

THE LEVESON INQUIRY

STATEMENT BY THE RT HON JACK STRAW MP - 30 APRIL 2012

This statement has been prepared in answer to the letter from the Solicitor to the Inquiry dated 30 March 2012. The statement follows the questions in that letter. The questions are shown in bold.

1. **Your witness statement should cover at least the following:**
2. **Who you are and a brief summary of your career.**
3. Rt Hon Jack Straw. I have been the Member of Parliament for Blackburn since 1979.
4. I served as Home Secretary (1997-2001), Foreign Secretary (2001 – 2006), Leader of the Commons (2006 – 2007); and Lord Chancellor and Secretary of State for Justice (2007 -2010) in the 1997 – 2010 Labour administration.
5. I was on the Opposition Front Bench from late 1980 until 1997; in the Shadow Cabinet from 1987 – 97.
6. Before I entered Parliament, I qualified for, and worked briefly at the Bar; I was a Special Adviser to Barbara Castle (Social Services Secretary) 1974 – 76; and Peter Shore (Environment Secretary); and then as a journalist/researcher on Granada TV's current affairs "World in Action" programme (1977 -79)
7. **General questions about engagement with the media**
8. **In your view, what are the specific benefits to the public to be secured from a relationship between senior politicians at a national level and the media? What are the risks to the public interest inherent in such a relationship? In your view, how should the former be maximised, and the latter minimised and managed? Please give examples.**
9. It is critically important that politicians at all levels have open and constructive relationships with media representatives. Indeed, there is, in my view, a duty on senior politicians in a democracy to have such relationships – for the obvious but important reason that the media is a crucial channel for the dissemination information and opinion. The media is not a self-contained interest group – it is a thoroughfare for this information and opinion. Having meaningful relationships between politician and journalist gives the politician the opportunity to influence what comes out of the other side. That is in the public interest because the media is one of the key ways in which the public garner information about public policy.
10. It would be wrong for politicians not to have good relationships with the media because that would effectively mean they were shunning the people who put them in office. Engaging effectively with the media is thus not an ends in itself but a means by which politicians communicate with, in the broadest sense, their constituents.
11. Of course there are risks in this (although the risks of politicians being detached from the media – and therefore the public – are greater for all involved). The key risks are that the relationships become incestuous, manipulative, and self-serving; that politicians allow themselves to be influenced by agendas generated by media organisations in order to secure favourable coverage for themselves, their party, and their government.
12. Again, this is a complex issue. It is entirely understandable that politicians would seek favourable coverage; like any organisation they have an interest in doing so.

Negative coverage can have a significant impact on any organisation – and every organisation has an interest in trying to avoid this, and to secure positive coverage.

13. The way to maximise the benefits, and minimise the risks is to:
14. Seek to be as open as possible (i.e. provide information even if it may be uncomfortable at times. One example I can give relates to the so-called Early Custody Licence (ECL), introduced in mid-2007 to moderate a prison number crisis. This was unpopular. I decided that all available data would be published on a specific day each month.)
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15. Not be selective when developing media relationships (i.e. don't have favourites).
16. Be prepared to take the rough with the smooth (i.e. go on the Today programme even when you know it is going to be difficult).
17. Be realistic (however much you think a journalist might be 'on side' ultimately they are journalists, not politicians, and the job is a different one – expecting something 'in return' for a good relationship is foolish and tends to backfire).
18. Fancy tactics never work.
19. There has never been a "golden age" in political reporting; but in my perception there has been a significant decline in the straight reporting of what Parliament and local authorities are doing – the decisions they are making. I published research in a report I produced in 1993 charting the decline in the reporting of Parliament, which coincided with the introduction of the televising of Parliament,
20. These days the basis for almost any political newspaper story is either conflict or is personality-based. A significant amount of the work of government and Parliament is both very important, and consensual; but this is scarcely reported because it is seen as "boring".
21. Although print media sales are in seminal decline, the influence of the print media extends far beyond their direct readers. The print media (especially the national newspapers) are the primary media in this country. They set the prevailing style of journalism and on any day the hierarchy of stories to be covered. It is rare to see broadcasters taking the lead – this is partly a consequence of their public service duty.
- 22. Would you distinguish between the position of a senior politician in government and a senior politician in opposition for these purposes? If so, please explain how, and why.**
23. The rules of good communications should not change between opposition and government, though there are of course differences. The principal difference is that government is necessarily more constrained by rules than opposition. Ministers are required (though some observe this in the breach) to inform Parliament before the press of key decisions. Government is subject to FOIA. Neither of these constraints are on the opposition.

24. To some degree, the politician in opposition should take more care about the relationships they cultivate. They have an interest, of course, in seeking to show that the Government is getting it wrong – journalists have a desire (generally) to aid this interest through ready provision of column inches. The risk is that opposition (a) plays fast and loose with statistics (b) creates hostages to fortune for the time they do eventually move from opposition to government and (c) creates unrealistic expectations about how the media might regard them when in government (i.e. the hopes of kid glove treatment come to nothing)
25. In government, politicians have a duty, of course, to uphold the terms of their office. This should mean running a departmental ship (press office) which seeks to be open and transparent where possible, which is not asked to do things which would break the terms of civil service impartiality and which provides a good service to all media representatives.
- 26. Please explain the approach you personally have taken in the course of your political career to engaging with media proprietors, senior editorial and executive staff, and political editors, within the media. Your answer should cover at least the following in relation to your time in office as Home Secretary and as Secretary of State for Justice - indicating as appropriate whether the information relates to either of those capacities or a private capacity:**
- a. the nature and frequency of contacts of this nature, whether formal or informal, including who initiated them and the purpose and content of these occasions;**
 - b. details of any relevant hospitality you gave, received or participated in;**
 - c. the value of these interactions to you;**
 - d. the extent to which political support by the media for any individual, party or policy was discussed at such interactions;**
 - e. the extent to which the existence and nature of such interactions were or were not placed within the public domain and the reasons for that.**
27. Please see my answers above. The most frequent and intensive interactions were made on my behalf – by the Press Secretaries (civil service), and their staff, and by a Special Adviser.
28. My direct contacts with the press generally included: (a) formal press statements, press conferences, and press briefings; (b) informal contacts in the margins of press conferences, in the Commons (the Inquiry will be aware that the lobby journalists have access to most of the corridors of Westminster, and many of the cafeteria), at other public gatherings – and when Foreign Secretary, on flights and in the hotels with foreign correspondents (a group of whom often travelled with me) (c) meals, receptions and so on..
29. From time to time I would have specific one-to-one interviews or briefings.

30. I have known a number of the senior journalists/editors for years, and we have each other's contact numbers. The political editors/senior correspondents would often call for a steer on issues – how forthcoming I was would depend on a number of factors.
31. From time to time I would have lunch (rarely dinner) with such journalists, and less frequently lunch at a newspaper's HQ with its editor and senior staff.
32. Specifically: I have known Paul Dacre, Editor-in-Chief of Associated Newspapers since we were both at the University of Leeds in the late nineteen sixties. Mr Dacre was Editor of the student newspaper ("Union News") when I was President of the Students' Union. I would describe it as a respectful relationship. I have always had a high regard for his professionalism and integrity. The fact that our politics are different has, to some extent, made our interactions more straightforward, since I have never held my breath that the *Mail* newspapers would give the Labour Party, or me, an easy time.
33. I have had a long-standing relationship with some senior people in *The Times*, from the nineteen eighties when I wrote a regular column for the paper (I have resumed writing for them since the general election).
34. *The Sun* has played a particularly important role in the fortunes of the Labour Party; and an even greater role in the perception of those fortunes by many of my generation (and younger) in the Party. This arises above all from the fact that many of the Sun's readers are either Labour voters, or in the social groups from which we draw our greatest support; from the fact that our greatest electoral disappointments have certainly coincided with ruthlessly hostile coverage from the Sun; and from the fact that Mr Murdoch has played a 'power game' with political leaders. Few of us who took part, for example, in the 1992 General Election are in any doubt that the Sun's approach lost us seats. That was their purpose, and it is disingenuous for any now to deny this. (I saw how this operated at a personal level: ten days before the April 1992 General Election I was the front-page target "for owning three homes".)
35. I applauded Mr Blair's efforts to try to get Mr Murdoch's papers on side. Given the power of these papers, this was the rational thing to do.
36. Social contacts: We have a few friends who are friends first, journalists second (though this can make for complications). We see them socially. A handful of these friends, along with many other friends, were our guests at the Foreign Secretary's country residence Chevening. (These were always private engagements, with no cost falling on public funds).
37. Senior newspaper executives were sometimes at Downing Street or Chequers events which we attended.
38. During my period as Justice Secretary I would often travel to London on a Monday morning from the west Oxfordshire station, Charlbury. Mrs Rebekah Brooks used to use the same train. After a while, we made arrangements to meet up and sit together for the journey. This arrangement ended naturally when sometime in 2009 Mrs Brooks became Chief Executive of News International, and her travel arrangements changed. I attended Mrs Brooks' wedding in June 2009.

39. Some of the contact with senior executives/editors concerned policy for which I was responsible – please see answers below.
40. I have always aimed for the most constructive relationship possible with the Lancashire Telegraph, the daily paper which circulates in my constituency. I have written a regular weekly column for the paper since 2003. I have always had a rule to return their calls, whatever the subject, and however busy I might be.
41. There has been nothing secret about my press contacts.
- 42. The Inquiry is aware of the speech you gave on press regulation at Gray's Inn on 12 July 2011 (Gareth Williams' Memorial Lecture 2012). In the light of what has now transpired about the culture, practices and ethics of the press, and the conduct of the relationship between the press and the public, the police, and politicians, would you like to add anything to the comments you made in that speech? Are you prepared to offer a view as to the reforms that would be most effective in addressing public concerns and restoring confidence and, if so, what is your view?**
43. The principal addition which I would add to what I said in the lecture is this:
44. There is now a very strong consensus (a) that the days of complete self-regulation by the press are over. The failure of the PCC is systemic. The fact that Express Newspapers has withdrawn from the PCC illustrates one, but only one, of the profound defects of having a system where senior editors are judge and jury in their own cause.
45. On the other hand, I take seriously the concerns that any system of statutory regulation could lead to an unacceptable degree of "state control". I do not believe that these concerns negate the case for a statutory system; rather that it has to be constructed with great care.
46. The way to do this – to which I made brief reference in my lecture – is to have the process for appointments to any new Press Commission, at arms' length from both Government and Parliament.
47. The best device for this would be for the Act to provide for an Appointing Trust. Members of this could be drawn from various groups – for example, it could be a requirement for the Chair to be a retired senior member of the judiciary; other members could be drawn from nominees of the Newspaper Society, the Society of Editors, the National Union of Journalists; balanced by lay nominees chosen by the Commons' Select Committee on Culture Media and Sport.
48. The Appointing Trust would in turn have the task of selecting the members of the Press Commission. They should in my view be given considerable latitude over the background of the appointees, except that there should be a bare majority of lay appointees, and fair representation of the interests of Scotland, Northern Ireland and Wales.
49. Because of the depth of our democratic traditions, we now have decades of experience of the satisfactory operation of bodies established by statute to monitor the work of Government – from the Chief Inspector of Prisons, to the UK Statistics

Authority. In the last three years, Parliament has had to establish a body to regulate its own standards in relation to the financial support for MPs, following the expenses' scandal. The Independent Parliamentary Standards Authority (IPSA) set up by the Parliamentary Standards Act 2009 is effective, and jealously guards its independence. I know of no MP (or journalist) who would claim that IPSA is in the pockets of MPs.

50. I would be happy to provide more detailed proposals to the Inquiry on the precise make-up of a Press Commission should it wish.

51. *Questions relating to police issues*

52. Please assist the Inquiry with an account, together with any relevant documentation, of your awareness at the time you were Home Secretary of the extent to which Metropolitan Police Service officers at Commissioner and Assistant Commissioner level had cultivated social relationships with the media and any steps you took as a result.

53. Note: For this and answers to the other questions relating to police issues I have looked through such files as the Home Office have been able to provide. So far these relate to the period 1998 and 1999, though other files may be located in due course.

54. Until the position of Mayor for London and the Greater London Police Authority were established in May 2000, the Home Secretary was the Police Authority for the Metropolis. I had regular (typically monthly) bi-lateral meetings with the Commissioner. His Deputy usually attended, along with the Police Minister and relevant senior officials.

55. The (incomplete) records of these meetings suggest that "social relationships with the media" were never a specific item of discussion; nor do I recall raising this as a separate issue. As the Met's Police Authority for three of the four years I was Home Secretary (and thereafter with continuing responsibilities for policing across the country), I wanted to ensure that the Met received fair coverage from the media, and sometimes made suggestions as to handling. For example, I suggested in respect of changes by the Met in investigating corruption that they should achieve this not by a press conference, but by a background press briefing of home affairs and crime correspondents.

56. Corruption, and police integrity, were however matters which were a high priority for me (and the Commissioners, Sir Paul Condon, and Sir John Stevens). These issues were on every agenda I have seen. I was anxious to have a more comprehensive strategy in place. I was aware of course that officers who were ready to take money or favours from criminals were equally as ready to take money or favours from journalists. I recall hearing some anecdotal evidence that those corrupt officers who were particularly venal, and clever, sometimes sought a level of protection for themselves by developing extensive contacts with certain journalists.

57. A major report by Her Majesty's Inspectorate of Constabulary (HMIC), on police corruption, was published in mid 1999, with a parallel report by a Home Office police research unit. The HMIC report's findings included:

58. *"...police corruption is pervasive, continuing, and not bounded by rank"; and "police corruption cannot simply be explained as the product of a 'few bad apples'".*

59. Also among the files was a synopsis of an ACPO guide on integrity which included some limited constraints on hospitality under the heading of "gratuities".
60. The Police Review for 28 May 1999 had caused a stir, the files showed, with the publication of a leak of the HMIC report. This highlighted these sections of the report:
61. *"Some chief officers refer to a "zero tolerance" in terms of breaches of integrity but this is viewed with some cynicism by their junior officers who feel the acceptance by senior officers of free business lunches and their drinking alcohol while on duty at public functions is a double standard".*
62. The Police Review story goes on: *"Although [the HMIC report] recognises that there is an urgent need to draw up new guidelines on perks, it warns that some managers may have been tainted by the type of activity they will now condemn".*
- 63. Please comment on evidence heard by the Inquiry to the effect that senior police officers, particularly in the Metropolitan Police Service, in recent times may have modelled their approach to media relations on what they have observed about the interaction between politicians and the media. Please set out your thinking on the relevant similarities and differences in the positions of politicians and the senior leadership of the police. To what extent do you consider that Government ministers in general, and Home Secretaries in particular, have a role in setting an example to senior police officers, in this respect? How, if at all, can a Home Secretary conduct his own relationship with the media so as to assist the police in turn to do so in a way which most benefits the public?**
64. I had never heard this suggestion put in these specific terms. However, there was a close working relationship between press officers in the Home Office and those in the police; especially the Met (assisted by the proximity of the old Home Office building in Queen Anne's Gate to New Scotland Yard, and the many public houses in that area); and I assume that there would have been much sharing, as it were, of best practice.
65. I was very clear that the Home Secretary of the day had to set a clear example by his/her conduct to all those for whom he/she was responsible, including the police.
- 66. The Inquiry has heard evidence from Lord Stevens that whilst you were Home Secretary you agreed a new overall strategy for the approach of the Metropolitan Police Service to working with the media, which was to be more open and trusting:**
67. *"Prior to my becoming Commissioner the relationship with the media was based on mistrust ...I realised that this policy must change if the MPS was to evolve and improve as an organisation. This approach to working with the media was agreed by the SMT. This overall strategy was also agreed by the Home Secretary Jack Straw and was outlined in a special notice 19-00 ..." (Lord Stevens' witness statement, paragraph 24).*
- 68. Please assist the Inquiry to understand the following, providing relevant documentation to which you have access:**
- 1. what were your policy and operational responsibilities and areas of influence in relation to this matter? Please identify in particular any powers or functions it fell to you to exercise by virtue of statute; any financial or governance decisions it fell to you to take; any role you had**

in the promulgation of guidance or other expectations; and the extent to which, although you did not have direct or operational responsibilities, you would expect to give or receive advice or briefings, including on a confidential basis.

- 2. what evidence was considered to support the conclusion that a new strategy was desirable?**
- 3. what was the process for developing the strategy? who was consulted?**
- 4. what were the details of the new strategy?**
- 5. how was it implemented and monitored?**
- 6. to what extent did you consider it to be successful?**

69. As stated above, until the GLA/MPA was established in 2000, the Home Secretary of the day was the Police Authority for the Met. The Commissioner was therefore accountable to me. I set the Met's budget, and precept. The Met completely overshadows all other police forces in England and Wales, given its national and London-wide responsibilities; its performance was in many ways a proxy for the performance of all forces.
70. In the files so far made available to me I have been unable to find any specific reference to the Commissioner's Special Notice 19/00 (22 Sept 2000) to which Lord Stevens referred in his evidence. I am however quite certain that he would have raised its preparation with me during one of our bilateral meetings, and that I would have approved its issue; though not necessarily the precise text.
71. There is reference on the files, from April 1999, to the Commissioner setting out to develop a new strategy overall for the Met – with my encouragement.
72. The need for a fresh approach was palpable, and can be explained in one word – "Lawrence".
73. Both the process of the Lawrence Inquiry (set up by me in July 1997), and its findings (February 1999) were deeply traumatic for the Met; especially its senior leadership.
74. By chance, the term of office of Sir Paul (now Lord) Condon as Commissioner was due to end in about April 1999. I had appointed his Deputy, Sir John (now Lord) Stevens to succeed him.
75. I wanted Lord Stevens to make his mark quickly, to raise standards, performance and morale – and to implement the recommendations of the Lawrence Inquiry – and so did he.
76. Lord Stevens was, in my view, one of the most successful of post-war Commissioners of the Met. The Met's performance did improve on most fronts.
- 77. To the extent that you have not already done so in answer to these questions, please set out your perspective on the issues relating to the relationship between the police and the media which are before the Inquiry, and any**

thoughts you have about matters the Inquiry should particularly take into account in making recommendations about the future.

78. Questions relating to media policy issues

79. Preliminary: To provide answers to the questions in this section I have been able to peruse extensive files (which are in good order) which are all now held by the Ministry of Justice (MoJ) following the transfer of many of the relevant functions from the Home Office. (HO). I quote from some of these documents. However, as I am unsighted on how much detail from these documents the Inquiry needs, and in any event the documents are the property of HMG, not me, I suggest that if appropriate Inquiry staff access these documents themselves and take copies of whichever ones they think may be relevant.

80. The Inquiry is interested to understand how those of your policy and operational responsibilities as Justice Secretary which had a particular bearing on the conduct and business interests of the media, operated in practice.

81. In particular, we would like the clearest possible picture of how you managed press relationships in relation to the formulation and execution of policy impacting on the media. How were the views of the press received, and then tested? How, if at all, did that differ from the way that the views of other parts of the media industry, and other stakeholders, are handled? How far was that process transparent or otherwise placed into the public domain? Did you or your officials schedule meetings or briefings with media representatives in relation to these matters, and if so with whom? Did any groups or proprietors have particular access to you or your department at these times? The Inquiry would be grateful if you could provide some specific examples. Your account should in particular address the following:

1. the development of the policy which was given expression in what became section 77 of the Criminal Justice and Immigration Act 2008, namely to introduce custodial sentences for offences against section 55 of the Data Protection Act 1998 together with a new public interest defence, and the subsequent policy considerations as to whether to bring those provisions into force. Please give a full account with relevant documentation to explain this process, including the extent to which you or your department consulted with, or received representations in relation to, this matter from the media and from Information Commissioner Richard Thomas;

82. The Information Commissioner Mr Richard Thomas issued a report to Parliament on 10 May 2006 "*What Price Privacy? The Unlawful trade in confidential personal information*" which made the case for increasing the penalty for a misuse of data from a fine only, to a term of imprisonment. HM Government agreed. By the Criminal Justice and Immigration Bill it was proposed to amend the law, to increase the sentences available to two years imprisonment, on indictment.

83. The press objected. The Minister in charge of the Bill, Maria Eagle, held a meeting on 17 January 2008, attended by the opposition spokesman Edward Garnier QC MP, representatives of *The Times*, the Newspaper Society, and the *Telegraph* Newspapers, Mr Thomas and officials. At this meeting Mr Thomas offered to produce prosecution guidelines which would be "very generous to genuine investigative journalism".

84. I had earlier in January 2008 received a letter from Mr Paul Dacre of Associated Newspapers setting out his concerns about the increase in penalties. I met Mr Dacre, Mr Murdoch MacLennan of the *Telegraph* Newspapers, and Mrs Rebekah Brooks of *The Sun*; and wrote to Mr Dacre on 12 February.
85. In the light of the representations I proposed to Ministerial colleagues to withdraw this clause from the Bill to give us more time to work out a way through. My problem was a time imperative. I had to get Royal Assent for the Bill by 8 May 2008 otherwise we would have had no sanction available to prevent the Prison Officers from taking disruptive industrial action. I could not risk the whole Bill being delayed beyond this date because of blocking amendments from the Lords. Other Ministers however objected to my proposed withdrawal of the clause, so I did not receive clearance to do so. Mr Thomas took grave exception to my proposal.
86. The Prime Minister held meetings with Mr Thomas, and separately with me, on 7 March 2008.
87. The Prime Minister and I asked Sir Suma Chakrabarti, Permanent Secretary of the MoJ, to hold discussions with the press and Mr Thomas to find a way through.
88. A minute which Sir Suma sent me on 1 April 2008 indicates that he had held three meetings with the press representatives – (the ones who had attended my January meeting, plus Mr Guy Black). I then wrote to Ministerial colleagues to seek their agreement to withdrawing the original clause, and replacing it with two provisions – (i) to provide an additional defence to section 55 DPA proceedings that the offender acted with a view to publication for journalistic, literary, or artistic purposes and in their reasonable belief that his actions were in the public interest; and (ii) to provide a power by which by order the Secretary of State could increase the penalties under s 55 DPA to two years imprisonment, but only after consultation. I said that the Opposition had indicated that they would support this way forward.
89. These provisions were duly incorporated into the Bill, and the Act was passed by the critical date of 8 May 2008 to ensure that there were on the statute book effective provisions to prevent the prison officers from taking strike action.
90. Although the records which I have seen are silent on the following point, my clear understanding was that the inclusion of the new defence, and the increased penalties, went side by side. The press could never have one without the other.
- 1. the process by which Mr Dacre came to be appointed in October 2007 to chair the “30 Year Rule Review Panel”, a panel set up to review the “30 year rule” contained in the Public Records Act 1958 (as amended). What contribution to the work of the panel did you expect from Mr Dacre? What do you regard as having been the principal benefits and risks of this appointment? What effect did the report of January 2009, “Review of the 30 Year Rule”, have on the subsequent development of government policy in this area?**
91. Mr Dacre was appointed to this task by the Prime Minister. I am afraid that I do not have access to No 10's records relating to this. My understanding from both the Prime Minister and Mr Dacre is that the two of them had discussed this idea in advance of Mr Brown becoming Prime Minister.

92. Mr Dacre was joined by two other members of his panel – the historian Mr David Cannadine, and the former Permanent Secretary Sir Joe Pilling.
93. I thought – and think – that the Panel as a whole, Mr Dacre included, did an excellent job. They approached their task with great seriousness and showed considerable understanding of the difficult balance necessary between access to government records, and the need to preserve the confidentiality of government's decision-making processes.
94. In the event HMG decided to support a 20 year rule (Mr Dacre's panel had proposed 15 years). Legislation on this was passed just before the 2010 election. One other important side benefit of the Panel's recommendations was they enabled me successfully to make the case to Parliament for stronger exemptions with the Freedom of Information Act 200 for The Queen, and other members of the Royal Family.
- 1. work on policy development in the months before the 2010 General Election in relation to reform of the law on defamation and on superinjunctions. To what extent did the impetus for this work come from media interests, and what was the relevance of the timetable to which it was undertaken?**
95. I decided in 2009 that we needed to undertake work on both these issues, because of mounting concerns about the state of the law from a wide variety of interests, and directly from Parliamentarians. The "Trafigura" case (September 2009), and the impact of the "super-injunction" which Trafigura obtained against *The Guardian* on Parliamentary privilege led serious protests in Parliament. The Lord Chief Justice, Lord Judge made a formal statement about super-injunctions at a press briefing on 20 October 2009, and subsequently invited the Master of the Rolls to produce a report on the matter.
96. Although media interests were pushing for change, they were by no means the only groups advocating change. There was a strong lobby in Parliament.
97. The Culture Media and Sport Select Committee had published a report on their concerns about the law of defamation.
98. I decided to establish a panel led by the MoJ's Legal Adviser Rowena Collins-Rice, with representatives from a wide cross section of interests, to consider the issues. Their report was duly published.
99. I also sought a bespoke amendment to the civil costs rules to restrict the success fee available from conditional fee arrangements in defamation proceedings to 10% (from 100%). This was blocked in committee, and fell because of the 2010 election.
100. I am sorry that in the time available I have not been able to provide specific dates here, but could do so with more notice.
101. **The Inquiry would also be interested in your account of the circumstances in which what is now s.12 Human Rights Act 1998 was introduced by amendment while the Bill was passing through Parliament. In particular, please explain the extent to which the impetus for this provision came from media interests, and the extent to which the media, and any other stakeholders, were involved in the process of policy development, drafting and handling of these provisions.**

102. The initial publication of the Human Rights Bill led to substantial concerns being expressed by most sections of the press that the Bill would introduce a privacy law by the backdoor, and bring the Press Complaints Commission (PCC) under statutory control. (*The Guardian* took a different view – its Editor submitted a draft of its own privacy law).
103. These concerns were set out at length in a letter which Lord Wakeham (LW), Chairman of the PCC wrote to Chris Smith, then Culture Secretary, on 12 January 1998. In this he said: “...*there are two central problems with the Bill. The first is the issue of prior restraint – and the new arsenal of weapons that will be available to the rich, the corrupt and those comfortable with the Courts to gag news papers [sic]. The second is whether the PCC should be a public authority within the terms of the Bill – and therefore the sort of legal entity which the newspaper industry never intended it to be.*” LW described the second issue as the “far more serious” of the two.
104. There then followed extensive negotiations with LW, and other media representatives. Key ministers involved were Lord Irvine, Mr Smith, the late Lord Williams, and I.
105. The PCC’s second set of concerns were impossible to meet directly, as Lord Irvine robustly set out (letter [undated] of mid January 1998); we also thought that the PCC’s fears were exaggerated. In any event, since the Courts were plainly “public authorities” within the terms of the Bill, they would interpret the law as it related to disputes between private parties (including the PCC) in a manner consistent with the Convention articles.
106. Contrary to some suggestions since, the PCC were well aware of this, and the fact that it could lead to the development of a law of privacy.
107. On 16 February 1998 I told the Commons that the discussions with LW on behalf of the PCC “had borne fruit”, and that we had “reached an understanding...which..would satisfactorily safeguard the position of the press...” [Hansard, 16 Feb 1998, col 777]
108. Negotiations between the PCC, other representatives of the media (including the BBC and ITV) continued over many months.
109. On 10th June 1998 I minuted the Prime Minister to say that we had now finalised an amendment to meet these concerns; its terms had been agreed with LW, who would also be issuing a Press Statement of welcome for the amendment when it was tabled. The terms of LW’s statement had been seen (and amended) by me in draft.
110. The amendment – a new clause – had its second reading in the Commons on 2 July 1998- see Hansard cols 534 – 63.
111. It is now in the Act as section 12.
- 112. *General questions about media influence on public policy***
- 113. In your experience, what influence have the media had on the formulation and delivery of government policy more generally? Your answer should cover at least the following, with examples as appropriate:**

- a. **the nature of this influence, in particular whether exerted through editorial content, by direct contact with politicians, or in other ways;**
- b. **the extent to which this influence is represented as, or is regarded as, representative of public opinion more generally or of the interests of the media themselves;**
- c. **the extent to which that influence has in your view advanced or inhibited the public interest.**
- d. **Please include in your answer your particular perspective on the nature of this influence in relation to criminal justice and to immigration policy.**

114. I hope the Inquiry will accept that I have, in many ways, answered this set of questions above.

115. In the most general terms, the media plays an important role in the development of policy. The press is a clearing house for ideas. We have in this country some very well informed journalists and commentators, some of whom are expert in their fields; or who, by their assiduity, are able to expose some defect in the operation of public policy not fully understood beforehand.

116. It is fundamental to the human condition that we draw general conclusions from the aggregate of our individual experiences. Thus concrete stories, about specific individuals, play a very important part in framing debate, in illustrating a wider issue.

117. Those who go into journalism are attracted by a profession which allows them to be observers, and not decision-takers. The culture of British journalism has, however, long allowed many sections of the media to seek to exercise that "power without responsibility" of which Stanley Baldwin complained. Until the events which led to this Inquiry being established, I think the political class (me included) tended to indulge this tendency – though for reasons which are, as I have tried to set out, explicable.

118. As a decision-taker I took notice of the sentiment of the press, though I did my best to cross-check that with the sentiment of my constituents. Throughout my political career I have been pre-occupied to ensure my direct availability to those constituents, without barriers, or intermediation of the press. I have done this through "no-appointment" advice surgeries, regular residents' meetings around town (consistently well-attended), and open-air soap-box sessions in the Town Centre.

119. In a policy area such as those covered by the Home Office and the Justice Ministry pressures from the press can be intense (eg in my period as Home Secretary, over "Sarah's Law"; and early in my period as Justice Secretary, over prison ships. Both were Sun campaigns). Some of the press have pursued a malign role in claiming that Parliament and the courts have become "softer" when the evidence (from the rising numbers in gaol and the increasing length of sentences, especially for more serious offences) shows the reverse. On any measure the country has become safer – the drop in crime and disorder has been dramatic; but single crimes, or terrible events like last summer's riots are used to suggest the reverse.

120. Immigration is a similarly difficult issue to handle. Sometime the same newspapers which were calling for restrictions in general would run campaigns for leniency in particular.
121. My own approach was to avoid becoming too obsessed by press coverage at any one time – but to have a care to avoid a “media storm”. This meant taking quick and decisive action (for example following the *Sonnex* convictions).
122. Sometimes, I might pursue a policy initiative because of some press coverage. One example concerns more openness in the family courts. I'd been concerned that the family courts appeared to me to be too much of a “secret garden”, but in an inchoate way. The articles in *The Times* by Camilla Cavendish helped me to frame my concerns. I asked Ms Cavendish to come and talk to me on a number of occasions.
123. On the other hand there are plenty of examples where the only approach was to face down the criticism. An example here concerns the identity of Thompson and Venables, the men convicted (as children) of the murder of Jamie Bulger.
124. One last and important point. As mentioned above, Ministers are expected to inform Parliament about policy developments, and other significant decisions first. The Speaker, and MPs rightly complain when this does not happen.
125. As a Minister I sought to stick by this rule. It was right because it was the rule; but right too because, as I have often observed, if you are in trouble, the safest place is the House of Commons. However the pressures from the press for leaks and prior briefings are intense. My record was I hope better than the generality, but not perfect.
126. The current practices in my view benefit no one. The practice for example of “pre-briefing” (non-Parliamentary) speeches has become absurd. No party comes out well at present.
127. If the Commons were to lay down stricter rules that would help.
128. I hope that what I have said above is useful. I would be happy to expand on any aspect if the Inquiry wishes.
- 129. Lord Justice Leveson has power under section 19(2) (b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence of documents given, produced or provided to the Inquiry. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.**
130. I have referred in answer to some of the questions to documents which have not been released under FIOA, and would I believe be covered by the exemptions in sections 35 and 36 of that Act. I assume that the Inquiry will take this into account in determining what part if any of this submission will be made public.

JACK STRAW
30 APRIL 2012

