it.**
 13 **Of all the things that I think shocked me about the**
 14 **activities of the Metropolitan Police in all of this is**
 15 **the fact that Sir Paul Stephenson and Mr -- the other**
 16 **assistant commissioner, Mr Yates, separately went to see**
 17 **the editor of the Guardian to tell him he was completely**
 18 **barking up the wrong tree and it would be better if he**
 19 **stopped it.**
 20 **So, you know, what more -- what better example of**
 21 **the need for a free press can one provide to this?**
 22 **Q. Before we come very briefly to that subject, can I ask**
 23 **you about the third paragraph on page 5 of your witness**
 24 **statement, please, Mr Mellor. You say:**
 25 **"With a few honourable exceptions, politicians in**
 Page 39

1 and out of government were too frightened to expose what
 2 many of them well knew was going on."
 3 **A. Yes.**
 4 **Q. Could you clarify for us what it is that you are**
 5 **alleging some politicians well knew was going on but**
 6 **failed to expose?**
 7 **A. Well, I am -- I would be pretty certain myself from the**
 8 **common gossip around Parliament when I was there that**
 9 **people were only too well aware that the dangers they**
 10 **faced were often from illegitimate attempts to obtain**
 11 **information. And anyway, anyone who read the papers**
 12 **would know about this, because of what happened with the**
 13 **royal family and hacking into their messages and I think**
 14 **it is astonishing that people -- that anybody in**
 15 **politics who is presumed to be well-informed was**
 16 **surprised at the extent to which this went on.**
 17 **Indeed, I remain surprised, actually, that when you**
 18 **think of the money that the mobile telephone industry**
 19 **makes, why they themselves never saw it as part of their**
 20 **function to try to advise their customers as to the**
 21 **dubious security of texts and other messages, or indeed**
 22 **why they didn't do something to make it less easy for**
 23 **these hackings to take place.**
 24 **Politicians are quite sophisticated, whatever**
 25 **appearances some might have to the contrary. The House**
 Page 40

<p>1 of Commons is a den of gossip. A lot of them are locked 2 up in there, all these full-time MPs, which is always 3 said to be a virtue, but they are locked up in there, 4 drinking in the bars, eating subsidised food, and 5 chatting amongst themselves. All of this stuff was 6 common gossip.</p> <p>7 Not necessarily the specifics -- I think people were 8 shocked, but you see, where the shocking thing came with 9 all this phone hacking was once it moved out of show 10 business and politics and really hit real people and 11 I think, you know, the way that one or two murder 12 victims and their families were treated, that is what 13 really pushed the public into a sense of revulsion. Did 14 they care about my phone being tapped if it was, or 15 other politicians, showbiz celebrities? Absolutely not.</p> <p>16 Q. You devote five paragraphs on page 5 of your statement 17 to your comments on the conduct of the police.</p> <p>18 A. Yes.</p> <p>19 Q. Can I ask you this: are any of them based on direct 20 personal knowledge of the conduct to which you refer, or 21 are they comment on material which has been put into the 22 public domain?</p> <p>23 A. They are comment on what the police themselves have 24 said. You know, for instance, take -- well, first of 25 all, the comment I make when I feel particularly</p> <p style="text-align: center;">Page 41</p>	<p>1 Dominique Strauss-Kahn could, but for this ill-judged 2 lunge at some poor maid in a New York hotel -- he should 3 have been president of France now, and yet it seems 4 obvious that he'd made a sort of study of ill-judged 5 lunges during -- and worse, it would appear. None of 6 that was printed in France, and had his ill-judged lunge 7 been in Paris and not in New York, it would not have 8 been reported.</p> <p>9 Well, I can't see that as being in the public 10 interest and of course, the interesting thing is that 11 Monsieur Chirac, subsequent to his leaving office, has 12 been convicted of financial corruption.</p> <p>13 Monsieur Sarkozy is under investigation for a similar 14 offence. I think the culture of secrecy -- however 15 inconvenient it is for politicians to have their private 16 life, trivial aspects of their private life -- you know, 17 if every adulterer in this country was stoned, the 18 streets would be 10 deep with dead bodies. Let's face 19 it, it is not exactly a sport that only politicians 20 invented.</p> <p>21 But you know, if a politician has to put up with 22 inconveniences over his private life, that is a small 23 price to pay for the bigger benefit, which is scrutiny. 24 People must never think that what they do is not going 25 to be published. I France is a classically bad example</p> <p style="text-align: center;">Page 43</p>
<p>1 appalled was made by the editor of the Guardian, who -- 2 I didn't sit in his office when he received these two 3 gentlemen, so I wasn't to know.</p> <p>4 Similarly with DC Yates -- I remember very well 5 having to bone up on this because it coincided with 6 a newspaper review I was doing, ironically for Sky, and 7 when he said that he couldn't be expected, a man of his 8 seniority, to be going through bin bags, and it would 9 have taken six officers a couple of months to go through 10 the bin bags. Well, I think, frankly, if that is all it 11 would have took it would have been much better if they 12 had done that.</p> <p>13 So it is comment based on their comments which lead 14 me to draw conclusions adverse to the manner in which 15 they conducted themselves -- and I have said I think 16 their performance on this was abject -- but also to make 17 it clear that where then is the last line of defence the 18 public can rely on to be told all of this? Why, with 19 the press.</p> <p>20 Q. Moving to what you say about circumstances in France.</p> <p>21 A. Yes.</p> <p>22 Q. Do I accurately distil your point if I say that it is 23 that an excess of privacy for figures in public life can 24 have an adverse effect on the public interest?</p> <p>25 A. Self-evidently so. It is an amazing thing that</p> <p style="text-align: center;">Page 42</p>	<p>1 of what happens when a culture of privacy encourages the 2 over-mighty to think they can do pretty much what they 3 like.</p> <p>4 Q. Is it for that reason that essentially your concern is 5 not to stop investigation of public figures but to 6 regulate the methods --</p> <p>7 A. Yes.</p> <p>8 Q. -- used.</p> <p>9 A. And also, you know, when I think all the technology and 10 effort and man hours that was used, you know, over my 11 sex life, and then you look at some of these things -- 12 which I was actually quite shocked by. I thought I had 13 got to an age where I wasn't readily shocked -- quite 14 shocked by these dreadful speculations that the Daily 15 Telegraph finally showed of, you know, institutionalised 16 corruption on a very large-scale in the House of Commons 17 over expenses, and some people were brought to book and 18 an awful lot were not brought to book and some of the 19 worst offenders are government ministers.</p> <p>20 You look at this and you think: you know, this is 21 worthy of the investigation. I am not saying that if, 22 you know, some woman steps forwards and says, "He done 23 me wrong", that shouldn't be published, but I do think 24 that some of the methods used have to be proportionate 25 and reproducing some of the circumstances of Ceausescu's</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 Romania just in order to put someone's love life over 2 the front page is not worthy. 3 In fact, not only does it demean the press and 4 humiliate the victim; it demeans the whole of society. 5 I have a riveting recollection of all the conversations 6 I have had, one with dear old Ray Sykes, who was the 7 only professional diplomat to be the American 8 ambassador, and we were meeting for breakfast during the 9 course of one of these scandals -- I don't think it was 10 mine; it was another one -- and he, like all 11 professional ambassadors, was going through the world's 12 press and saying this was this and this was this. When 13 he came to the British papers -- and by this time, 14 whatever this was had reached the broadsheets -- he 15 said, "This is what the rest of the world is talking 16 about and this is what you are talking about in 17 Britain", and he said, "However much of an Anglophile 18 I am, I can't tell you that I think this is edifying for 19 the reputation of your country." And I think that is so 20 true. 21 Q. That takes us on the question of what should be done in 22 the future, which you deal with, in fact, at the start 23 of your witness statement. 24 A. Yes. 25 Q. You say that the status quo is not an option and that</p> <p style="text-align: center;">Page 45</p>	<p>1 code of practice or something like that that 2 I personally think would be impossible to -- look, let's 3 face it: how can anyone seriously defend a press 4 complaints arrangement where one major is out of it and 5 has been out of it for two years? How can that be 6 justified? It can't be. It can't be. 7 Q. Do you have any thoughts about how such a body should be 8 resourced? 9 A. Obviously it has to be resourced by the industry, but 10 Calcutt, I think, recommended that the amount should be 11 settled by the body themselves or by those who appoint 12 them, and then, of course, there should be a levy on the 13 owners. I am not sure I would necessarily object, 14 actually, if there was some element of public money on 15 a matching basis that went in. 16 What I do think is, you know -- I hope I prove that 17 I don't come here actuated by some spite about some 18 20-year old thing that happened to me. Indeed, my life 19 in many ways has been rather better because one has able 20 to make a bit of change in one's life. But the point is 21 that 20 years is too long a time to wait for sensible 22 regulation and what we have to try to do is have 23 regulation that has teeth. I mean, you know, you have 24 the electronic media, where you have Ofcom. Heaven 25 knows -- I haven't looked up what the budget of Ofcom is</p> <p style="text-align: center;">Page 47</p>
<p>1 a new regulatory commission is needed which is free form 2 press ownership. 3 A. Yes. 4 Q. Do you see any room for press involvement, as opposed to 5 ownership? 6 A. I think that -- it depends what you mean by "press 7 involvement". I don't think anyone who is presently 8 employed by a newspaper should be part of a regulatory 9 regime. But of course there are plenty ex-editors -- 10 almost as many ex-editors as there are ex-football 11 managers -- and there are plenty of them who I'm sure 12 would do a useful job, and plenty of other people. 13 But I would -- I think -- I just think that -- 14 I mean, I just can't understand why there is really an 15 argument about this, 20 years after Calcutt said to the 16 press: "Come on, prove self-regulation can work." Do 17 people carry placards down the street saying, "Hooray 18 for Press Complaints Commission. What a wonderful job 19 it is doing"? Of course they don't. So some change has 20 to be made. 21 For me, that is not the issue. The issue is the 22 extent to which there is a statutory base for it, and 23 I do believe that a line can be drawn between 24 establishing the structure and the range of penalties 25 that it can offer and actually not having any statutory</p> <p style="text-align: center;">Page 46</p>	<p>1 but it will be many tens of millions. 2 Look, as I understand it, the last time I had 3 a conversation with the then chairman of the Press 4 Complaints Commission, the Press Complaints Commission 5 has 15 employees, a budget of 1.9 million, a chairman, 6 five investigative officers and a support team. That is 7 derisory, and inevitably ineffective. 8 Q. You say it should be obviously independent; can I take 9 it you mean independent not only from the government but 10 also from the press? 11 A. Absolutely, and one of the things that I do think is 12 that, you know -- I think it should have a judicial 13 basis, both in terms of the way it is appointed, with 14 the same scrupulous concern for objectivity that the 15 judicial appointments processes in this country have. 16 I also think it is inevitable, if it is to be serious, 17 that there should be judges on it. I think judges and 18 other people deemed to have something useful to 19 contribute -- which would include people who had worked 20 in the press, and there are a lot of distinguished 21 people who don't currently have jobs in the press. You 22 have one on your panel of assessors for this inquiry, 23 George Jones. I don't know anybody in politics, 24 whatever their political stripe, who doesn't respect 25 George Jones. There are people like him who would make</p> <p style="text-align: center;">Page 48</p>

<p>1 a major contribution, but I just think it has to be 2 independent, it has to be properly resourced, it has to 3 have the ability to investigate.</p> <p>4 Also, why does it have to wait for a complaint? If 5 you have a code and you have, I don't know, a panel of 6 a couple dozen people who are involved, in some shape or 7 form, in the press complaints arrangement, one of them 8 sits on the train and reads something and says, "That is 9 contrary to the code", why should he or she have to wait 10 for a complaint? Why not be able to go and say, "We 11 need to look at this because this is manifestly contrary 12 to the code."</p> <p>13 The other thing, I think, sorry, while I am on all 14 of this -- I think they have -- there has to be a power 15 to fine. I think just publishing some apologia is 16 something and nothing, really. I think if there was 17 a financial sanction, that would mean that these 18 requirements would be taken more seriously, and there 19 should be proper responsibility where it is clear that 20 an editor is responsible for what -- and the owner -- is 21 responsible for what his journalists do.</p> <p>22 It is too easy to set the journalists some 23 impossible assignment, or impossible to do without 24 breaking some rule, not ask how the information was 25 obtained, not ask how he proposed to obtain the</p> <p style="text-align: center;">Page 49</p>	<p>1 it is not just a cliché -- it is possible to amend the 2 code, either to strengthen it or maybe in some instances 3 to think that it needed liberalising a bit.</p> <p>4 But it should be left to those individuals who 5 comprise -- and I would envisage it to be quite 6 a substantial body of people, a couple of dozen, so they 7 weren't required to do this as a full-time job -- 8 sitting in panels, that they would, in conclave, as it 9 were, be able to determine whether or not they thought 10 the code was too tough in certain respects, not tough 11 enough, and that could change. Obviously, people who 12 felt affected by that would be free to petition them on 13 these changes.</p> <p>14 The code -- if an attempt was made to ossify the 15 code in some statutory instrument, it would be a big, 16 big mistake. Neither Parliament nor parliamentary 17 draftsman are really equipped to do that job anyway, as 18 I discovered -- I made the point in my -- when trying, 19 under pressure from Mrs Thatcher and Mrs Whitehouse, 20 a powerful combination, to try and find some new 21 statutory definition of "obscene publications". Almost 22 impossible to do. But most of us, if we sat with 23 a group of like, you know, well qualified people and 24 this was put across and this was put in front, you would 25 know which was obscene and which wasn't. But defining</p> <p style="text-align: center;">Page 51</p>
<p>1 information and then say, "Oh, it is just a rogue 2 employee" when it all goes wrong. I just don't think 3 that is sustainable any more. I think there has to be 4 some form of strict liability on this.</p> <p>5 This is designed not to muzzle the press; it is 6 designed to ensure that the press lives up to the 7 standards it expects others to live up to and that the 8 press is able then to basic in the glory of protecting 9 a free society and not having this ghastly underbelly of 10 unacceptable practices by the red tops.</p> <p>11 Q. My final question is about the code itself, which you 12 deal with in the antepenultimate paragraph on page 2. 13 You say the code itself should be a living thing, 14 capable of being changed in the face of experience and 15 changing circumstances?</p> <p>16 A. Yes.</p> <p>17 Q. Could you expand, please, on what you envisage?</p> <p>18 A. Well, I think that -- I think that there is not much 19 wrong, actually, with the basic code they have at the 20 moment. But once again, I think it would be enormously 21 helpful if the Inquiry was to take a view on what parts 22 of the code were justifiable, what parts of the code 23 needed to be changed, and in effect produce a draft code 24 for consideration and then, in the light of 25 circumstances -- because circumstances do alter cases,</p> <p style="text-align: center;">Page 50</p>	<p>1 it? Almost impossible.</p> <p>2 Q. Thank you very much. That is all my questions.</p> <p>3 LORD JUSTICE LEVESON: Can I just ask a couple of questions?</p> <p>4 A. Yes.</p> <p>5 LORD JUSTICE LEVESON: First of all, you have spoken about 6 what some regulator might look like, but does it follow 7 from what you have said that there can't be anything 8 optional about it; it would have to apply to everybody.</p> <p>9 A. Absolutely. I just don't understand how anyone can 10 defend the present press complaints set-up, where 11 a major newspaper publisher has opted out for, what, two 12 years now? I also think that although it's ingenious my 13 old colleague David Hunt talking about a contractual 14 basis for compliance, what happens when the contract 15 reaches its end? No, I think it has to be absolutely 16 that they have to be in by -- and that is a bit where it 17 is in everybody's interests that there is a statutory 18 base for it.</p> <p>19 LORD JUSTICE LEVESON: Then that raises the question: 20 compulsory for whom?</p> <p>21 A. Well, compulsory -- I agree there is a definitional 22 basis, but I think it would have to be anybody who 23 publishes a newspaper.</p> <p>24 LORD JUSTICE LEVESON: What about then -- my second 25 question, my follow-on, is that that raises the question</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 of the Internet. I am not talking about Twitter, but 2 other sites which look like newspapers but perhaps are 3 run differently, perhaps like blogs, whatever.</p> <p>4 A. I agree. I think the one thing that I don't think 5 anybody quite anticipated, certainly no one in the 6 legislative business, was quite how influential the 7 Internet would be. I suppose in a way my strong advice 8 would be to opt out of that one. There is enough 9 problems trying to resolve the traditional print 10 industry. But leave open, plainly, the fact that at 11 some point somebody is going to have to seriously 12 consider how that applies on the net, especially when 13 newspapers more increasingly find, if they can find some 14 way of monetising it more effectively, that they will 15 get a bigger audience on the net than those of us who 16 still like buying one at the stall and getting one's 17 hands filthy and black reading it.</p> <p>18 LORD JUSTICE LEVESON: That is the point, that actually the 19 query whether there should be a difference between the 20 mechanism whereby you get your news and the news you 21 get. I think one of the witnesses talked about dead 22 trees, which one can understand, rather than 23 electronically.</p> <p>24 A. I can't deny that my thinking is probably still very 25 much rooted in yesterday in terms of the newspapers.</p> <p style="text-align: center;">Page 53</p>	<p>1 at first blush, that sounds like a good way of doing it, 2 because it would be quite clear who you were referring 3 to and I certainly agree it is extremely difficult for 4 the net to stay out of this, and as is well known, you 5 know, all of these gagging orders that are done to 6 protect certain celebrities from the consequences of 7 their actions and which I don't -- not that it matters 8 any longer what I think, but I don't particularly 9 approve. But, of course, all of that is set at nought 10 because they are published on the net and everybody 11 looks at it now.</p> <p>12 LORD JUSTICE LEVESON: Well, then you can add another layer 13 of the problem, which is that if you put your servers in 14 a different jurisdiction and operate from a different 15 jurisdiction, even though that is all available here, 16 you may not be bound by about a single rule here.</p> <p>17 A. Yes. That was always the issue, actually, about 18 satellite television and why it was better to have them 19 operating from here. Although I don't think, and again 20 I am relying on my rusty memory, that didn't stop 21 government trying to legislate for unacceptable content 22 on satellite broadcasting. Of course there are ways, 23 even if it sometimes seems overcomplicated, of acting 24 against people who receive such stuff, even if, as you 25 rightly say, it is actually sent out, disseminated from,</p> <p style="text-align: center;">Page 55</p>
<p>1 I think it is one of those questions -- one used to say 2 when seeking refuge from impossible to answer points in 3 the House of Commons "I need notice of that question". 4 It is almost that the problems of the net are 5 unavoidable, but what we are trying to do here is only 6 a starting point because -- as the lines become ever 7 more blurred between a newspaper as a physical thing and 8 a newspaper as something you call up on a screen.</p> <p>9 LORD JUSTICE LEVESON: One of the ways you could think about 10 it, and I only offer it to you for a view if you have 11 one, and I recognise that if you have not had notice 12 then it is difficult, is to talk about those who are in 13 the business of providing news. In other words, who 14 make money, whether by advertising or otherwise, through 15 the provision of news or the like.</p> <p>16 A. Yes, I know, because, of course, some of the -- I mean, 17 the most difficult to handle sources of news are those 18 which are not newspapers as such, but where someone 19 specialises -- you know, I don't single him out because 20 I have anything particularly against him, I only single 21 him out because I can remember him and I can't remember 22 a lot of the others, Guido Fawkes, people like that, 23 where he is effectively in the business of publishing a 24 newspaper. 25 But, of course, he only publishes it in -- I mean --</p> <p style="text-align: center;">Page 54</p>	<p>1 a place outside the jurisdiction. 2 But the Internet has not made, I think, your 3 business any easier, sir.</p> <p>4 LORD JUSTICE LEVESON: Well, you could say that. 5 Mr Mellor, thank you very much indeed.</p> <p>6 A. Thank you.</p> <p>7 MR GARNHAM: I made an application to ask Mr Mellor some 8 questions.</p> <p>9 LORD JUSTICE LEVESON: Yes, yes, I think Mr Mellor has 10 foreshadowed that you wanted to.</p> <p>11 Questioned by MR GARNHAM</p> <p>12 MR GARNHAM: I think he has.</p> <p>13 A. So I understand.</p> <p>14 Q. You make a number of broad criticisms of the 15 Metropolitan Police. As I understand your answer 16 a moment ago to Mr Barr, you do so not on the basis of 17 any first-hand knowledge.</p> <p>18 A. I don't know what you mean by "first-hand knowledge"; 19 I read the papers, I listen to -- how would I sit in Mr 20 Hayman's lap while he decided not to do anything about 21 --</p> <p>22 Q. Mr Mellor, that is rather my point. You are in no 23 better position, are you, to comment on this than any of 24 the rest of us --</p> <p>25 A. Well, I mean, comment is free.</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 Q. -- is that right?</p> <p>2 A. The point is when someone makes a decision --</p> <p>3 Q. Will you just answer my question, Mr Mellor; you are in</p> <p>4 no better position to comment than anybody else, are</p> <p>5 you?</p> <p>6 A. Well, it depends who you mean by "anybody else". I am</p> <p>7 probably better educated than a lot of people and have a</p> <p>8 lot more experience. So am I in a better position? I</p> <p>9 don't know. I'm not quite sure where this is getting</p> <p>10 us.</p> <p>11 Q. What is it about your experience that makes you in</p> <p>12 a better position to comment?</p> <p>13 A. Because I spent half a dozen years as a Home Office</p> <p>14 minister rubbing shoulders with the police. I think I</p> <p>15 know the nature of the beast better than most people who</p> <p>16 haven't had those exciting experiences.</p> <p>17 Q. What analysis have you gone into when looking at this</p> <p>18 evidence before forming these broad criticisms?</p> <p>19 A. Look, at the end of the day, when the editor of the</p> <p>20 Guardian says that the then</p> <p>21 Metropolitan Police Commissioner went to see him and</p> <p>22 told him that he had got it all wrong and to desist,</p> <p>23 closely to be followed then by DAC Yates, I think all of</p> <p>24 us are entitled to comment upon it. I am not quite sure</p> <p>25 why we shouldn't, or why those comments are inaccurate,</p> <p style="text-align: center;">Page 57</p>	<p>1 finish the question?</p> <p>2 A. Well, I will. The idea that there is a choice between</p> <p>3 dealing with terrorist incidents and therefore not</p> <p>4 dealing with this is just a pathetic cop out about</p> <p>5 resources that as a Home Office minister I am fully</p> <p>6 entitled to tonk ad verilium(?). But I appreciate</p> <p>7 somebody has to do it and you have to do it, so do it.</p> <p>8 Q. On the contrary, I am not relying for the moment, in</p> <p>9 making that question, on what I have said or what the</p> <p>10 chairman has said in answer to questions being put at</p> <p>11 the time when DAC Clarke was giving his evidence, when</p> <p>12 he explained why it was that the police made an entirely</p> <p>13 rational decision at that stage in 2006 not to continue</p> <p>14 with this. Is there anything you can tell us from your</p> <p>15 position of privilege, from your background, that would</p> <p>16 explain otherwise why that decision was wrong in 2006?</p> <p>17 A. I think it is -- you obviously have your story and</p> <p>18 I have mine, right.</p> <p>19 Q. I am just trying to establish what it is.</p> <p>20 A. Mine is that the police had no enthusiasm to deal with</p> <p>21 this. They had a cozy little relationship with the</p> <p>22 Murdoch press and they certainly weren't going to put it</p> <p>23 at risk for any of this stuff.</p> <p>24 Q. What was the basis of that bald assertion, Mr Mellor?</p> <p>25 A. The facts.</p> <p style="text-align: center;">Page 59</p>
<p>1 because plainly what those two men did was totally and</p> <p>2 utterly wrong.</p> <p>3 Q. That assumes, Mr Mellor, that what you have recorded</p> <p>4 about that incident is what the judge will find</p> <p>5 happened, because there was another --</p> <p>6 A. You have had the editor of the Guardian; did you</p> <p>7 challenge him on the point?</p> <p>8 Q. We have indeed had the editor of the Guardian, he has</p> <p>9 indeed given his evidence and it has indeed been</p> <p>10 challenged. But so was Sir Paul Stephenson in his</p> <p>11 evidence, and in fact the distance between them is not</p> <p>12 very large.</p> <p>13 You make criticism about the press; do you do so for</p> <p>14 their conduct throughout this period? Do you say, for</p> <p>15 example, that the Metropolitan Police were wrong to stop</p> <p>16 the investigation of phone hacking in 2006 when they</p> <p>17 did?</p> <p>18 A. Definitely.</p> <p>19 Q. Do you say, then, that they should have not continued</p> <p>20 with some of the 70 plus terrorist investigations they</p> <p>21 were conducting at the time -- let me finish the</p> <p>22 question, if you would.</p> <p>23 A. Don't worry, I am intelligent enough to know where you</p> <p>24 are getting to.</p> <p>25 Q. Very well, then. Give me the answer, if I don't need to</p> <p style="text-align: center;">Page 58</p>	<p>1 Q. Which facts? Tell me. That is what I am asking.</p> <p>2 A. The facts that they accepted that this was just a couple</p> <p>3 of rogue journalists. They didn't send -- look, at the</p> <p>4 end of the day all of the information that ultimately</p> <p>5 the Guardian published, all of the information that</p> <p>6 News International was shamed into presenting, the</p> <p>7 police could have gone in on a warrant and got. But</p> <p>8 they weren't interested.</p> <p>9 Q. When they made the decision in 2006 they do so not for</p> <p>10 the reason you have just suggested --</p> <p>11 A. Are you giving evidence or just putting stuff?</p> <p>12 Q. If you would be kind enough to let me finish the</p> <p>13 question before you start the answer I would suggest to</p> <p>14 you they were not doing that for the reason you suggest</p> <p>15 but because they had to deal with other and more</p> <p>16 pressing matters?</p> <p>17 A. You suggest it. I hear what you suggest and I don't</p> <p>18 believe a word of it.</p> <p>19 Q. Fortunately, Mr Mellor, it is not whether you believe it</p> <p>20 or --</p> <p>21 LORD JUSTICE LEVESON: Yes, all right.</p> <p>22 A. This is probably not very helpful. I have been dragged</p> <p>23 into this, it is not my ...</p> <p>24 MR GARNHAM: That is all I have.</p> <p>25 LORD JUSTICE LEVESON: I understand the points. Thank you</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 very much indeed.</p> <p>2 A. Thank you.</p> <p>3 MR BARR: Sir, is now a convenient time to give the</p> <p>4 shorthand writer a break?</p> <p>5 LORD JUSTICE LEVESON: It is. I am very sorry.</p> <p>6 (3.25 pm)</p> <p>7 (A short break)</p> <p>8 (3.30 pm)</p> <p>9 MR BARR: Sir, our last witness today who is giving oral</p> <p>10 evidence is Jillian Brady.</p> <p>11 LORD JUSTICE LEVESON: Thank you very much indeed.</p> <p>12 MS JILLIAN ANN BRADY (sworn)</p> <p>13 MR BARR: Please make yourself comfortable.</p> <p>14 Could you confirm your full name, please?</p> <p>15 A. Jillian Ann Brady.</p> <p>16 Q. You have provided a statement to the Inquiry; are the</p> <p>17 contents true and correct to the best of your knowledge</p> <p>18 and belief?</p> <p>19 A. They are.</p> <p>20 LORD JUSTICE LEVESON: Ms Brady, thank you very much indeed</p> <p>21 for providing such a detailed account of the events with</p> <p>22 which we are just about to deal. I have no doubt that</p> <p>23 when this Inquiry was set up you never in your wildest</p> <p>24 dreams imagined you would have to contribute to it.</p> <p>25 A. No, not even in my wildest dreams.</p> <p style="text-align: center;">Page 61</p>	<p>1 email dated on or around 29 June 2010 between a person</p> <p>2 at Big Pictures and a person operating a Yahoo! email</p> <p>3 account, is that right?</p> <p>4 A. That's right, yes.</p> <p>5 LORD JUSTICE LEVESON: In order to be clear, that if we are</p> <p>6 cautious about naming names or going too far into it, it</p> <p>7 is because I have absolutely no wish to undermine or in</p> <p>8 any way impair any criminal investigation.</p> <p>9 A. That is right.</p> <p>10 MR BARR: The email that was provided to you on 4 April</p> <p>11 suggested that the flight details of eight celebrities</p> <p>12 were listed.</p> <p>13 A. That's right.</p> <p>14 Q. The journalist alleged that the author of the email was</p> <p>15 one of your employees and that person we will just call</p> <p>16 S. S was identified to your company?</p> <p>17 A. That's right, yes.</p> <p>18 Q. And amongst the information provided in the email, and</p> <p>19 you have appended the email string to your witness</p> <p>20 statement as JAB1, if we turn to that, at the bottom of</p> <p>21 page 2 there is just one passage in particular I would</p> <p>22 like to go to. It is from a person at Big Pictures to</p> <p>23 S:</p> <p>24 "Just trying to sort you out some money with</p> <p>25 accounts."</p> <p style="text-align: center;">Page 63</p>
<p>1 MR BARR: You are Virgin Atlantic Airways' general counsel</p> <p>2 and director of human resources and external affairs, is</p> <p>3 that right?</p> <p>4 A. I am, yes.</p> <p>5 Q. You are a qualified solicitor. You sit on the</p> <p>6 management board and oversee the government affairs,</p> <p>7 legal and sustainability departments?</p> <p>8 A. I do.</p> <p>9 Q. You initially started working for Virgin Atlantic as</p> <p>10 long ago as 1994 as a legal adviser. There was a break</p> <p>11 between 2000 and 2003, after which you returned to</p> <p>12 Virgin Atlantic, and you have been general counsel since</p> <p>13 2007 and in your current expanded portfolio since 2009?</p> <p>14 A. That's right.</p> <p>15 Q. Now, your company was contacted, you tell us, on 4 April</p> <p>16 of this year?</p> <p>17 A. That's right.</p> <p>18 Q. Your press office was contacted by a journalist from the</p> <p>19 Guardian newspaper who said that he had a story about</p> <p>20 the flight details of some of Virgin Atlantic's high</p> <p>21 profile passengers being provided by one of your</p> <p>22 employees to a well known paparazzi agency,</p> <p>23 Big Pictures, is that right?</p> <p>24 A. Yes.</p> <p>25 Q. The journalist provided to Virgin Atlantic a copy of an</p> <p style="text-align: center;">Page 62</p>	<p>1 A. Yes.</p> <p>2 Q. So was the impression that you had formed that money</p> <p>3 might have changed hands?</p> <p>4 A. That certainly seems to be the suggestion in this email.</p> <p>5 Q. What was Virgin Atlantic Airways' corporate reaction to</p> <p>6 this development?</p> <p>7 A. This was certainly something that we were taking very</p> <p>8 seriously. Initially we received the email at the same</p> <p>9 time the employee, or shortly beforehand the employee</p> <p>10 had been contacted by the same journalist, and they had</p> <p>11 reported the matter to their manager and also to the</p> <p>12 press office. So we were hearing this from two</p> <p>13 different places. We took it, immediately, very</p> <p>14 seriously and began an investigation.</p> <p>15 Q. In the course of that investigation is it right that S</p> <p>16 was spoken to?</p> <p>17 A. Yes. It seemed the most logical place to start was to</p> <p>18 speak to the person concerned.</p> <p>19 Q. And S denied any wrongdoing?</p> <p>20 A. Yes, they did.</p> <p>21 Q. At that stage, on 4 April, were you able to ascertain</p> <p>22 whether or not the data which had been provided to you</p> <p>23 was genuine flight data or not?</p> <p>24 A. We started that piece of work. It took us a little bit</p> <p>25 of time and -- but we were only able to confirm that the</p> <p style="text-align: center;">Page 64</p>

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<p>1 following day.</p> <p>2 Q. When you had confirmed that it was genuine data, what</p> <p>3 did Virgin Atlantic Airways decide to do?</p> <p>4 A. As soon as we realised that it was data that must have</p> <p>5 come -- or could quite possibly have come from our</p> <p>6 systems, we reported the matter to the information</p> <p>7 commissioner's office.</p> <p>8 LORD JUSTICE LEVESON: That is a self-report.</p> <p>9 A. Yes, we self-reported.</p> <p>10 LORD JUSTICE LEVESON: Did you consider that to be the act</p> <p>11 of a responsible company?</p> <p>12 A. Yes, we did.</p> <p>13 MR BARR: Did you report it to anybody else?</p> <p>14 A. Later, once the second batch, the second lot of</p> <p>15 information was provided to us, we also reported it to</p> <p>16 the police.</p> <p>17 Q. You say in your statement that the other thing you did</p> <p>18 at that stage was attempt to contact the eight</p> <p>19 passengers?</p> <p>20 A. We did.</p> <p>21 Q. Identified in the emails. I don't want you to identify</p> <p>22 any of those persons, but can you tell us whether at</p> <p>23 that stage you were successful in contacting them?</p> <p>24 A. I don't believe we were successful.</p> <p>25 Q. You then tell us at paragraph 14 of your witness</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. Faced with the results of your initial investigation,</p> <p>2 what did Virgin Atlantic then do?</p> <p>3 A. Well, at that stage we -- although we were aware that</p> <p>4 this information could well have come from our own</p> <p>5 systems the individual concerned who had resigned was</p> <p>6 still denying the allegation and so we felt it was</p> <p>7 appropriate for us to continue our investigation, and we</p> <p>8 did so.</p> <p>9 We spoke to other staff members in the area where it</p> <p>10 was alleged this information had come from. We also</p> <p>11 conducted searches of email accounts to find out whether</p> <p>12 there had been any contact from our organisation using</p> <p>13 our systems to the Big Pictures agency; those were the</p> <p>14 sort of steps we took in terms of our investigation.</p> <p>15 Q. And had Virgin Atlantic emails been used for this</p> <p>16 contact or not?</p> <p>17 A. Not as far as we could find.</p> <p>18 Q. And did any of the other members of the Upper Class</p> <p>19 support team who you interviewed tell you anything of</p> <p>20 interest?</p> <p>21 A. No, they didn't. They had no knowledge of the</p> <p>22 allegations that were made.</p> <p>23 Q. You then tell us that S was re-interviewed on</p> <p>24 16 April 2012?</p> <p>25 A. Yes. We had written to her, since her time leaving us,</p> <p style="text-align: center;">Page 67</p>
<p>1 statement that S resigned, although at that stage</p> <p>2 without saying anything further about the allegations?</p> <p>3 A. That's right.</p> <p>4 Q. On the evening of 5 April the Guardian published an</p> <p>5 article about the story on its website and then the day</p> <p>6 after, on the 6th, on the front page of its print</p> <p>7 edition; is that right?</p> <p>8 A. That's right.</p> <p>9 Q. You were then contacted by the Press Gazette, who</p> <p>10 provided further emails to you relating to flights</p> <p>11 in March 2011; is that right?</p> <p>12 A. I think they claimed that they were flights</p> <p>13 in March 2011. I think in the emails that followed it</p> <p>14 is not clear what the dates of all of the travel</p> <p>15 arrangements were.</p> <p>16 Q. This second batch of information concerned, didn't it,</p> <p>17 a much larger number of celebrities, 63 in total?</p> <p>18 A. That's right.</p> <p>19 Q. And the Press Gazette were alleging that they had been</p> <p>20 sent to the same person at Big Pictures?</p> <p>21 A. That's right, yes.</p> <p>22 Q. And those allegations were then put into the public</p> <p>23 domain very vividly on 7 April 2012 through a number of</p> <p>24 media, weren't they?</p> <p>25 A. They were.</p> <p style="text-align: center;">Page 66</p>	<p>1 and she had agreed to meet us.</p> <p>2 Q. On that occasion is it right that S was more</p> <p>3 forthcoming?</p> <p>4 A. She was. She agreed or confirmed that she had in fact</p> <p>5 written the emails concerned.</p> <p>6 Q. Have you been able to confirm the full extent of the</p> <p>7 data losses or not?</p> <p>8 A. No. We haven't. The individual concerned said that she</p> <p>9 had deleted all of the emails that she had sent from her</p> <p>10 home account and that she had closed down the account.</p> <p>11 She thought, she said, that the emails that we were able</p> <p>12 to show her probably did amount to the totality of what</p> <p>13 she had done, but she couldn't be sure.</p> <p>14 Q. There has been an allegation that John Yates' flight</p> <p>15 details may have been leaked to the media and there was</p> <p>16 an article published by the Mail on Sunday. As a result</p> <p>17 of the investigations that Virgin Atlantic have done,</p> <p>18 are you able to say what the position is with that</p> <p>19 allegation?</p> <p>20 A. We haven't seen anything that would lead us to believe</p> <p>21 that that was the case, and I think probably that the</p> <p>22 media reports -- from the media reports, we see that the</p> <p>23 Mail on Sunday have said that this was not based on</p> <p>24 information from Virgin Atlantic.</p> <p>25 Q. Moving now to the protective systems that were in place</p> <p style="text-align: center;">Page 68</p>

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<p>1 at Virgin Atlantic at the time that these data losses 2 occurred, you tell us first of all that there are 3 contractual obligations of confidentiality written into 4 contracts of employment; is that right? 5 A. That's right. 6 Q. And that there are three relevant policies: 7 a professional standards policy, the information 8 security policy and a data protection policy? 9 A. That's right. 10 Q. You tell us a little bit at paragraphs 23 and 24 of your 11 witness statement about some of the training and quality 12 checking systems which are in place, and in particular 13 that there are 17 members of the Upper Class support 14 team, all of who have training above and beyond the 15 norm; is that right? 16 A. That's right, yes. 17 Q. Could you perhaps put that into context? How does 18 Virgin Atlantic Airways go about deciding who needs data 19 protection training and how much? 20 A. Indeed. There are many, many people in our organisation 21 who need access to passenger information in order to do 22 their jobs. That can be from the call centre when you 23 make a booking, going back to that call centre when you 24 want to change that booking, speaking to people in our 25 loyalty department who deal with the frequent flyer Page 69</p>	<p>1 personal information, and then goes on to set out 2 practical examples of scenarios where people have to be 3 cautious and careful about how they treat information. 4 So we do a lot in terms of the policies. We also, 5 as in the call centre, provide training at different 6 times to different people to suit their needs. So in 7 the call centre that is an initial training as part of 8 their initial training and then through ongoing 9 monitoring, and then following up with that training if 10 we think there is still any deficiencies. 11 Q. You tell us that S was part of the key customer 12 recognition scheme known as Unique and also a member of 13 the Upper Class support team; as such, what level of 14 training had S had? 15 A. The Unique programme that we have is in relation to our 16 key customers, which are either commercially important 17 to us because they are our frequent fliers or they are 18 VIPs, celebrities, who have specific needs and have made 19 specific requests in the past that we need to make sure 20 we are cognisant of in order to keep their business. 21 Anybody who would be involved in dealing with those 22 VIPs or important customers would have an additional 23 day's training before they were be allowed to be 24 involved in that programme. So there is another day's 25 training again which deals specifically with the sorts Page 71</p>
<p>1 accounts, our refunds department who might need to have 2 access to booking information, the airports who are 3 checking you in, our people who are arranging limousine 4 transfers for people. You know, anything from 5 a customer relations team. So there are many people in 6 our organisation who need to have access to our 7 customers' information in order to do their jobs 8 effectively and to provide the service that our 9 customers expect to get. 10 We take, therefore, across the business, an approach 11 of making it abundantly clear that confidential 12 information is important and that it should not be 13 disclosed. The three policies that you have seen make 14 that clear, and actually, re-reading those policies, 15 they overlap each other considerably. The professional 16 standards policy really talks about how we expect people 17 to conduct business in general and one of its parts is 18 it talks about the confidentiality and security of 19 information; not disclosing it, not discussing it with 20 people who don't need to know it and not discussing it 21 in public places. 22 Then through to the data protection policy, which is 23 very clear about the requirements of the 24 Data Protection Act, what constitutes personal 25 information under that Act, what constitutes sensitive Page 70</p>	<p>1 of situations we find ourselves in in relation to those 2 customers, whether that is because we need to arrange 3 special services for them or whether that is because 4 they have been asked to be kept low profile. 5 Q. Does that training have a data protection element? 6 A. It does. 7 Q. You tell us at paragraph 25 of your witness statement 8 that S told you that the details had been obtained from 9 the booking system used by Virgin Atlantic for making 10 flight reservations; was that a system to which S needed 11 to have access to perform the job? 12 A. She did, yes. 13 Q. Over the page, you tell us that it is your opinion that 14 despite all of these steps it is ultimately impossible 15 to guard against an employee breaking the rules and 16 ignoring the policies and providing confidential 17 information; is that right? 18 A. I think that is right. I mean, no system is perfect and 19 indeed, you know, we, like any other organisation, audit 20 our compliance with the law, with policies and with 21 procedures that we have set out, and we do that in 22 relation to the Data Protection Act on a reasonably 23 regular basis. We probably had an audit a couple of 24 years ago and we will probably have another one during 25 the course of this year, for obvious reasons. Page 72</p>

<p>1 In the course of those kinds of audits you always 2 find things you can improve and as technology moves on 3 and practices move on you need to amend the things you 4 are doing to make sure you are keeping up and doing the 5 best that you can. 6 But in this particular instance, for as long as 7 there is a piece of paper that somebody can write 8 information on and take it out of our building, 9 especially if they are incentivised to do so, I don't 10 believe there is something we could do that could 11 safeguard completely against that. 12 Q. Returning to the question of the investigation which 13 Virgin Atlantic Airways conducted and in particular its 14 scope, was the scope of the investigation confined to 15 the actual allegations made by first of all the Guardian 16 and then the Press Gazette, or did it go wider? 17 A. In the first instance because we didn't have somebody 18 who was admitting -- in fact they were denying that they 19 had carried out the acts that had been alleged -- we 20 went broader than just looking at that person's 21 particular access to the system and we looked more 22 generally across a team of people to see if we could 23 find any evidence of what was being alleged, and we 24 carried that sort of broader investigation through to 25 the end.</p> <p style="text-align: center;">Page 73</p>	<p>1 MR BARR: Could I invite you, sir, to treat as read the 2 statement of Nigel Regan, the CEO of Big Pictures, and 3 also the statement of Josh Halliday, of the Guardian, 4 both of which go to this issue. 5 LORD JUSTICE LEVESON: Yes. 6 MR BARR: Could I also invite you to treat as read the 7 statement of John Evans of HMRC. 8 LORD JUSTICE LEVESON: Yes. It is quite important that 9 people should understand what that is. That deals with 10 the question which has been raised several times during 11 the course of the Inquiry about differential Value Added 12 Tax treatment, and demonstrates that such a prospect 13 would not conform with the law. I am talking about 14 European law, not just English law. But it is there. 15 MR BARR: Thank you, sir. That, I think, is all the 16 business for today. 17 LORD JUSTICE LEVESON: Not quite. We visualised that there 18 could be a directions hearing tomorrow in relation to 19 module 4 and I wondered whether that could be brought 20 forward to today so as to avoid everybody coming 21 tomorrow. It can't, because, of course, it involves 22 core participants who will not have been involved in 23 today's proceedings and we have not given notice of it 24 in any event. 25 In the circumstances, particularly as I believe the</p> <p style="text-align: center;">Page 75</p>
<p>1 There was another allegation which I have talked 2 about in my witness statement that was made by a member 3 of the press which ultimately hasn't been substantiated. 4 We followed that up, and so to that extent it was 5 a broader investigation. 6 Q. Just to bring matters up to date, since you produced 7 your witness statement, is it right that you have 8 written to Big Pictures? 9 A. We have, and I think we have done various chasing 10 letters, asking them for an explanation of what has 11 happened. 12 Q. Have you had a response? 13 A. We haven't. 14 Q. Thank you. Those were all my questions. 15 LORD JUSTICE LEVESON: Ms Brady, thank you very much indeed. 16 You will appreciate that the reason why this story and 17 this evidence is of value is because it demonstrates 18 what somebody unconnected with the press or press 19 organisations can do and does do when confronted with 20 type of problem. 21 A. Thank you. 22 LORD JUSTICE LEVESON: Thank you very much indeed. 23 MR BARR: I am happy for the witness to return to her seat. 24 (The witness withdrew from the witness box) 25 LORD JUSTICE LEVESON: Thank you.</p> <p style="text-align: center;">Page 74</p>	<p>1 issues that might have been raised would be dealt with 2 quite briefly, I have decided that it is not appropriate 3 to bring everybody here, and what I will arrange to do 4 is to arrange for core participants to receive an email 5 or communication identifying the areas which might have 6 been the subject of discussion so that if anybody wants 7 to make representations they can do so. 8 Thank you very much indeed. 9 (3.50 pm) 10 (The Inquiry adjourned until Monday, 9 July 2012 at 11 10 o'clock) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 76</p>

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