

Leveson Inquiry into the culture, practice and ethics of the press.

Witness statement of James Harding, Editor of *The Times*.

The Times is Britain's oldest national newspaper. For over 226 years it has been informing and entertaining its readers. Often, it has had reason to publish stories that unsettled governing authorities. It is in this way that it earned the nickname 'The Thunderer'.

We value the traditional British freedom to inquire, to report and to publish. This freedom is as old as Parliamentary democracy and we believe that our use of that freedom has been an essential support for that democracy.

In our long history there have been occasions when, as with any institution, *The Times* has made misjudgements. Far more often, however, we have helped elicit the truth, and published information essential to the proper functioning of a liberal society based upon the rule of law.

I hope and trust that the Leveson Inquiry will help to ensure that the press is not above the law, that it is ethical and that it shows appropriate restraint in its operation. But I also hope that it will protect the ability of the press to hold others to account and that it will perceive that such protection is a constitutional necessity.

1. I was appointed Editor of *The Times* in December 2007. I joined the paper as Business and City Editor in August 2006. Prior to that, I had spent my career at the *Financial Times*, joining as a graduate trainee in 1994, where I worked on the foreign desk and then as a reporter doing brief stints covering industry, capital markets, agriculture and Westminster. In 1996, I was appointed Shanghai correspondent, returning from China at the end of 1999 to become media editor. I was appointed Washington bureau chief in 2002. In 2005, I went on unpaid leave to write a book, 'Alpha Dogs'.

2. The most important guarantee of the lawful, professional and ethical conduct of *The Times* journalists is our ethos, our history and our mission.

The Times supports the rule of law. Much of its reporting involves exposing departures from the rule of law and abuses of authority. We value our international reputation for this reporting. Any departure by an individual or group from the high standards suggested by this mission would be, and is regarded as, a failure. There is, therefore, strong pressure upon *Times* journalists to behave in an ethical fashion.

I have ultimate responsibility for the newspaper and its journalists. Heads of each section of the newspaper report in to me and I am assisted by the Deputy Editor, Managing Editor and Executive Editors. The system of governance operates within the newsroom through the hierarchy of these senior editors and heads of section (such as the Business Editor or Head of News), to whom the journalists report. A vast majority of reporters are staff, and are on site daily, discussing news stories with their editors. The journalists are expected to discuss and explain lines of enquiry and methods of obtaining a story with their head of section. I will be involved if a decision is a sensitive matter. There is an emphasis on transparency and continuous debate and discussion. The Managing Editor's office (comprising the Group Managing Editor for Times Newspapers and two further Managing Editors) is responsible for scrutinising and approving expenses, for dealing with disciplinary matters and managing

staff. They also deal with complaints under the PCC Editors' Code of Practice and approve and discuss settlements in legal matters with the legal team. The Managing Editor's office co-ordinates training for staff on a wide range of matters, often as "*The Times* Masterclasses". The in-house legal team provides training for journalists. Journalists are expected to consult the in-house lawyers and to bring their heads of section into that discussion if necessary.

There are also external means of ensuring proper conduct.

- **Readers:** In addition to the legal and institutional systems that monitor journalistic behaviour, the reality is that, in practice, the daily check on reporting are the readers. They are quick to seize on what they consider unfair or improper journalism, either by calling or e-mailing the reporter directly or by contacting me or by commenting on the article online or by writing to the paper or by alerting journalists at other papers and broadcasters to what they consider to be the error. *The Times* publishes Letters to the Editor daily and readers send their concerns to the Feedback Editor who also serves as an ombudsman, in print, writing a weekly column that airs readers' questions, criticisms and complaints. There is also a feature known as 'You, the editor', which invites readers to give their views on the previous day's paper. We look to resolve issues between complainant and paper in a swift and considered manner- if necessary, by publishing a correction or apology which will appear usually on either page 2 or 4 and online.

- **The law:** journalists are expected to have a good grasp of libel laws, understand reporting restrictions imposed by the courts and seek the advice of *The Times*' in-house lawyers when they are unaware of the details of the law or are concerned that their reporting could raise legal issues. The in-house legal team will, in the first instance, handle any complaints or legal action in consultation with the journalists concerned.

- ***The Times*' independent directors:** there are six independent directors who sit on the board of *Times* Newspapers Holding Limited (the holding company for *Times* Newspapers Limited, which publishes *The Times*). The board protects the editorial independence of the paper and, more broadly, its reputation. The directors meet regularly with the Editor, both at board meetings and separately to discuss any on-going issues at the paper. The independent directors can at any time raise concerns they have with the Editor. These can include issues of editorial practice, such as journalist safety in warzones, accuracy and allegations of bias in political reporting and methods and motives in news gathering. I generally try to keep the independent directors informed of structural changes to the paper as well as personnel and policy decisions that may have a bearing on the paper's reputation.

- **News Corporation:** The publisher of *The Times* is audited by Ernst and Young, an independent auditor, appointed by News Corp. the ultimate parent of *The Times*. News Corp has also issued Standards of Business Conduct. The business, being US-based, is subject to the Sarbanes-Oxley legislation.

-**The Press Complaints Commission:** All journalists are given copies of the PCC Code expected to adhere to it as a term in their contract of employment. The Code is referenced in discussions about pursuing articles and is considered to be a reference point for conduct. It is referenced in legal training. Complaints made to the PCC are sent to me and the Managing Editor's office and the process of dealing with corrections on a day to day basis is overseen by an assistant editor in The Register department. Many corrections are made without readers approaching the PCC and the Managing Editor makes sure corrections are dealt with

quickly. Where there is an issue the journalist in question is expected to give a full and prompt response and account of their behaviour. *The Times*, through its lawyers and its journalists sets out to admit, acknowledge or address any criticisms brought to its attention by the PCC promptly and thoroughly. An adverse adjudication from the PCC is something which *The Times* strives to avoid.

3. I am responsible, as Editor, for the paper and its journalists. Through the Managing Editor's office, I try to ensure reporters are informed of the rules and that the systems for lawful, professional and ethical conduct are enforced. But more important still is that, in conjunction with the heads of department, I seek to set the culture of the paper. In the decisions taken every day about what we report, how we gather information and the way in which we present it there is a clear understanding of what is expected of a *Times* journalist.

The culture which is fostered is one in which journalists are individually accountable to their heads of department for their conduct and work and know that breaches of conduct will be referred to the Managing Editor's office or brought to the attention of senior editors and, if necessary, to me.

4. To the best of my knowledge, the PCC Code and the News Corp standards of conduct are widely circulated and respected. The systems are adhered to and the culture of the paper is such that, if and when they are not adhered to, the paper will look to take disciplinary action. I have confidence in the people who work for the paper, a confidence I have rarely had cause to regret.

5. All these systems, and the ethos that underpins them, were in place before the phone hacking scandal and the practice has not changed. There has, of course, been much more discussion about journalistic behaviour in recent months. News Corporation has established a management and standards committee which is reviewing systems and processes at *The Times*, *The Sunday Times* and *The Sun*. *The Times*' independent directors have met on several occasions to discuss the workings of the paper. News Corp has issued a policy on bribery and corruption.

6. Journalists have a responsibility to their readers to ensure that their sources are accurate and trustworthy. They also have a responsibility, and a practical requirement, to protect their sources. Typically, reporters will not disclose – or be asked to disclose – their confidential sources. This is to ensure that sources in sensitive matters will continue to come to the media without fear of being identified. If a story is of such sensitivity that an editor or head of department wants reassurance on the reliability of a source, then he or she might ask privately for further details on sourcing once a first draft of a story has been prepared. If a source is not confidential, they will be named within the article.

7. As Editor, I try to make sure that the paper is confident of the sourcing of stories before they go to press. On occasion that may involve knowing the identity of a source or their nature- for example, what they do in an organisation. But, on a daily basis, I rely on the proven track record of our reporters, trust in the reliability of our colleagues, multiple sourcing, rigorous discussions of stories in the commissioning process and even more rigorous review of the copy in the editing process. Protecting our sources means respecting their confidentiality where necessary and, in turn, that means relying on the professionalism and integrity of our journalists. The reputation and even the commercial viability of *The*

Times depends upon readers being able to rely on the accuracy of the stories we print. Naturally, therefore, we are extremely careful to ensure their veracity.

8. Ethics can and do play a role in everything that we do.

There are, I suppose, two views of ethics in journalism, one encapsulated by a man who once worked for *The Times*, the other, who, sadly, didn't. In 'The Quiet American', Graham Greene suggests that reporters are all about getting the facts of the story, not about bending it or shaping it to a greater moral purpose. Thomas Fowler, the war-weary reporter, looks on at Alden Pyle, the young American idealist, and says: "Perhaps if I wanted to be understood or to understand, I would bamboozle myself into belief, but I am a reporter, God exists only for leader-writers." On the other hand, Thomas Jefferson, who had his fair few grumbles about newspapers, saw a free press as itself a measure of an ethical society: "The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves, nor can they be safe with them without information. Where the press is free, and every man able to read, all is safe."

I mention these two views of the press because there is something essential in both of them. Journalists frequently talk of themselves in the terms of Graham Greene's Fowler: they can be self-deprecating, sceptical and often suspicious of those who purport a higher purpose. And yet, most journalists quietly share Jefferson's view. They generally believe that what they do has an intrinsically moral purpose in a free society. It is to inform. It is to hold the powerful and the privileged to account. It is to give voice to those who go unheard. It is to tell many people what few people know. And, of course, the power of the press – a power to shape reputations and sway opinions – means that those who have the privilege to work for newspapers have a responsibility to inform readers as fairly and accurately as possible.

9. There have never been any commercial pressures placed upon me that would undermine in any way the ethical, professional or legal conduct of *Times* journalists. The newspaper industry is facing huge financial pressures. Across the industry, newsprint prices have been rising, print sales have been falling and the internet as well as phones, freesheets and the likes of Facebook are offering people a host of new ways to access information. The result is there have been significant demands from the business on the paper, when it comes to reducing pagination, managing budgets or moving to a new business model which asks readers to pay for *The Times* whether they read it in print or on screen. None of these has or would impact upon the ethical conduct of the paper. Indeed there is wide understanding within the company of the importance to the newspaper's future of its reputation for high standards.

10. I have no financial incentive to print exclusive stories. So, why do we seek to break news? Scoops are essential to a newspaper's success. A newspaper that is consistently breaking big and important news stories fulfils its own sense of purpose in setting the agenda and shaping the national conversation. A newspaper that regularly leads the news will not only secure the loyalty of its readers, but win new ones too. On occasion, big stories really boost sales, but it is to misunderstand a newsroom to think that the motivation is financial. Journalists want to break news because it is what they got into journalism for – to tell people what is really going on.

11. To the best of my knowledge, it has not in my time at the newspaper. External providers of information would however include freelance journalists and news and data research

agencies (which search for example public registers) who are chosen and paid for by the desk commissioning the work. We buy book serialisations, which often yield stories.

12. I have never had any role in instructing, paying or having any contact with private investigators and/or other external providers of information at the newspaper.

13. N/A. See above.

14. N/A. See answer to question 12.

15. I am unaware of any situation in which the usual practice with external providers of information has not been put in place. However, day to day dealings on contracts are overseen by department heads and on occasion the Managing Editor's office.

16. The external sources of information to which I have referred to above at questions 11-15 are paid through the Managing Editor's office which scrutinises and approves payments.

17. We do not usually buy information from external sources other than paying freelancers, news or data research agencies, and publishers with whom we agree book serialisations.

18. *The Times* has not in my time at the newspaper paid sources for stories in the circumstances outlined in question. Where stories may intrude on an individual's private life, we publish where there is a public interest in the story such as reporting wrongdoing or corruption or hypocrisy. I strongly believe in the freedom of the press to expose privately-held information in the public interest. The method of gathering the information must be weighed against the motive for publication, the merit of the story and the nature of the public interest.

19. *The Times* has never used or commissioned anyone who used computer hacking to source stories. There was an incident where the newsroom was concerned that a reporter had gained unauthorised access to an email account. When it was brought to my attention, the journalist faced disciplinary action. The reporter believed he was seeking to gain information in the public interest but we took the view he had fallen short of what was expected of a *Times* journalist. He was issued with a formal written warning for professional misconduct.

I would like to add one further point for the Inquiry to consider. Naturally, the background to the establishment of the panel is the breach of the law and ethics by some journalists. But a broad consideration of how journalists operate should consider that the barriers that exist to discovering and printing the truth are considerable.

Journalists are right to consider whether they do their job properly. And we should reflect that generally we know too little, not too much. Did our readers get to know enough before we went to war in Iraq? Did we really get inside what was happening inside the banking system before it was too late? Why did we not fully understand the dysfunction in Downing Street over the last decade or, more recently, the trouble brewing on the streets of London until after the event?

So I conclude with this point. I am not just in favour of press freedom and full freedom of expression because, in principle, I believe it underpins our liberty. In practice, too, we need

press freedom, more of it, not less, because, too often, the public gets to know too little, not too much.

I believe the facts in this statement are true.

[Redacted signature box]

James Harding

14th October 2011