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**IN THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF  
THE PRESS**

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**WITNESS STATEMENT OF THOMAS ADAM BABINGTON BOULTON**

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I, **THOMAS ADAM BABINGTON BOULTON**, of British Sky Broadcasting Limited, Grant Way, Isleworth, Middlesex, TW7 5QD **WILL SAY**:

*Introduction*

1. I am the Political Editor of Sky News, which is part of British Sky Broadcasting Limited (“BSkyB”).
2. I make this statement in response to the notice sent by the Leveson Inquiry to me on 5 April 2012 (the “Notice”).
3. Except where I say so below, the matters referred to in this statement are either within my knowledge or are expressions of my opinion.
4. This statement should be taken in conjunction with the submission to the Inquiry on behalf of Sky News dated 16 September 2011. As a line manager at Sky News, I fully subscribe to the points made in that document and seek to ensure that I and those reporting to me uphold the relevant codes laid down by Sky News and by Ofcom.
5. However in the statement which follows I am speaking freely in a personal capacity in the hope of providing expert evidence. No comment here by me should be taken as a development of the corporate view of either BSKyB or Sky News.
6. My comments on the press are observations drawn only from indirect involvement. I am a professional television journalist first and a writer second. I have never worked as a reporter or editor for newspapers and magazines.

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7. This statement follows the numbered paragraphs set down in the Notice, a copy of which is attached at exhibit **TABB1**.
8. I have enclosed with this statement as a series of numbered exhibits six pieces of work of mine which are relevant to the questions in the Notice. Where a point that I make in this statement is supported or amplified by one of those pieces of work, I refer to it below.

*Question 1*

9. I have been the Political Editor of Sky News since the channel was set up in 1983. Prior to that, I was Political Editor of TV-am, the ITV breakfast franchise, for six years. I started covering British politics in 1982 and I have been an accredited parliamentary and Lobby correspondent continuously since 1983. In 2007 I was the elected Chairman of the Lobby.
10. Political editors in TV news are analogous to political editors for national newspapers. We are the leading on screen 'face' as political reporters and interviewers but we also have editorial responsibility for the activities of the political team, reporting directly to the editor or Head of News as this function is known at Sky News.
11. I have also worked extensively abroad as a TV journalist covering diplomatic and political affairs, particularly in the US.
12. I have published two books, on Tony Blair and on the Coalition (co-written with Joey Jones) entitled '*Tony's Ten Years: Memories of the Blair Administration*' and '*Hung Together: The 2010 Election and the Coalition Government*'. I have contributed freelance articles to most of the national press and was for two years political columnist for *The Sunday Business*.
13. In 2006 I married Anji Hunter. She had worked as an aide to Tony Blair MP since 1987 and was Director of Government Relations during his first term as Prime Minister, before leaving for industry in December 2001.

*Question 2(a)*

14. The terms 'press' and 'media' are often used interchangeably even by the Inquiry. However it is important to note that, while both make up the mainstream media, the written press – newspapers and magazines – operates under different codes from the broadcast media –TV and radio.

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15. To operate in the UK, broadcasters are subject to statutory regulation by Ofcom, which insists on impartiality and fairness in the coverage of politics and politicians. Since the seventeenth century the written press has been unlicensed, essentially exercising freedom of speech, subject to the law, like any other individual, citizen (or subject). See further exhibit **TABB2**, which is a text of my Gorbachev Lecture on Press Freedom: 'Above All Liberties', delivered at Christ Church Oxford on 8<sup>th</sup> November 2011.
16. The nature of the media also differs. TV news consists of first-hand witness – pictures, soundbites, interviews – backed up by designedly 'impartial' commentary and analysis. The press cannot match this directness or immediacy in dealing with what I call 'primary news'. As a result it has been forced into 'secondary' content – opinion, argument, feature commentary, speculation and allegation.
17. In my view this binary arrangement serves the public well. As opinion surveys show, TV is the main source of the nation's information about current events but the opinionated and less disciplined press often succeeds in setting the news agenda, which is then tested by radio and television.
18. The service to the public is further improved by competition both within media – by the BBC, Sky News and ITN, say – and between media, such as the press and TV. The first objective of any regulatory framework which seeks to uphold a constructive 'free media' should be to ensure plurality. This applies commercially so that a state-funded BBC should not squeeze rival competitors out of the market place (in my opinion, the BBC has improved dramatically since it ceased to be a monopoly). But it should also apply systemically to preserve liberty – so that some media, such as the press, can operate more freely than another, such as television, which operate under a licensing and regulatory structure ultimately established in law by parliament. Free competition also means that rival news organisations can hold each other's behaviour up to public scrutiny.
19. In my area of competency, the best recent examples of TV serving the public were the series of Leaders Debates during the 2010 General Election and the rolling news coverage on Sky News and the BBC of the coalition negotiations in the days immediately following the vote. The coverage brought hours of policy debate in prime time to millions of viewers – doing what television does best. According to independent academic studies, the coverage significantly engaged and informed the electorate, especially younger

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voters. See further exhibit **TABB3**, which the chapter I contributed, along with Tom Roberts, to the book *'Political Communication in Britain'*, edited by Dominic Wring, Roger Mortimore and Simon Atkinson and published in 2011.

20. Coverage of the coalition talks required TV journalists to employ different skills: the ability to muster the technical hardware to cover rapidly unfolding events and to get key people on-the-record; and the use of contacts and knowledge to inform the public on what was happening behind the scenes. It was a defining period in British political history and made great demands on us, as further explained in exhibit **TABB4**, which is an extract from my book *'Hung Together'*, published in 2010.
21. The press' greatest recent achievement in political journalism is undoubtedly *The Telegraph's* exhaustive exposé of MPs' expenses, even though it required the purchase of stolen property. As with Wikileaks, the medium of print was well suited to the painstaking archiving and aggregation of a mass of material. TV could not have done it as well (in any case would Ofcom guidelines have allowed a broadcaster to buy the stolen expenses data?) I have spoken in more detail on these matters in both my Gorbachev Lecture referred to above (**TABB2**), and in my lecture 'The Media and the Law in 2012' to Greenwich University on 27 March 2012 (exhibit **TABB5**)

*Question 2(b)*

22. In my twenty nine years at Westminster, I have noted that proprietors, executives and senior journalists from the press have frequent semi-social contacts with the Prime Minister and other ministers. This ranges from private dinners and lunches, reciprocal summer and Christmas parties, and meetings with editorial boards, to cosy chats with columnists.
23. Although I think it would be wise to publish regularly a record of such meetings (especially with the Prime Minister and Deputy PM), I see nothing wrong with them and feel it would be a pity if they were to be a casualty of present concerns about press behaviour.
24. The public will be better informed if politicians and the press get to know each other on an off-the-record basis. And since the press trades in opinion, it is perfectly legitimate for politicians to try to curry favour with it.

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25. Television simply does not work like that, especially a rolling news channel. I fully agree with the Sky News 16 September letter to the Inquiry that “The nature of Sky News’ editorial is markedly different to that of national newspapers. As a multimedia news organisation operating 24 hours a day, seven days a week Sky News’ focus is on non-stop, hard, breaking news. The news organisation is not primarily concerned with the types of exposé that are more prevalent in tabloid journalism.”
26. For statutory reasons we have to be sensitive to any private contact with politicians. In any case TV reporters enjoy regular on-the-record face-to-face contact with politicians in the course of their work, unlike print journalists. If you want to deliver good interviews, you do not want to become too pally with your subjects.
27. I get invited to drinks parties by media organisations and ministers alike and I see it as part of my job to attend them. But I have never enjoyed an exclusive ‘Sky News only’ briefing from any minister – frankly if they are not going to say it on camera it is not much use to me. I have never dined at Number 10. I had lunch at Chequers once along with the political editors of the other TV news channels. See exhibit **TABB 6**, an extract from my book ‘*Tony’s Ten Years*’ for my account of how Alastair Campbell exploited this rather unstructured lunch to his own ends. Other off-the-record chats with Prime Ministers over the years have all been in the company of TV rivals or Lobby colleagues (except for single conversations with Tony Blair and David Cameron for my books, not my TV work.)
28. I have attended, and sometimes hosted, BSKyB corporate events at which the company has entertained politicians. These events are usually informal and matters of record; where current events are discussed. Guests also have the chance to ask questions about BSKyB’s activities in general from the range of BSKyB personnel in attendance. Engagements have included dinners with prospective parliamentary candidates, MPs and peers from Conservative, Labour, Liberal Democrat and SNP parties. I have also attended dinners with regional stakeholders in Leeds and Dublin and BSKyB, News International and Sunday Times receptions. I have represented Sky News as a participant at the Hay Festival (sponsored by Sky Arts), Cheltenham Festival (sponsored by The Times) and Oxford Festival (sponsored by The Sunday Times).
29. Sky News has never taken part in scheduled exclusive ‘off-the-record’ editorial briefings with Number 10.

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30. Almost all print journalists at Westminster, and some broadcasters, belong to small groups which aim to take senior politicians out to lunch on shared expenses on a regular basis. This process typically results in modest stories attributed to sources appearing under the bylines of the journalists in a particular club. While passable in print, being unsourced, they would not make it onto TV news. I have never belonged to such a club. It would not be a constructive use of time even if I had it to spare.
31. In my experience serving ministers are not the best source of information anyway. For background information I rely on random encounters with officials, people I interview and their entourages, people I bump into on the street or at social occasions. On average about half a dozen times a month, I do use expenses to entertain contacts, especially when they have asked for a meeting, to repay hospitality which I have received in my professional capacity and to discuss specific prospects. Those I meet in this way are itemised on my claims for reimbursement.
32. Since we launched, Sky News has successfully sought access to politicians and ministers that is equal to, not better than, our rivals at the BBC, ITV and Channel 4, trusting the quality of our journalism to distinguish our work. This has required open and fair relationships and, in the early years, some pretty forceful arguments. Favouritism usually backfires in TV news since 'exclusive' pictures can be accessed by rivals under 'fair dealing' principles. Resource constraints also mean that there is a good deal of pooling of coverage and other co-operation between rival organisations. Pooling is routinely insisted upon by government and political parties in some circumstances.

*Question 2(c) (d) (e) and (f)*

33. Because British broadcasters operate under a regulator, Ofcom, set up by parliament, those who work for them, and especially those who have frontline contact with legislators, are enjoined to be proper and circumspect in their relations with politicians. It is also the case that the vast majority of our interactions with politicians take place in collaboration with other colleagues – camera operators, producers etc. – and before witnesses – the viewing public. If we behave badly, politicians and the public can bring us to account.
34. When I was approached to set up Sky News' political team, I asked the then Head of News, John O'Loan, if, notwithstanding the law, there was any intention to skew the

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political agenda. He replied “You know that wouldn’t work”. Having just weathered the TV-am dispute during which the unions had ‘blacked’ the station, I did indeed. Being ‘blacked’ meant that the unions requested others not to collaborate with the broadcaster’s continued operation on pain of possible reprisal by them. The Labour Party complied with this policy which meant for example that Labour spokesmen would not appear on TV-am and that our cameras were not admitted to the annual conference. In these circumstances it was very difficult to provide political coverage that matched our competitors.<sup>1</sup>

35. Other than legislating against them, the single biggest power politicians have over broadcasters is whether to appear or not. Conversely broadcasters’ greatest power is choosing who and what to cover and place on the national agenda. These conflicting forces drive the daily bargaining of what gets onto the airwaves. We try to educate, inform and entertain the viewer with fresh information which we think will matter to them. In most circumstances politicians only want to participate with this process when they think it will be to their advantage. When a policy or an individual is in trouble, it is usually difficult to get the relevant minister or party leader to come in for an interview.
36. If there is a policy dispute within a party or coalition or with the opposition – our natural instinct is to want to represent the drama by presenting different sides of the argument. Politicians do not always want to take part in this process and we will try to find surrogates for them such as campaigners or commentators.
37. When it is not possible to balance protagonists in an argument, the interviewer’s role changes. You are no longer a referee and you become a ‘devil’s advocate’. When interviewing a politician one-on-one it is your role to press him with the arguments of his opponents (even when they are reluctant to make them for themselves). In politics there are sometimes periods (usually after an election defeat) when the opposition is sunk in infighting and introspection – at such moments I believe it is all the more the role of the

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<sup>1</sup> To the best of my belief representatives of News Corp, BSKyB’s largest shareholder, have always respected that Sky News operates in a different ecology from News International. My line of editorial accountability has always been to the successive Heads of News, backed up with a remoter personal relationship with the corporate CEO. In 29 years I have had perhaps three substantive conversations on issues of the day with Rupert Murdoch, always with others present. I have seen the News International CEOs, Rebekah Brooks and Les Hinton, more frequently at social occasions but they never attempted to influence Sky News. For example, Sky News was informed at exactly the same time as the BBC when *The Sun* switched its endorsement to the Conservatives in September 2009 – one hour before the 10pm announcement.

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media to hold the government to account. Most viewers understand and welcome what is happening, but a minority, especially those who are most partisan, will feel that the interviewer has crossed the line. See further exhibit **TABB4**.

*Question 2(g)*

38. I believe that healthy relations between the political media and politicians broke down during the Blair era and have not yet recovered. Chapter 6 of my book '*Tony's Ten Years*', which is exhibit **TABB7**, provides an extensive discussion of this.
39. Healthy relations would mean that each side accepts that the other has a legitimate job to do, and that to fulfil these functions they should treat each with respect and at arm's length. Neither side should lie or place the other under unjustified duress.
40. Both sides can take a share of the blame. Following the trashing of Neil Kinnock by the press in 1992 (which I do not believe was the reason for his defeat), New Labour formed the unswerving belief that it could only come to power if it won over the press. However in courting the popular, and especially the tabloid press, Blair, Brown, Campbell and the rest were unscrupulous. As I conclude in exhibit **TABB4**, "The Blair Administration had not just been at fault for courting the media; over the decade it had also taught many journalists tricks when it came to misrepresenting, dissembling, stonewalling, cultivating and bullying". To begin with, New Labour carried all before it. But over time most journalists became embittered by the cynical and contemptuous way they were being treated. Some journalists responded in kind, others were cowed for too long. With hindsight we can see that this breakdown of trust between government and media contributed to the serious issues surrounding the death of David Kelly and the invasion of Iraq investigated by other inquiries under Hutton and Chilcot.
41. The essence of the problem was that New Labour politicised all interactions with the media – a process which coincided with the rise of the special advisor. Bernard Ingham was a bulldog for his mistress but he came from the Civil Service and, as his memoirs demonstrate, regarded any suggestion that he had lied as the gravest charge against him.
42. In the 1980s the Lobby system was an important guarantor of fair play. It is a historical fact that the Lobby is a parliamentary institution, rather than an arrangement with government, or political parties. Journalists won the right of access to the press gallery and precincts from parliament. Ingham understood this. Both TV-am and Sky News were



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- start-ups, and widely derided elsewhere in the media at the time. But once we secured membership of the Lobby, in both cases Ingham automatically granted us access to the Prime Minister equal to that of the other news broadcasters. Equally, in spite of my entanglement in the TV-am/ACTT dispute, Roy Hattersley, then Labour Deputy Leader, assured me of Sky News: "If you do right by us and treat us fairly, we'll do right by you."
43. In the 1980s the Lobby was a useful source of off-the-record information provided on an equal basis to all accredited media organisations: the Leader of the Opposition, the Leader of the House of Commons and the Leader of the House of Lords all gave weekly off-the-record briefings. None of their successors do so now in spite of the efforts of Lobby chairmen, including me, to get the Leader of the Commons to resume (Jack Straw did try to hold some briefings during his short tenure.) The Leader of the Opposition's briefing ended after Neil Kinnock excluded News International journalists during the Wapping dispute, and the Lobby declined to be briefed on a selective basis.
44. The Lobby has been sidelined in another way since the days of Alastair Campbell. Campbell's Lobby briefings, which he put on-the-record, were of great value because they directly reflected what the Prime Minister would do and say. Before his departure in 2003, Campbell decided that this was leaving the government too exposed (the second sacking of Peter Mandelson and the "bog standard comprehensives" incident had both demonstrated his frontline role). He withdrew from briefing the Lobby himself as a special advisor, substituting a civil servant as spokesman in his place. This arrangement has remained in place ever since, with the senior spin doctor, the 'Director of Communications', operating behind the scenes. Effectively Lobby briefings have been downgraded because a civil servant is naturally inhibited about what he or she will say on-the-record and because, however skilled and well intentioned, the Spokesman is no longer the central figure in government communications. In my view the PM's Official spokesman's main value to the government is 'deniability' - the ability to say honestly that you do not know the answer to journalists' questions.
45. Sky News' journalists still attend the regular Lobbies (twice daily when the House is sitting) for the operational information they provide, although much of this could be delivered by press release. But under the Brown and Cameron governments there has been a concerted attempt by press colleagues to use the Lobby system to constrain their competitors in the electronic media by imposing artificial embargos on information given

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in order to benefit print deadlines. This practice is particularly irksome on foreign trips in different time zones and has resulted in several calls to ban Sky News for allegedly breaking the rules. Downing Street habitually takes the side of print on the pathetic ground that “we’ve got to give the hacks something to justify their cost of the trip.”

46. I believe that the re-establishment of the Lobby as a parliamentary institution with the cooperation of all parties and taking account of modern media tropes could be one way of reassuring trust between politicians and journalists at Westminster. Unfortunately, this is unlikely to be popular since the Lobby has the unjustified reputation of being some kind of Masonic conspiracy against the public.
47. After 2003 Tony Blair attempted to restore media relations by establishing regular monthly news conferences. He honoured these punctually even when the chosen date coincided with a ‘crisis’. However, they were never popular with the press who felt the electronic media benefitted disproportionately and neither Brown nor Cameron have continued with regular extended news conferences.

*Question 2(h)*

48. As I have demonstrated, since the beginning of this century governments and parties of different complexions have tried to manipulate the media, largely by obstructing access in one way or another. But until last year the only organisation which came under more direct pressure from government was the BBC – in the 1980s from Norman Tebbit and the Thatcher government and in this millennium over the death of David Kelly. While uncomfortable and sometimes unwarranted, such scrutiny is perhaps an inevitable consequence of the direct relationship with government embodied in the BBC charter.
49. Inevitably it is even harder to discuss these matters when they come closer to home, in terms of my long term and current employers, and relate directly to events covered by the Inquiry’s hearings. However, speaking entirely in my personal capacity, I would point out that a collision of media and political interests has already had significant consequences by means “otherwise” to legislation or regulation.
50. In 2011 issues surrounding the News Corp proposed takeover of BSkyB led the government first to refer the matter to the Office of Fair Trading and Ofcom, then to seek an undertaking from News Corp to hive off Sky News, and finally to refer the matter to the Competition Commission for review before the bid was withdrawn. Government

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decisions directly impacted on the futures of two major commercial businesses and of a TV news organisation. Following allegations made by a media competitor, *The Guardian*, on 5 July 2011, taken up with enthusiasm by some MPs, the merger was shelved with even more dramatic consequences. It has subsequently emerged that the decisive allegation against *The News of the World* was untrue.

51. The Inquiry has asked how politicians may constrain media practice. Regulation and legislation play their part. But a hue and cry taken up by politicians can impact most severely as we saw with the BBC and Hutton and already for the organisations currently under examination. It may result in rough justice but it does not suggest to me there is necessarily the need for an extensive array of new rules.
52. The proper response to such pressures is to continue to uphold your values and codes of conduct. Transparency, where possible, is also desirable. Journalists challenge others to account for themselves, and Sky News colleagues and I have always been prepared to answer for our actions – as I hope this witness statement and items exhibited demonstrate.

*Question 3*

53. Professional journalists will only succeed if the public trusts them as a source of high quality information. In our chosen sphere we should be better informed, more experienced, and more insightful than an ordinary viewer who spends their working hours doing something quite different. That means political journalists need to know politicians. In many cases acquaintances are likely to develop over years. For example, I first encountered all three current party leaders at Westminster when they were special advisors. It is also the case that some politicians become journalists, and some journalists become politicians.
54. The public interest is served by the expert knowledge shared with them by journalists. But there is clearly a danger that a personal relationship could be presumed upon to deprive the public of journalism at full throttle. This is so obvious that it can be easily guarded against by transparency. A journalist's work is there for all to see and judge. Likewise, most journalists I know are open about their personal relationships with a politicians and officials.

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55. Before TV interviews politicians sometimes attempt to set conditions about what they will discuss. Broadcasters must reject such pressures even if, on occasion, it may mean that an interview is cancelled.

*Question 4*

56. Politicians move between government and opposition, backbench and frontbench, so experienced political journalists are likely to have known individuals in various guises. They are the same people but there are some practical differences in interactions with them depending on their circumstances. As Tony Blair said, governments do but oppositions can only talk. Except at election times, our primary task is to inform the public about what the government is both doing to them and doing on their behalf. Governments do not always welcome such scrutiny. Ministers are protected by ranks of advisers and media officers and they are usually accessed only through them. Opposition politicians have fewer resources and less protection. In addition they are usually hungry for the chance to make their case through the media. Backbenchers are more accessible still and deal freely with journalists.
57. So, journalists tend to get to know politicians better when they are on the way up, on the backbenches or in opposition. I do not believe that the public interest would be served by providing tax-payer funded resources to those not in government so that they can protect themselves in the same way as ministers. Equally all sides need to accept that, unlike their opposition colleagues, ministers have a current record in government to defend and not just a political argument to make.

*Question 5*

58. In many ways election periods are easier to cover on TV than normal political business. Judgement calls are suspended and all candidates must be covered fairly. Interviewers seldom have to play devil's advocate because politicians are prepared to argue with each other and must perforce defend themselves. I welcome the fact that TV news must by law remain impartial. The fair access to our airwaves, at no cost to the political parties, as well as the ban on TV advertising, serves the public and the politicians by taking much of the money out of British politics. (However in a multi-channel digital age I do not think that statutory Party Political and Party Election broadcasts serve much purpose.)

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59. As already stated, I believe that the Leaders Debates were TV's greatest and most recent contribution to serving the public. I am dismayed that as yet there has been no formal commitment from the parties to repeat the exercise at the next election. The debates came about in 2010 because the broadcasters (Sky News, BBC and ITV) worked together, as did the three political parties. There is no reason why this arrangement cannot continue going forward. However if putting debates on a statutory basis under a body such as the Electoral Commission would establish them on a permanent basis, then why not?
60. The quality of election coverage has vastly improved since the regulators loosened up the rules and abolished the 'stopwatch timing' definition of balance. I would like to see a similar flexibility adopted for the next round of debates, so that different formats can be developed.
61. In our increasingly multiparty system, my main concern is how fair, but not-disproportionate, coverage can be given to minor parties. Obviously much of this can be tied to the level of elected representation in the previous relevant assembly, so no problem with Cameron, Clegg and Brown. But I do think it is a subject which broadcasters need to engage on with themselves, with the public and with the regulators.

*Question 6*

62. I am personally wary of setting too much store by an enhanced definition of the public interest to be set against a stronger right to privacy. Privacy is too easy to define broadly and the public interest is too easy to define narrowly. Certainly suggestions that the public interest should only come into play only when a crime is exposed are ludicrously restrictive. Self-evidently there is a danger that those in power will define the public interest for their own ends, when scrutinising the powerful is exactly what the media should be doing. (The attempted official redaction of MPs' expenses was hardly an encouraging sign.) While nobody would deny the right to a private space, both physically and electronically, much of our lives are lived in public spaces (both real and notional). It would be unfortunate if a privacy law was constructed which could be exploited by the rich and powerful to put up new barriers.
63. To me the right of privacy should be tested against the right of freedom of speech, of the individual or of the press, as it is in the first amendment of the US constitution. It is much better to subject us all to the same laws, rather than to construct special laws for the

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media. In principle, the law should not be broken by journalists or anyone else. If it is, those responsible should be investigated and face the consequences of their actions. It seems to me that that is what was happening even before these matters were referred to the Inquiry. The law cannot be framed to prevent crimes happening.

*Question 7*

64. As I have already stated I believe that different degrees of regulation for press and broadcasters serve the public well.

*Question 8*

65. The most important thing is that the current investigations and inquiries should be completed fully and transparently, and appropriate follow-up should take place where warranted.
66. When it came to dealing with the complaints of ordinary citizens it was probably unfair to say that the PCC had “failed”. However the PCC was obviously neither equipped nor properly mandated to deal with alleged internal misconduct by some editorial teams or the complaints of prominent people and celebrities. Public confidence might be rebuilt if the press watchdog is beefed up, made fully independent and given some investigatory powers and resources. If possible a mechanism should be found to get round the ‘Northern and Shell problem’ (i.e. a major newspaper group opting out of the self-regulatory body), requiring mainstream publications to be registered with the regulator. The regulator’s ultimate sanction would be to delist an offending outlet, such a step should have practical commercial consequences (perhaps the inability to obtain an ABC ranking).
67. As someone old enough to remember the NUJ closed shop, I am not convinced by the idea of licensing journalists individually. As a professional insurance policy I have remained a member of the NUJ ever since. Media operating in the public interest require contributions from a very wide range of voices, not a state-sanctioned reporter grade. As is already the case in TV, a print journalist’s line of accountability should be to his or her employer (and of course the law), with the employer accountable to the PCC equivalent. Journalists at fault should be sanctioned by their employer, and, if they are not, then the press regulator could sanction the publication. It would be possible for Ofcom to act as the ultimate press regulator but I fear it would lead to much confusion if the same body

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was enforcing two quite different codes on journalists. In the case of the press, self-regulation underpinned by statute would be a better way of preserving free speech and benefit to the public.

*Questions 9 and 10*

68. A few years ago I took part in a debate at the Oxford Union proposing the motion ‘The Tabloids Run The Country’. Denis MacShane MP and I were soundly beaten by our opponents Lionel Barber and Andrew Gilligan. Most powerfully Gilligan read out a long list of the campaigns and strident demands on policy thundered out daily by the tabloids and pointed out that only a tiny percentage of them had ever come to pass.
69. I do not believe that the media dictates public policy in general. Media power lies in agenda setting and acting as the conduit for public discourse – a discourse which the popular press conducts in lurid colours. Even when it comes to newspaper endorsements at election times, academic research repeatedly suggests that editorial backing has very little impact on readers’ votes. In practice, politicians and other public figures have been unnecessarily sensitive to press opinion. It may be that the present cooling off of the courtship between press and politicians will restore some sense of balance naturally.
70. For the matters referred to in this section media organisations are *partis pris* – not just commentators and agenda setters but players with direct interests. As it happens, our consumers are understandably not much interested in the media’s private business. Editorial coverage of it is correspondingly quite restrained. The solipsistic media frenzy last summer was not a ratings winner.
71. It is appropriate that news organisations should speak up on matters of concern to them. For example I have been closely involved with Sky News’ campaigns for the televising of parliament, the Leaders Debates and, currently, court proceedings (see further exhibit **TABB3**). We feel able to engage on these matters because they are systemic rather than value based.
72. It is right that the press should express a view on laws affecting their activities such as libel, freedom of information, privacy, and journalistic conduct. In our broadcast output, Sky News would not take a side on such questions but present them as subjects for debate in the round. However if drawn into a specific controversy – say by demands to reveal sources or hand over footage to the authorities – we will defend our rights under the law.

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73. But in all these circumstances the media is merely making its case: the binding decisions will be taken by legislators, courts and regulators.
74. The public is probably least well served when the media discusses itself. Commercial rivalries tend to destroy any hope of fair comment. It is irresistibly tempting for some organisations to revel in the discomfort of their rivals – although it should be said that some outlets do try to make a virtue of impartiality. Consequently the public interest is best served by a multiplicity of opinions being available on a given issue – and the job of the authorities is to ensure plurality of the media.
75. News is not a high return sector. All over the developed world newspapers are losing readership and advertising to the electronic media; and TV and radio in turn are under intense pressure from unregulated, and probably unregulatable, digital internet and mobile media.
76. Newspapers and broadcast news services are surviving in this climate by being part of media conglomerates and being cross-fertilized from areas which are generating revenue. This is as true for BBC News as it is for Sky News. The difference is that the BBC is given its revenue by the licence fee payer, while BSkyB has to earn it in the marketplace.
77. In its submissions on the proposed News Corp takeover last year, BSkyB disclosed that it had invested more than £1 billion in Sky News since 1989. The existence of a rival BBC News channel ‘free’ at the point of access by the viewer has rendered it impossible to establish a niche position for Sky News in its home market. Not every business would be prepared to give Sky News such sustained support, as the sad decline of ITN over the same period demonstrates. In the same way the creation of Sky News itself required an investment commitment from News Corp that few others would have been prepared to make. See exhibits **TABB2** and **TABB5**.
78. My point is that editorially independent media outlets are commercially interdependent - whether as components of the same business, or rivals in the same sector. Dramatic new intervention to curb the press or to prevent cross ownership would significantly impact the current plurality of our media.
79. People in the media undoubtedly see more of politicians than those working in, say, the biscuit business. They have more of mutual interest to talk about. This is surely the attraction for many of the tycoons who buy in as proprietors. As Ian Hislop pointed out in his impressive evidence to this Inquiry, those courted by the powerful are hardly likely to



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turn down their invitations. In recent times relations may have got “too close”, as David Cameron now admits. But does this mean that major news organisations have been able to impose their agenda on government, on public policy or on their own business affairs? Like Andrew Gilligan, I doubt it. On the matters mentioned in the Notice for example, and contrary to the exhortations of the comment columns, the death penalty has not been restored, Britain is still part of the EU, net immigration continues, and terror suspects are not being deported without due process.

80. The newspapers engage the public on these important matters and the broadcasters ensure that the questions are examined in the round. The conflicting voices of the media reflect and guide public opinion rather than form it.

*Question 11*

81. The Prime Minister serves at the pleasure of the Sovereign and the electorate; ministers serve at the pleasure of the Prime Minister. Ministerial resignation crises are one of the recurring staples of political reporting, and the conduct in question may often have been first revealed by a news organisation. That said, Ministers resign because of what they have done, not because some papers are calling on them to go. As with press campaigns, only a small minority of the heads called for actually roll.
82. Nonetheless ministerial resignations are not the consequence of pure natural justice. Alastair Campbell’s comment that a minister has to go if a crisis dominates the headlines for ten days or more, should not be a rule. But it is a fairly accurate observation. Luck plays a part. Some ministers survive because a big event elsewhere shifts the news agenda away. Others fall because they cannot clear their names quickly enough (the second Mandelson resignation is an example of this).
83. Baroness Shirley Williams is of the view that many fine people are scared away from public service because they are unwilling to undergo scrutiny by the media. I disagree. I think rigorous scrutiny results in better public servants. Public standing and power can also afford many protections, as the long careers of Jeffrey Archer and Jonathan Aitken, to name but two, have demonstrated.

*Conclusion*

84. Thank you for asking me to make this witness statement to the Inquiry. I am most willing to be of further assistance if so required.

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*Documents requested in the Notice*

85. I have enclosed at exhibits **TABB2-7** the documents that I have referred to in this witness statement.

**Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signature



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25 April 2012  
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**IN THE LEVESON INQUIRY INTO THE  
CULTURE, PRACTICES AND ETHICS OF THE  
PRESS**

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**WITNESS STATEMENT OF  
THOMAS ADAM BABINGTON BOLTON**

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