

Witness name: Benedict Brogan
Dated: 24 April 2012
Filed in response to a notice dated 5 April 2012

The Leveson Inquiry into the culture, practices and ethics of the press

**WITNESS STATEMENT OF BENEDICT BROGAN
DEPUTY EDITOR
TELEGRAPH MEDIA GROUP LIMITED
24 April 2012**

I, Benedict Brogan, of Telegraph Media Group Limited, 111 Buckingham Palace Road, London SW1W 0DT, will say as follows:

I make this witness statement in response to the Leveson Inquiry's notice sent to me on 5 April 2012 (the **Notice**), with particular reference to the questions raised in the Notice. In accordance with the terms of the Notice, this statement addresses my experience at TMG. This witness statement is made in addition to the witness statement which I provided to the Inquiry on 14 October 2011.

Question 1: Who you are and a brief summary of your career history

A brief summary was provided in my statement of 14 October 2011 and is repeated here for ease of reference.

I am the Deputy Editor of the Daily Telegraph. I entered journalism in 1989 as a reporter on the Glasgow Herald, and was made its Lobby correspondent in 1993. I subsequently served as political correspondent of the Daily Mail, political editor of the Glasgow Herald, and political correspondent of the Daily Telegraph. In 2004 I returned to the Daily Mail as Whitehall editor, becoming

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political editor in 2005. In April 2009 I rejoined the Telegraph as chief political commentator. In December 2009 I was made Deputy Editor of the Daily Telegraph.

GENERAL QUESTIONS ABOUT THE RELATIONSHIP BETWEEN POLITICIANS AND THE MEDIA

Question 2: Please describe, from your perspective, how the dynamic of the relationship between politicians and the media has developed over recent years, what effect you consider that to have had on public life, and how far that has been beneficial or detrimental to the public interest. The Inquiry is particularly interested in the following themes – some of which are developed in further questions below – but you may identify others:

- a) *the conditions necessary for a free press in a democracy to fulfil its role in holding politicians and the powerful to account – and the appropriate legal and ethical duties and public scrutiny of the press itself when doing so. The Inquiry would like the best examples – large or small – of the press fulfilling this role in the public interest;*
- b) *the nature of professional and personal relationships between individual senior politicians on the one hand, and the proprietors, senior executives and senior editorial staff of national newspapers on the other; including matters such as –*
 - i. *frequency and context of contacts;*
 - ii. *hospitality given and received, and any social dimension to the relationship;*
 - iii. *the perceived balance of advantages, including the ability of politicians and journalists to promote or*

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damage each other's fortunes and reputation at a personal level;

iv. selectivity and discrimination – as between titles on the one hand, and as between political parties on the other;

- c) the economic context within which the media operate, and politicians' ability to influence that;*
- d) media influence on public policy in general, including how that influence is exercised, with what effect, how far the process is transparent and how far it is in the public interest;*
- e) media influence on public policy having a direct bearing on their own interests, and the effectiveness of the media as lobbyists;*
- f) the extent and accuracy of the perception that political journalism has moved from reporting to seeking to make or influence political events, including by stepping into the role of political opposition from time to time;*
- g) politicians' perceptions of the benefits and risks of their relationships with the press and how they seek to manage them, including collectively at party level, through No.10 and other government communications organisations, and in the operation of the Lobby system;*
- h) the extent and limitations of politicians' willingness and ability to constrain the media to conduct, practices and ethics which are in the public interest, whether by legislation, by regulatory means or otherwise.*

There has always been a close relationship between politicians and the press. It is right that there is one. It is one marked by a paradox: its closeness is

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beneficial to both sides, yet fraught with difficulty. Politicians benefit from access to journalists who represent large bodies of readers who are voters, while the work of journalists is enhanced by what they learn through contact with politicians. Yet politicians and journalists can compromise themselves if they privilege the relationship above their responsibilities to their constituents and readers. For a free press to fulfil its role in holding politicians to account requires journalists who are prepared to put that responsibility first. Politicians in turn must be mindful to treat relations with journalists with a degree of professional distance. The objective of the relationship should be a free and frank exchange of views to enable each side to better perform his duties. There is no reason therefore why contacts should not be frequent or extensive. As a political journalist, my experience has always been that the more I speak to politicians, the more I learn. This applies across the board, from junior political reporters to editors and even owners. That these contacts can take place in a social context, be it lunch, dinner or drinks, should not be an obstacle. Where the relationship can be said to be compromised, to the detriment of the responsibilities politicians and journalists owe to their constituents and readers, is on the occasions where what should be a professional relationship is allowed to become a personal one. In my view it is difficult, if not impossible, when transparency and accountability are increasingly expected of both politicians and journalists, to justify relations that shade into the social sphere.

Newspapers are free to advance the policy arguments they want, to urge politicians and parties to follow a particular course of action. This is free speech. They are also free to plead their case when they meet politicians face to face. The Telegraph is alive to the interests and concerns of its readers and prides itself on its ability to bring these to the attention of politicians with vigour and conviction. A recent example was the Telegraph's 'Hands off our land' campaign which persuaded the Government that its relaxation of the planning rules was badly thought through: most of the concerns raised in the Telegraph were reflected in the Government's

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compromise policy, published in recent weeks. When it comes to industry and regulatory issues, newspapers have not hesitated to lobby Government and politicians through industry bodies and directly. This process is no different from the lobbying any other sector of the economy might pursue, be it the NFU or Glaxosmithkline or charities such as the NSPCC. But it remains up to politicians to decide to what extent they wish to listen to, or ignore, what newspapers say. Whether they choose to agree with the Telegraph or with News International or Associated titles, is a matter of political choice for Mr Cameron, Mr Miliband and Mr Clegg.

Politicians and governments invest a great deal of importance in the opinions of the newspapers. They may strive to get onto the television and radio news programmes as a way of presenting their message directly to the public, but they are well aware that television news usually takes its cue from what the newspapers are saying. I do not accept the suggestion that political journalism has moved from reporting to making news, if by that you mean political news coverage as opposed to political commentary. Newspapers have adapted to politicians who increasingly prefer to frame political arguments in terms of personalities, and who increasingly privilege statements to television and radio ahead of declarations to Parliament.

If the press is to fulfil its function as a source of scrutiny of those elected or appointed to govern us, then it must be free to do so. Across the Channel - France for example - we can see what happens when legislation is used to regulate the media and place limitations on its freedom of action. Already here in Britain the press is circumscribed by the limitations of the PCC Code, then by the law. The current state of libel law places a heavy burden on newspapers, in particular those with limited financial resources, which must think twice before engaging in investigations that might have legal consequences. The laws of contempt can also at times stifle proper scrutiny. The Government is able to use the Freedom of Information Act to withhold information. Holding politicians to account remains a daily challenge when the

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state has resources that allow it to control the flow of information and keep things hidden from the public. Across the media landscape it is possible to argue that the regulatory environment for newspapers is far more hostile than the public realise.

Question 3: 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.

Benefits come from better-informed news coverage and better-informed policy making. It is right that policy makers keep in touch with the media as a significant sector of the economy, as an employer and as a channel for consumer opinion. In that sense maintaining healthy, professional relations with the media is no different to maintaining relations with the retail sector or the automobile industry. If there is a risk, it is the one that comes from a lack of transparency and judgement on both sides.

Newspapers will always want to balance the importance of transparency with the necessity to protect confidential sources. The point to consider about formal structures that might be put in place to monitor contacts between politicians and journalists is the likelihood that informal parallel structures will spring up. A requirement for example for ministers to publish their diaries may mean that they will decide to keep contacts with journalists out of their diaries. The imposition of formal structures would bring with it resource and cost consequences for the public purse, without telling us much more about the true extent of contacts between politicians and the media. If we accept that holding Government, politicians and public servants to account is necessary in a democracy, then we must accept that both sides need to be able to speak, openly and frankly, away from the public eye.

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Question 4: 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.

No.

Question 5: What are the specific benefits and risks to the public interest of interaction between the media and politicians in the run up to general elections and other national polls? Do you have any concerns about the nature and effect of such interactions, or the legal, regulatory or transparency framework within which they currently take place, and do you have any recommendations or suggestions for the future in this regard? In your response, please include your views on who you think the relationship between the media and politicians changes in the run up to elections, the extent to which a title's endorsement is related to particular policies, and whether the public interest is well-served as a result.

I see no particular difference in the run up to an election: newspapers are entitled to hold out the prospect of support to politicians and parties that advance their readers' views, and are entitled to switch their support from one party to another. Politicians are entitled to accept or decline that support. Again, the relationship is a legitimate and healthy one if it is conducted in a transparent, professional manner. Its success relies on good judgement on both sides, something which cannot be regulated for.

Newspapers do not fulfil the same role as broadcasters. They do not carry a public service obligation. Their readers do not expect them to be impartial, nor should they be. It might be argued that voters read newspapers for their opinions, for their partiality, while relying on broadcasters and the BBC for their impartiality. Notwithstanding the fundamental free speech implications, it would be unrealistic to devise temporary restrictions for the newspaper coverage of elections (when would they start? Who would enforce them?

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What would they require? Would the taxpayer compensate the disastrous commercial impact of producing what would amount to tired, print versions of party election broadcasts?)

Question 6: What lessons do you think can be learned from the recent history of relations between the politicians and the media, from the perspective of the public interest? What changes, voluntary or otherwise, would you suggest for the future, in relation to the conduct and governance of relationships between politicians and the media, in order that the public interest should be best served?

Politicians should be open about their contacts with the media, and should resist offers to turn what should be a professional relationship into a personal one that brings with it an implied obligation on either part.

The Telegraph's experience of the MPs' expenses affair reminded us that at its origin was the refusal of Parliament to proceed with the recommended publication of information about MPs that the public was entitled to know. Had MPs observed the recommendations made to them, the Telegraph would not have needed to take the steps it did to expose their activities.

Question 7: Would you distinguish between the press and other media for these purposes? If so, please explain how, and why.

No.

Question 8: 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, is there anything further you would identify by way of the reforms that would be

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the most effective in addressing public concerns and restoring confidence?

The Telegraph, together with the whole newspaper industry, is working closely with Lord Hunt on proposals for the future regulation of the press. The Telegraph is committed to independent self-regulation.

PARTICULAR QUESTIONS ABOUT THE INFLUENCE OF THE MEDIA ON PUBLIC POLICY

Question 9: In your experience, what influence do the media have on the content or timing of the formulation of a party's or a government's media policies? The Inquiry is particularly interested in this context in influence on the content and timing of decision-making on policies, legislation and operational questions relating to matters such as:

- a) ***media ownership and regulation;***
- b) ***the economic context of media operations, including the BBC licence fee;***
- c) ***legal rights in areas such as freedom of expression, privacy, defamation and libel, freedom of information and data protection;***
- d) ***any relevant aspects of the substantive criminal law, for example relating to any aspect of unlawfully obtaining information (including hacking, blagging and bribery) and the availability of public interest defences;***
- e) ***any relevant aspects of legal procedure, such as injunctions, the reporting of proceedings, the disclosure of journalists' sources and the availability of public funding for defamation and privacy cases;***

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- f) *any aspect of policing policy or operations relating to the relationship between the police and the media.*

Please provide some examples.

Media companies rightfully seek to ensure that their voice is heard when political parties or the government propose changes to the regulatory environment in which we operate. In this the media is no different from other sectors in the economy. They are duty bound to do so, if only to protect their commercial interests. But they are also entitled to argue for or against regulatory changes when they perceive that these might in some way impinge public access to information. Governments and politicians are bound to listen, but are entitled to accept or reject the case made by media groups as they see fit.

That said, it should also be noted that broadcasters have a different relationship with the state than that of newspapers and the state. The BBC is dependent upon the licence fee for all of its funding, and public service broadcasters (ITV, Channel 4 and Channel 5) have various obligations placed upon them (such as quotas of types of programmes) by government and regulators in return for 'commercial gains' such as not having to pay to appear on electronic program guides, or being gifted access to radio spectrum. Newspapers are not reliant or beholden to government or regulators in such a way.

Question 10: From your perspective, 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;*

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- 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) The Inquiry is interested in areas such as criminal justice, European and immigration policy, where the media has on occasion run direct campaigns to influence policy, but you may be aware of others.*

The extent of media influence varies. Media campaigns championed by the Telegraph are always open and transparent where the Telegraph lends support to the concerns advanced principally by our readers but also by campaign groups, when these find themselves in alignment with the Telegraph's opinions. Politicians must be willing to advance policy proposals and see them tested in public. The media should be free – in fact encouraged – to advance arguments in the public interest that are at odds with the view of governments or politicians. It is up to government and politicians to decide how to respond.

Question 11: In your experience, what influence have the media had on public and political appointments, including the tenure and termination of these appointments? Please give examples, including of cases in which your view the public interest was, and was not, well served by such influence.

There is no shortage of examples of ministers or public officials whose record has been tested, who have come under fire in the media, who have been called upon to resign, and who have quit. Newspapers are entitled to have views and to set these out, often forcefully. That is done in public, in full view,

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and usually in tune with the views of readers. It is up to politicians or public officials to choose how to respond.

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



Benedict Brogan

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