

EXHIBIT N

<p>1 Friday, 11 May 2012</p> <p>2 (10.00 am)</p> <p>3 LORD JUSTICE LEVESON: Yes, Mr Jay.</p> <p>4 MR JAY: Sir, the witness today is Mrs Rebekah Brooks,</p> <p>5 please.</p> <p>6 LORD JUSTICE LEVESON: Thank you.</p> <p>7 MRS REBEKAH MARY BROOKS (sworn)</p> <p>8 Questions by MR JAY</p> <p>9 MR JAY: Your full name, please, Mrs Brooks?</p> <p>10 A. Rebekah Mary Brooks.</p> <p>11 Q. May I ask you, please, to look at the large file in</p> <p>12 front of you and identify the two witness statements you</p> <p>13 have provided us with. The first is under tab 1,</p> <p>14 a statement dated 14 October of last year, and secondly</p> <p>15 under tab 2, a statement dated 2 May of this year. The</p> <p>16 principal focus today will be on the second statement,</p> <p>17 but are you content to confirm the truth of both</p> <p>18 statements?</p> <p>19 A. Yes.</p> <p>20 Q. I'll attempt a timeline of your career, Mrs Brooks.</p> <p>21 Tell me if I make any mistakes. You joined</p> <p>22 News International on the Sunday magazine of the News of</p> <p>23 the World in 1989; is that right?</p> <p>24 A. That's right.</p> <p>25 Q. In 1995 you were appointed deputy editor of the News of</p> <p style="text-align: center;">Page 1</p>	<p>1 A. Thank you, sir.</p> <p>2 MR JAY: The other constraints which are borne upon you may</p> <p>3 relate to documents, including emails and texts, or more</p> <p>4 particularly their absence. Would you please look at</p> <p>5 paragraph 30 of your second witness statement, which is</p> <p>6 our page 02577.</p> <p>7 A. Yes.</p> <p>8 Q. You make it clear there that you have had reference to</p> <p>9 a diary which was kept by your former PA. May we be</p> <p>10 clear what sort of diary we're talking about? Is it an</p> <p>11 ordinary desk diary or is it an Alastair Campbell-type</p> <p>12 diary?</p> <p>13 A. No, it's definitely not an Alastair Campbell diary.</p> <p>14 It's my PA's old desk diaries, so the appointments in</p> <p>15 there are not the complete picture and it's difficult to</p> <p>16 know whether actually some of the meetings took place.</p> <p>17 So I've done my best to give you a schedule but it's</p> <p>18 more of a flavour than precise diary.</p> <p>19 Q. There's a schedule of appointments but it's not</p> <p>20 a narrative of what was discussed on any particular</p> <p>21 occasion?</p> <p>22 A. No.</p> <p>23 Q. Is that fair? At paragraph 31, Mrs Brooks, you say that</p> <p>24 since your departure from News International, you've had</p> <p>25 no access to your work emails:</p> <p style="text-align: center;">Page 3</p>
<p>1 the World under Mr Hall, in 1998 appointed deputy editor</p> <p>2 of the Sun under Mr Yelland, and in May 2000, editor of</p> <p>3 the News of the World, aged 31; is that right?</p> <p>4 A. Yes, that's right.</p> <p>5 Q. Editor of the Sun, January, I think, 2003.</p> <p>6 A. Yes.</p> <p>7 Q. CEO of News International -- can we be clear of the</p> <p>8 dates here, because there's been some doubt about it.</p> <p>9 Was the announcement of your appointment in June 2009</p> <p>10 but you took up the job formally on 2 September 2009?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. Then you resigned on 17 July 2011 --</p> <p>13 A. 15th.</p> <p>14 Q. 15 July.</p> <p>15 A. (Nods head)</p> <p>16 Q. So we're completely clear about the constraints bearing</p> <p>17 on your evidence, you are under police investigation in</p> <p>18 the context of Operation Weeting, Operation Elveden and</p> <p>19 also for allegedly perverting the course of justice; is</p> <p>20 that true?</p> <p>21 A. It is.</p> <p>22 LORD JUSTICE LEVESON: Mrs Brooks, I'm grateful to you for</p> <p>23 the obvious care you've put into the statements that</p> <p>24 you've made, and I'm conscious of the difficulty the</p> <p>25 time must be for you.</p> <p style="text-align: center;">Page 2</p>	<p>1 "However, the emails and texts that were on my</p> <p>2 BlackBerry at the time I left News International were</p> <p>3 imaged and saved."</p> <p>4 So does it follow that your work email account was</p> <p>5 blocked to you in some way or did something different</p> <p>6 happen?</p> <p>7 A. No, I think it was blocked on the day I left.</p> <p>8 Q. When you say the BlackBerry emails and texts were imaged</p> <p>9 and saved, can you tell us approximately when those</p> <p>10 events occurred?</p> <p>11 A. So my BlackBerry was imaged by my legal team when it was</p> <p>12 returned from the MPS and it contained, I think, about</p> <p>13 six weeks of emails and less so of texts, but about</p> <p>14 a month of texts. But we had to image them and we had</p> <p>15 some problems with that.</p> <p>16 Q. So approximately when was your BlackBerry returned by</p> <p>17 the MPS?</p> <p>18 A. I think about three weeks later, maybe longer.</p> <p>19 Q. Can you give us a month, please, so that we --</p> <p>20 A. Oh sorry, in July.</p> <p>21 Q. 2011, obviously?</p> <p>22 A. 2011.</p> <p>23 Q. So we have, as you explain, emails and texts which only</p> <p>24 cover a limited period, from the beginning of June 2011</p> <p>25 until, you say, 17 July. Maybe 15 July or 17 July --</p> <p style="text-align: center;">Page 4</p>

1 (Pages 1 to 4)

1 **A. I think it was the 17th.**
 2 Q. You also confirm that there is nothing of relevance to
 3 this Inquiry in your private accounts, by which of
 4 course you're referring to private email accounts; is
 5 that right?
 6 **A. That's correct.**
 7 Q. Does it follow then that any emails you might have had
 8 with politicians would only have been through your NI
 9 email account?
 10 **A. That's correct.**
 11 Q. And any text message contact with politicians would only
 12 have been on your BlackBerry, which was a work
 13 BlackBerry?
 14 **A. Yes.**
 15 Q. There was no other mobile phone?
 16 **A. No.**
 17 Q. Okay. I've been asked to put to you this question: were
 18 there any emails or texts from either Mr Cameron or
 19 Mr Osborne on your BlackBerry at the time you left
 20 News International?
 21 **A. No, although when we got the image back, there was one**
 22 **from Mr Cameron that was compressed, so -- in June, but**
 23 **there's no content in it.**
 24 Q. So it's a complete mystery what, if anything, it might
 25 contain; is that right?

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1 **A. Yes.**
 2 Q. Did you receive messages of commiseration or support
 3 from politicians, in July 2011 in particular?
 4 **A. Some.**
 5 Q. Either directly or indirectly; is that right?
 6 **A. Mainly indirectly.**
 7 Q. Yes. In order to get a fair picture, since if we focus
 8 on one individual alone the picture will logically be
 9 distorted, are you able to assist us with from whom you
 10 received such messages?
 11 **A. I had some indirect messages from some politicians, but**
 12 **nothing direct.**
 13 Q. The indirect ones, who were the politicians?
 14 **A. A variety, really, but -- some Tories, a couple of**
 15 **Labour politicians. Very few Labour politicians.**
 16 Q. Can we be a bit more specific, Mrs Brooks?
 17 **A. Sorry, I'm not trying to be evasive. I received some**
 18 **indirect messages from Number 10, Number 11, Home**
 19 **Office, Foreign Office.**
 20 Q. So you're talking about secretaries of state,
 21 Prime Minister, chancellor of the Exchequer, obviously,
 22 aren't you?
 23 **A. And also people who worked in those offices as well.**
 24 Q. Labour politicians? How about them?
 25 **A. Like I say, there were very few Labour politicians that**

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1 **sent commiserations.**
 2 Q. Okay. Mr Blair, did he send you one?
 3 **A. Yes.**
 4 Q. Probably not Mr Brown?
 5 **A. No. He was probably getting the bunting out.**
 6 Q. It has been reported in relation to Mr Cameron -- but
 7 who knows whether it's true -- that you received
 8 a message along the lines of: "Keep your head up." Is
 9 that true or not?
 10 **A. From?**
 11 Q. From Mr Cameron, indirectly. You'll have seen that in
 12 the Times.
 13 **A. Yes, I did see it in the Times. Along those lines. It**
 14 **was more -- I don't think they were the exact words but**
 15 **along those lines.**
 16 Q. Is the gist right, at least?
 17 **A. Yes, I would say so. But it was indirect. It wasn't**
 18 **a direct text message.**
 19 Q. Did you also receive a message from him via an
 20 intermediary along these lines:
 21 "Sorry I could not have been as loyal to you as
 22 I have been, but Ed Miliband had me on the run."
 23 Or words to that effect?
 24 **A. Similar, but again, very indirectly.**
 25 Q. So, broadly speaking, that message was transmitted to

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1 you, was it?
 2 **A. Yes.**
 3 Q. Out of interest, do you happen to know how these
 4 messages do enter the public domain?
 5 **A. We have a very strong free press, who have great access**
 6 **to politicians, so ...**
 7 Q. We may be coming back to that, but you can't be of any
 8 more particularity than that, can you?
 9 **A. Journalists doing their job.**
 10 Q. Mr Cameron also said publicly:
 11 "We all got too close to News International."
 12 Or words to that effect. Was that a view he ever
 13 communicated to you personally?
 14 **A. No.**
 15 Q. Can I ask you, please, about Mr Murdoch, by way of
 16 background. We know he told the House of Lords
 17 communications committee -- this was back in 2007 when
 18 he was spoken to, I think, in New York -- that he was
 19 a traditional proprietor who exercises editorial control
 20 on major issues, like which party to back in a General
 21 Election or policy on Europe. Do you agree with that or
 22 not?
 23 **A. Yes.**
 24 Q. Does it apply as much to the News of the World as the
 25 Sun or does that only apply to the Sun?

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1 A. I think Mr Murdoch is probably more interested in the
 2 Sun in terms of political issues, but it also applied to
 3 the News of the World as well when I was there.
 4 Q. Your evidence to the self-same committee, question 1461:
 5 "I think it would be fair to say that, before any
 6 appointment, he knew me pretty well."
 7 You'd presumably stand by that, would you?
 8 A. Well, particularly before my appointment to editor of
 9 the Sun.
 10 Q. Yes, 2003, and probably in 2000 when you were appointed
 11 editor of the News of the World or not?
 12 A. Less so.
 13 Q. Then question 1462:
 14 "He would be aware of my views, both social views,
 15 cultural views and political views."
 16 Again, presumably you stand by that or not?
 17 A. Yes.
 18 Q. Then you said:
 19 "Take Europe, for example. Mr Murdoch was
 20 absolutely aware of my views on Europe. I think even
 21 before I became editor of the News of the World, maybe
 22 even deputy editor."
 23 Is that right?
 24 A. Yes.
 25 Q. Without delving into this in any great detail,

1 was too much of it, although he liked X Factor.
 2 Q. In terms of your social and cultural views -- I'm not
 3 going to pry into that too much, but are you a strong
 4 believer in human rights and the Human Rights Act?
 5 A. Not particularly, no. I mean, in its form. Obviously
 6 its existence, absolutely, but there were parts of the
 7 Human Rights Act that we campaigned against in the Sun
 8 when I was there. At one point, the Conservative Party,
 9 I think, were going to repeal it and replace it with
 10 a British bill of rights. I think that was the case,
 11 but I think that's now been dropped.
 12 Q. We may come back to that issue in a more specific
 13 context.
 14 When you were appointed editor of the News of the
 15 World in 2000, was that Mr Murdoch's decision?
 16 A. I was actually told by Les Hinton that I was going to be
 17 made editor of the News of the World and I didn't speak
 18 to Mr Murdoch until after that.
 19 Q. But was it his decision?
 20 A. I think it was Mr Hinton's strong recommendation and --
 21 like I said, I didn't speak to Mr Murdoch until I'd
 22 actually taken the job.
 23 Q. There was some discussion at the seminars we had
 24 in October in relation to the departure of Mr Hall. Are
 25 you able to enlighten us as to that at all?

1 presumably you are Eurosceptic; correct?
 2 A. Yes, I suppose so.
 3 Q. And politically, your position is fairly similar to
 4 Mr Murdoch's, is it?
 5 A. In some areas, yes.
 6 Q. Which areas do they differ?
 7 A. Well, we disagreed about quite a few things, more in
 8 margins of it rather than the principles. So, I don't
 9 know: the environment, DNA database, immigration, top-up
 10 fees, the amount of celebrity in the paper versus
 11 serious issues, columnists, the design, the headline,
 12 size, the font size, the point -- I mean, you know, we
 13 had a lot of disagreements, but in the main, on the big
 14 issues, we had similar views.
 15 Q. Yes. So on the issue of celebrity against serious
 16 issues, where did each of you stand on that?
 17 A. I liked more celebrity and he wanted more serious
 18 issues.
 19 Q. Why did you want more celebrity?
 20 A. Well, I liked -- I thought the readers were quite
 21 interested in -- you only have to look at the viewing
 22 figures of BBC or ITV to see that it's the celebrity
 23 programmes, the real life -- the reality programmes that
 24 do so well, and I took from those figures that our
 25 readers were quite interested in that. He thought there

1 A. No, I'm sorry. I was at the Sun at the time.
 2 Q. Would the editorial line you took, in particular in
 3 relation to the Sun, reflect Mr Murdoch's thinking?
 4 A. I think, as I say in my witness statement, it really is
 5 important to differentiate between Mr Murdoch's
 6 thinking, my thinking, the political team's thinking and
 7 the thinking of the readers. I mean, I know I spend
 8 a lot of time on it in my witness statement but it's to
 9 get across the point that it was -- the readers' views
 10 were always reflected in any policy or politician or
 11 political party. So I know Mr Murdoch, when he gave
 12 evidence, he said, "If they want to know what I think,
 13 read the Sun editorials", but I don't think he was being
 14 totally literal about that.
 15 Q. What his evidence was exactly:
 16 "If you want to judge my thinking, look at the Sun."
 17 Those were the exact words he used.
 18 A. Yes.
 19 Q. Whether it was an ill-guarded remark or not, it's not
 20 for me to say, but some might think it was a considered
 21 response to a question in fact from Lord Justice
 22 Leveson. You'll recall that, won't you?
 23 A. I don't think it was ill-guarded. I'm just saying I
 24 don't think was literal.
 25 Q. Why not, though?

1 A. Because there were lots of things in the Sun that
 2 wouldn't reflect his views.
 3 Q. I think he meant on the big points, not on the minutiae.
 4 A. Okay.
 5 Q. Would you agree with that?
 6 A. I accept that.
 7 Q. At paragraph 12 of your witness statement -- I'm now on
 8 your second statement -- you give us a thumbnail sketch
 9 of what the Sun is, what it represents, what its
 10 cultural values are. It embodies an attitude, you say,
 11 rather than a particular social class, et cetera. Then
 12 you say:
 13 "It is sometimes said that the relationship between
 14 the Sun and its readers reflects the national
 15 conversation. If you wanted to know what the nation was
 16 talking about, you would look at the Sun."
 17 We have a contrast here. Some would say: if you
 18 want to know what Mr Murdoch is thinking, look at the
 19 Sun, and then you're saying: if you want to know what
 20 the nation's talking about, look at the Sun. Which is
 21 correct?
 22 A. The one in my witness statement.
 23 Q. Why do you say that?
 24 A. Because I wrote it and I believe it.
 25 Q. What do you mean by "the nation" here?

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1 It was meant to really say -- if -- for example, you
 2 know, the conversation in the pub or the conversation at
 3 work. So during the Manchester City/Manchester United
 4 clash, you know, that conversation -- the incident that
 5 happened there, that would be talked about in the pub
 6 and that's what I meant by "national conversation". It
 7 wasn't meant to be taken any more literally than that.
 8 Q. A reflection then of the sort of debate which you would
 9 hear in any pub, dining room table or whatever, but not
 10 a reflection of the individual collective views of the
 11 readership. Is that a fair description?
 12 A. No, not particularly. I think -- no.
 13 Q. I'm really leading into paragraph 15, Mrs Brooks, and
 14 the myth, which you seek to explode, that newspaper
 15 editors or proprietors are an unelected force. Well,
 16 pausing there, that's true, isn't it?
 17 A. I don't think it is, no.
 18 Q. Who elects you, apart from Mr Murdoch?
 19 A. We're not elected officials.
 20 Q. You're saying it's a myth. But it's a truth, isn't it?
 21 Newspaper editors or appropriates are an unelected
 22 force, aren't they?
 23 A. If you view them as that. I don't view editors as
 24 unelected forces.
 25 Q. So how do you view them then?

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1 A. Well, I think if you accept that the Sun, for many, many
 2 years, has been the biggest-selling newspaper in the
 3 country and that the Saturday Sun overtook the News of
 4 the World, I think, about five years ago, maybe longer
 5 actually, in circulation terms. So you have this huge
 6 readership. I don't know what the exact figure is
 7 today, but we always used a sort of 8 million. The
 8 paper next to that is the Daily Mail, which is
 9 6 million. So I think I'm basing it on such a large
 10 percentage of the British population who would come in
 11 contact with the Sun. They might not read it every day,
 12 but they would come in contact with the Sun at some
 13 point or other.
 14 Q. You're addressing a different point, because it assumes
 15 that the nation is monolithic or homogeneous, which it
 16 isn't. The bigger the readership is, it might be said
 17 the more diverse its views are rather than the more
 18 singular its views are. Do you see that point?
 19 A. I do see that point, and I make it later on again in my
 20 witness statement, which is -- and this has been touched
 21 on throughout this Inquiry -- actually broadcast media
 22 has become more and more influential and more and more
 23 important over newspapers, because it's a fact that
 24 newspaper circulations in the printed form are
 25 declining. So I do accept that.

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1 A. Journalists.
 2 LORD JUSTICE LEVESON: But isn't the point you're really
 3 making in paragraph 15 not so much about the unelected
 4 force? One could talk about unelected, undemocratic,
 5 whatever, if it's relevant. It's that you are shaping
 6 and changing government policy to suit your own
 7 interests.
 8 A. Yes.
 9 LORD JUSTICE LEVESON: Isn't that the myth you're really
 10 talking about?
 11 A. That was also what I was addressing there, yes.
 12 LORD JUSTICE LEVESON: But there is no doubt -- or perhaps
 13 you would disagree? -- that newspaper editors and
 14 proprietors are a powerful force. They have a voice,
 15 they have a megaphone.
 16 A. I think I understand, sir, what you're saying. I think
 17 what I'm trying to say is that, particularly for
 18 newspapers like the Sun, you have to -- your power is
 19 your readership. It's not an individual power. You
 20 know, it's a readership power and I think that's really
 21 important.
 22 I think Tony Gallagher, the editor of the Telegraph,
 23 said that if he fell under a bus, you know, the power of
 24 his office would go, and I think -- just adding to his
 25 point, I think at the Sun, the readers are the most

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1 powerful. It is their voice that we try and reflect,
 2 their injustices, their concerns that we try and tackle,
 3 their interests we try and engage in. So I just don't
 4 see – I think – I can't remember what the question was
 5 but I was more reacting to the fact that every day the
 6 readers can unelect us as newspapers.
 7 LORD JUSTICE LEVESON: Yes, we've heard that several times,
 8 but I think we discussed yesterday, or certainly in the
 9 recent past, the extent to which editors are reactive
 10 and the extent to which they can in fact lead opinion.
 11 They have to reflect the overall position of their
 12 readership; I understand that. They can't suddenly go
 13 out on a limb when they know their readers won't follow
 14 them, but they are in a position to lead opinion. Would
 15 you agree with that?
 16 A. I think you can present issues to the readership, yes,
 17 and that's part of being an editor.
 18 MR JAY: And you present issues with a certain spin,
 19 a certain slant, don't you?
 20 A. Well, depending on the paper, yes. I mean, you can do.
 21 Q. Your paper --
 22 A. I wouldn't say "spin". I would say "attitude".
 23 Q. Or perspective then?
 24 A. Okay.
 25 Q. You mentioned that the Sun, I think, was an attitude

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1 rather than a particular social class, but maybe that
 2 permeates all the way through.
 3 When you were editor of the News of the World – we
 4 heard evidence yesterday from Mr Coulson of the degree
 5 of contact Mr Murdoch had with his editor then. Would
 6 your evidence be similar to Mr Coulson's or different,
 7 if I can short circuit it in that way? The amount of
 8 contacts or discussions.
 9 A. What did Mr Coulson say, sorry?
 10 Q. Well, that he phoned -- it varied, but it was on
 11 Saturday evenings, if at all. It might be twice
 12 a month, it might be less often than that.
 13 A. I'm sure that's right at the News of the World, yes.
 14 Q. And he was interested in the big stories, was he?
 15 A. Occasionally, yeah. I mean, Mr Murdoch's contact with
 16 the News of the World was much more limited than the Sun
 17 or other newspapers.
 18 Q. And when you become editor of the Sun, which is 2003,
 19 paragraph 256 your statement, you say you believe that
 20 Mr Murdoch was instrumental in your appointment; is that
 21 right?
 22 A. Yes.
 23 Q. Do you know that to be true or you believe it to be
 24 true?
 25 A. I know that to be true.

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1 Q. How often would he speak to you when you were editor of
 2 the Sun?
 3 A. Very frequently.
 4 Q. Give us an idea, Mrs Brooks.
 5 A. Well, it wasn't a sort of – it wasn't a regular
 6 pattern. Sometimes it could be every day. Sometimes,
 7 if something else was going on around the world, it
 8 would be less than that, but very frequently.
 9 Q. Even, evidently, when he wasn't in this country; is that
 10 right?
 11 A. Mainly when he wasn't in the country, yes.
 12 Q. It's said that you had a close relationship with
 13 Mr Murdoch. Various stories abound. Let's see whether
 14 any of them are true. It's said that you used to swim
 15 together when he was in London. Is that true?
 16 A. No, it isn't.
 17 Q. November 2005, we recall that you were arrested for
 18 alleged assault on your ex-husband. You recall that, no
 19 doubt?
 20 A. I do recall it, yes.
 21 Q. I think that you'd been to the 42nd birthday party of
 22 Matthew Freud that evening, had you?
 23 A. I don't know if that was the birth date, but yeah, it
 24 was a party, yeah.
 25 Q. So, evidently, other members of the Murdoch family would

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1 have been there, wouldn't they?
 2 A. I -- I can't remember. Not particularly, but ...
 3 Q. Mr Rupert Murdoch was there, wasn't he?
 4 A. No, he wasn't.
 5 Q. It's said that you kept him waiting for a breakfast
 6 meeting the following morning. Is that bit true?
 7 A. No.
 8 Q. And that he sent a dress to the police station. Is that
 9 bit true?
 10 A. No.
 11 Q. So this is all fiction then?
 12 A. Completely. I don't know -- where is it from?
 13 Q. Various sources, but ...
 14 A. You need better sources, Mr Jay.
 15 Q. Well, confidential sources. They're all in the public
 16 domain, actually, but I'm not expressing a view on their
 17 reliability.
 18 A. I'm sorry --
 19 Q. It may be leading up to a question much later on in
 20 relation to all of this.
 21 A. Okay.
 22 Q. There is evidence, though, I've seen that there was
 23 a 40th birthday party for you at Mr Rupert Murdoch's
 24 house. Is that correct?
 25 A. That is correct.

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<p>1 Q. Were politicians present on that occasion?</p> <p>2 A. Yes, some.</p> <p>3 Q. Mr Cameron and Mr Blair were presumably present, were</p> <p>4 they?</p> <p>5 A. It was a surprise party for me, so I'm pretty -- I know</p> <p>6 Mr Blair was there. I'm not sure if Mr Cameron was.</p> <p>7 Possibly.</p> <p>8 Q. There are all sorts of stories as to what the birthday</p> <p>9 present was, but I'm not going to ask you because it's</p> <p>10 outside the --</p> <p>11 LORD JUSTICE LEVESON: Oh, please.</p> <p>12 A. You've asked me if I've been swimming with Mr Murdoch.</p> <p>13 Please ask me about the birthday present.</p> <p>14 MR JAY: No, I won't. In 2006, you were appointed chief</p> <p>15 executive officer of News International.</p> <p>16 A. 2009.</p> <p>17 Q. 2009. Paragraph 26, pardon me. Was that Mr Murdoch's</p> <p>18 idea?</p> <p>19 A. I discussed that appointment with James and</p> <p>20 Rupert Murdoch.</p> <p>21 Q. Was it Rupert Murdoch's idea?</p> <p>22 A. I think it was more James Murdoch's idea in the</p> <p>23 beginning, but both of them, both of their ideas.</p> <p>24 Q. Why was that job of interest to you?</p> <p>25 A. I think I'd been editing the Sun for seven years by</p> <p style="text-align: center;">Page 21</p>	<p>1 or Mr Murdoch, but then none of us are -- you know, we</p> <p>2 all have different shades of grey.</p> <p>3 Q. The same colour though; is that right?</p> <p>4 A. Not necessarily.</p> <p>5 Q. Okay. July 2011. Were you embarrassed when Mr Murdoch</p> <p>6 indicated that you were his priority?</p> <p>7 A. Are you referring to the -- when we -- in the street?</p> <p>8 Q. Indeed.</p> <p>9 A. I wasn't at the time, because I didn't think that's what</p> <p>10 he was saying. I -- he was being asked by many</p> <p>11 reporters lots of different questions, and I think</p> <p>12 someone said, "What's your priority", and he looked</p> <p>13 towards me and said, "This one." I took that to mean he</p> <p>14 meant as in this issue. It was only the next day when</p> <p>15 I saw how it could have also been interpreted in the</p> <p>16 papers that I realised that was the interpretation that</p> <p>17 had been put on it. So I wasn't embarrassed at the time</p> <p>18 because I didn't know that that's what he meant.</p> <p>19 LORD JUSTICE LEVESON: Oh.</p> <p>20 MR JAY: Your relationships with politicians. Can we go</p> <p>21 back to Mr Blair, and we'll do this chronologically.</p> <p>22 Paragraph 53 of your statement of claim. You say you</p> <p>23 met him on numerous political and social occasions and</p> <p>24 these meetings increased in frequency throughout his</p> <p>25 decade as Prime Minister. You had many formal, informal</p> <p style="text-align: center;">Page 23</p>
<p>1 then, and I was interested in -- very interested, like</p> <p>2 most journalists are, in looking at the future economic</p> <p>3 models of journalism and basically how you continue to</p> <p>4 financially keep, you know, high quality journalism</p> <p>5 going, and I think the digital age and the iPad and the</p> <p>6 paywalls, they were all of interest to me and something</p> <p>7 that I was looking forward to doing.</p> <p>8 Q. Okay. Now, Mr Mohan was your replacement as editor and</p> <p>9 I think he was your strong recommendation; is that</p> <p>10 right?</p> <p>11 A. He was, yes.</p> <p>12 Q. Why?</p> <p>13 A. He'd been my deputy for a few years, so I'd seen the</p> <p>14 paper that he'd edited in my absence, and also I'd</p> <p>15 attended a few more business management programmes in</p> <p>16 the last year of my editorship of the Sun -- a couple of</p> <p>17 modules at the LSE, some internal management</p> <p>18 programmes -- and Dominic had had much more time to edit</p> <p>19 the paper on his own, and I thought he was doing a very</p> <p>20 good job.</p> <p>21 Q. In terms of the general political perspective I've</p> <p>22 mentioned earlier, where you stood vis-a-vis Mr Murdoch,</p> <p>23 does Mr Mohan stand in more or less the same place or</p> <p>24 a different place?</p> <p>25 A. Not entirely -- Dominic is not entirely the same as I am</p> <p style="text-align: center;">Page 22</p>	<p>1 and social meetings with him, "some of which I have been</p> <p>2 able to detail", and you have also spoken on the</p> <p>3 telephone on a number of issues.</p> <p>4 You're giving a picture here of contact which became</p> <p>5 very frequent; is that fair?</p> <p>6 A. I think it became more frequent when I became editor of</p> <p>7 the Sun, but that probably would go for most</p> <p>8 politicians, although obviously, as you heard from</p> <p>9 Mr Murdoch, Mr Blair flew out to a News Corp conference,</p> <p>10 I think in around 1995, and I probably met him shortly</p> <p>11 after that. So it's -- and then he obviously -- they</p> <p>12 were in power for ten years, so it's over a very long</p> <p>13 period of time.</p> <p>14 Q. I'm sure there wasn't a key moment but an important date</p> <p>15 was 2003 when you became editor of the Sun. Did you</p> <p>16 find that your contacts with politicians generally</p> <p>17 increased from that point in time?</p> <p>18 A. Yes, I would say so.</p> <p>19 Q. It's also clear that -- tell me if this is wrong -- that</p> <p>20 you became friendly with Mr Blair?</p> <p>21 A. Yes.</p> <p>22 Q. Were there text and email exchanges with him or not?</p> <p>23 A. No, he didn't have a phone or -- mobile phone, or in</p> <p>24 fact, I think, use a computer when he was</p> <p>25 Prime Minister.</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

1 Q. So all the telephone contact is logically then only on
 2 a landline, is it?
 3 A. Yes.
 4 Q. From his perspective. You say in paragraph 54:
 5 "Tony Blair, his senior cabinet, advisers and press
 6 secretaries were a constant presence in my life for many
 7 years."
 8 A. Mm.
 9 Q. Why do you think that was?
 10 A. I think they made sure it was, and I wasn't unique in
 11 that.
 12 Q. Why do you think they made sure it was?
 13 A. I think you have to look particularly at
 14 Alastair Campbell's appointment. I mean, he came from
 15 being political editor of the Daily Mirror, and
 16 Tony Blair's advisers put a huge store on certain
 17 newspapers and I think that they made -- shall we say
 18 a shift change from the John Major government into
 19 trying to get as much access to the press as possible.
 20 I mean, millions of books have been written about this,
 21 so it's not a particularly insightful comment but
 22 relevant to that question.
 23 Q. It's just like the Sun, then, reacting to its readers'
 24 wishes. It's you, as an editor, reacting to the
 25 politicians' wishes; is that correct?

1 A. No, not at all.
 2 Q. But the impetus on your narrative is coming from the
 3 politicians, not from the press.
 4 A.. I think --
 5 Q. Which is correct?
 6 A. I think the point of New Labour, if you like, embracing
 7 the media in a different way was because they felt they
 8 had a very big story to tell, at its best, shall we say.
 9 They had a very big story to tell about the changes they
 10 wanted to make or had made to the Labour Party. On the
 11 press' side, me included, were journalists, and access
 12 to politicians who can tell us things that we don't
 13 know, explain things that are going on, tell us policy
 14 that's being developed, all those things that we can
 15 report back to our readers -- I mean, that's
 16 a journalist's job.
 17 Q. Your job, you tell us, is to hold politicians to
 18 account.
 19 A. Absolutely.
 20 Q. How can you do that if they are a constant presence?
 21 A. Well, very easily, because you can find out quite easily
 22 what's going on and hold them to account for it.
 23 A constant presence doesn't mean that you don't hold
 24 politicians to account. I think every journalist and
 25 every newspaper does that all the time on behalf of its

1 readers.
 2 Q. It depends if at all the line is crossed, because if
 3 a friendship developed or an antipathy develops, then
 4 the constant presence is in danger of being abused,
 5 isn't it?
 6 A. Well, I think if a politician or a Prime Minister ever
 7 put a friendship with a media executive or a media
 8 company in front of his or her abilities to do their
 9 professional duties properly, then that is their
 10 failing, and I think if a journalist ever compromised
 11 their readership or their role as a journalist through
 12 friendship, then that is their failing. So I think it's
 13 simply put.
 14 Q. Tony Blair and New Labour were arguably masters of spin.
 15 What steps, if any, did you take to counteract that?
 16 A. First of all, I actually think that Gordon Brown and
 17 Charlie Whelan were masters of spin more than Alastair
 18 Campbell and Tony Blair. I don't think -- it's often
 19 reported that it was Tony Blair and Alastair Campbell,
 20 but I think the whole of New Labour engaged in a new
 21 way, a more intense way, with the media when they came
 22 to power.
 23 Q. The question was: what steps, if any, did you take to
 24 counteract that?
 25 A. Well, I don't think any journalist takes a story from

1 a politician or a line from a politician and repeats it
 2 verbatim in their newspaper without checking it or
 3 analysing it. I mean, the role of a journalist is not
 4 to just gather information; it's also to analyse and
 5 prove that information.
 6 Q. But you weren't disinterested in this, Mrs Brooks,
 7 because you were on Mr Blair's side. You just made that
 8 clear in the answer you gave a minute ago. Wouldn't you
 9 agree?
 10 A. I think when you back a political party in the way that
 11 the Sun did in 1997 -- I wasn't on the Sun then, but,
 12 you know, I was a close observer -- I don't think you
 13 back them wholeheartedly. In fact, I think if you look
 14 at the Sun's front pages from 1997 to when Tony Blair
 15 left in 2007, you would at some point be quite confused
 16 that it was actually supporting that party, particularly
 17 on Europe but on other issues as well.
 18 Q. On the level of personality, the clash that there was
 19 between Mr Blair and Mr Brown, which you speak to in
 20 your statement, you were on Mr Blair's side, weren't
 21 you?
 22 A. I think that -- are you talking about the hostilities
 23 between Gordon Brown and Tony Blair?
 24 Q. Yes, you were talking about it in the first sentence of
 25 paragraph 61 your statement.

1 A. Right. And what was the question, sorry, Mr Jay?
 2 Q. You were on Mr Blair's side, not Mr Brown's side,
 3 weren't you?
 4 A. What I said in the statement was that in the latter
 5 years -- and again, there's been much better political
 6 commentary on this from actually many of the books
 7 you've asked me to read for this Inquiry, but in the
 8 latter years of Tony Blair's prime ministership, the
 9 hostilities between him and Gordon Brown got
 10 increasingly worse and there did become a sort of
 11 Tony Blair camp and a Gordon Brown camp, and on
 12 particular issues -- say, for example, the welfare
 13 reform bill, which I think they first tried to get
 14 through in 2004 -- hostilities between Gordon Brown and
 15 Tony Blair were such that it didn't get through that
 16 time. We tried again. It was very important for Sun
 17 readers.
 18 So you would have an insight how those hostilities
 19 were affecting the way to govern. So you would have an
 20 opinion on them.
 21 Q. But whose side were you on, Mrs Brooks?
 22 A. Neither. On the side of the readers. It wasn't an
 23 automatic given that Alastair Campbell or Charlie Whelan
 24 were telling you the truth. It was our job to judge and
 25 analyse it.

1 Q. You told us you were friends with Mr Blair. Was your
 2 relationship with Mr Brown at the same level? Were you
 3 friends with him?
 4 A. I was actually friends with Sarah Brown, his amazing
 5 lady, and -- that was the friendship. So probably not.
 6 Q. So you were more friendly with Mr Blair than you were
 7 with Mr Brown, weren't you?
 8 A. By the end, yes, but not at the beginning. Actually, as
 9 Mr Murdoch said in his testimony, he had a very warm
 10 relationship with Mr Brown and I would see him --
 11 I would see Gordon Brown quite regularly too.
 12 Q. But all the commentators say -- and we make come back to
 13 this -- that in relation to this feud, you took the side
 14 of Mr Blair and not Mr Brown. Did you or didn't you?
 15 A. I think you have to say which part of the feud. There
 16 were many, many elements to the feud. For example, in
 17 the famous curry house coup, I think we did in fact take
 18 Mr Blair's side because the country hadn't been -- was
 19 almost on ice because of the hostilities and I felt an
 20 injustice on behalf of our readers because policy wasn't
 21 getting through. But not always. No, not always.
 22 Q. But most of the time, Mrs Brooks?
 23 A. I think --
 24 Q. Can we agree on that that?
 25 A. I'm reluctant to agree to that because I'm not quite

1 sure it's true. You know, let's say 50/50. But at the
 2 end, particularly, we were on the side of Mr Blair.
 3 Q. So totally disinterestedly, in the fair interests of
 4 your readers, you maintained impartiality between them?
 5 Is that what you're trying to tell us?
 6 A. Impartialities between ... sorry?
 7 Q. Mr Brown and Mr Blair.
 8 A. I'm sorry, I don't quite -- what is the question? That
 9 I ...?
 10 Q. That in fact you didn't take either person's side? You
 11 played this with an entirely neutral bat, or however you
 12 want to put it?
 13 A. It wasn't a playground spat. They were the
 14 Prime Minister and the Chancellor of the Exchequer. We
 15 were a newspaper who was looking after the real serious
 16 concerns of our readers, so it wasn't that we were --
 17 I would stand in one corner of the playground and
 18 Alan Rusbridger would stand on the other and it would be
 19 he was on Gordon's side and I was on Tony Blair's. It
 20 just didn't work like that. Every story, every feud,
 21 every, you know, mediation by John Prescott or Peter
 22 Mandelson at the time was analysed by the media in
 23 a just and proper way. So I just don't think you can
 24 couch it like that.
 25 Q. Is it true that in exchange for, generally speaking,

1 supporting Mr Blair, the Sun would often be the first to
 2 receive scoops, or at least the stories the New Labour
 3 government and its spin doctors wished to put out?
 4 A. I'd like to think that we were the first to receive
 5 scoops, but I think that's down to Trevor Kavanagh and
 6 what a great political journalist he is and then Tom
 7 Newton Dunn, but we did get a lot of scoops.
 8 Q. They weren't fed to you, you think?
 9 A. Not all of them were particularly pleasant, so no.
 10 Q. Some of them were fed to you, though, weren't they?
 11 A. Well, Trevor and I had some good sources.
 12 Q. Those close to Mr Blair himself, those were your good
 13 sources, weren't they?
 14 A. As you said, you don't reveal your sources.
 15 Q. Okay. Look at the schedule of meetings with British
 16 prime ministers, which is RMB1.
 17 A. Would you know what tab that is in, sorry?
 18 Q. Yes.
 19 LORD JUSTICE LEVESON: Number 3.
 20 A. Thank you.
 21 MR JAY: Tab 3. You put in a revised version so --
 22 A. Have we? Okay.
 23 Q. I think we need to be absolutely clear about this.
 24 You're not putting this forward necessarily as
 25 100 per cent complete?

1 A. No.

2 Q. Owing to the documents you've told us about, the

3 existence only of a desk diary --

4 A. **It's not even my own desk diary, so ...**

5 Q. Some meetings may have been cancelled, some meetings may

6 not have within included. So this should not be seen as

7 other than indicative; is that the way you wish to put

8 it?

9 A. **That's correct.**

10 Q. We know that from Alastair Campbell's diary that there

11 was a dinner on 27 April 1997 -- you, your ex-husband,

12 Mr Blair, Mr Campbell -- which was four days before the

13 famous election of 1 May 1997. Do you recall that?

14 A. **Not particularly, but I'm sure it's correct. We were**

15 **following Mr Blair's conference or last conference on**

16 **education, or we were doing a big number on education in**

17 **the paper. So I think it was to do with that, but**

18 **I can't remember. Is it in Alastair's book? I'm**

19 **sure --**

20 Q. Yes, page 733 of the first volume. Obviously you were

21 going to be discussing what was then 99 per cent likely

22 to happen, namely a huge victory for the Labour Party.

23 Self-evident, isn't it?

24 A. **Well, this is 14 years ago. I know there was -- I know**

25 **there was a meeting at an education rally, so it might**

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1 **be the same -- one and the same thing.**

2 Q. Okay. When we see an entry such as "Tony Blair lunch",

3 does that mean just Mr Blair or can it mean "and others

4 present as well"?

5 A. **I would say that up until quite late in my editorship of**

6 **the Sun, that most of those dinners will have been**

7 **attended by political editor and particularly lunches**

8 **would have been -- and all prime ministers do this to**

9 **newspaper groups and senior cabinet visitors, is they**

10 **come into the newsroom and sit down with the editor and**

11 **the most senior executives and discuss issues of the**

12 **day. So I think a lot of those would have been that**

13 **format.**

14 Q. Dinners in restaurants? How does that work?

15 A. **You see --**

16 Q. Just Mr Blair or other people there?

17 A. **In 1999? I doubt that very much. But again, I'm sorry,**

18 **that is literally what it says in the desk diary.**

19 **I have probably better notes at News International, but**

20 **I --**

21 Q. It's just your memory, Mrs Brooks, particularly if you

22 look at the period 2003 to 2007. You'll have memories

23 not of particular events but whether other people were

24 there on occasion or not.

25 A. **I mean, like everybody, I'll probably have a better**

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1 **recollection of 2003 to 2007 than 1999, which is 13, 14**

2 **years ago, so.**

3 Q. I was asking you about 2003 to 2007. Can you --

4 A. **Which --**

5 Q. I'm not asking you about a particular entry.

6 A. **Right.**

7 Q. I'm just asking whether a dinner with the Prime Minister

8 in a restaurant might have been one-to-one, or would it

9 always have been with someone else there?

10 A. **I think from in that period I, from memory, had about**

11 **three dinners with Mr Blair on my own.**

12 Q. We see one dinner at the home of Matthew Freud and

13 Elisabeth Murdoch. Again, if one reads material online,

14 one would be led to believe that there were frequent

15 occasions when Mr Blair went with you to the home of

16 Mr Freud and Elisabeth Murdoch. Is that correct or not?

17 A. **No; once.**

18 Q. You can only remember one or you are sure there was only

19 one?

20 A. **I'm sorry, I thought your question was that I took**

21 **Mr Blair to the home of Matthew --**

22 Q. You were there on the same occasion. Whether you're

23 taking him or not, I'm not sure --

24 A. **No, sorry, I will have seen Mr Blair probably much more**

25 **since he left office in their company, but on occasion,**

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1 **yes, he was there.**

2 Q. Informally, spontaneously? Did that ever happen?

3 A. **No.**

4 Q. You say "on occasion". Can you give us a feel for the

5 number of occasions when he was at the home of Matthew

6 Freud and Elisabeth Murdoch when he was Prime Minister?

7 A. **I actually think quite few.**

8 Q. Quite a few?

9 A. **No, few. As in very few.**

10 Q. A handful then. Is that what you're telling us?

11 A. **Maximum, yes.**

12 Q. Can we look at the elections of 1997, 2001 and 2005 as

13 of one piece. Was the support of your newspaper,

14 whether it be the News of the World or the Sun -- I know

15 you weren't editor in 1997 -- the subject of prior

16 discussion with Mr Blair or his advisers?

17 A. **I have no idea for 1997. Not in 2001 that I can**

18 **remember. But in 2005, it was a very difficult time for**

19 **the Labour Party, and I think -- I am pretty sure it was**

20 **Michael Howard who was leader of the opposition at that**

21 **time, and so the Sun newspaper, at the time under my**

22 **editorship, we were very even-handed during that**

23 **election process, giving both equal weight to all party**

24 **policies. So I'm not sure we particularly had**

25 **a conversation with the Labour Party about access --**

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1 support.
 2 Q. In 2005, though, the Sun did support the Labour Party.
 3 That's a matter of record.
 4 A. That's right.
 5 Q. It changed, of course, in September 2009.
 6 A. Mm.
 7 Q. But the question was: was the fact of the Sun's support
 8 the subject of prior discussion with Mr Blair or his
 9 advisors?
 10 A. Not that I can remember, no. It wouldn't be -- it
 11 wouldn't be that way. In fact, I think in 2005 --
 12 again, it's very difficult. I wish I'd had some access
 13 to my notes, but I think in 2005 the Sun -- we left it
 14 right to the day, and I think we erected a sort of
 15 a Vatican-style chimney on the roof of Wapping and
 16 whatever coloured smoke -- sorry, it was funny at the
 17 time. It's clearly lost in translation now, but anyway,
 18 whatever smoke at the time came up. So we had red smoke
 19 and blue smoke.
 20 Q. You'd run out of yellow smoke? You made that note to
 21 the Select Committee.
 22 A. I'm not sure we could have found any yellow smoke at the
 23 time. We clearly would have needed it now. I think we
 24 left it to that minute. I remember being on the roof of
 25 Wapping and looking down and seeing all the press guys

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1 there waiting for the colour to come out. And --
 2 I didn't see Mr Blair standing there with them, though,
 3 waiting.
 4 Q. That wasn't the question. The question was a more
 5 straightforward one: was the Sun's support the subject
 6 of prior discussion --
 7 A. No, sorry, I keep thinking -- I keep saying the same
 8 thing. No, I don't remember having a prior discussion
 9 with him about it. But I think, if I'm correct in the
 10 2005 Vatican chimney, we didn't tell anyone, until we
 11 got to the roof of Wapping, what colour was coming out.
 12 Q. Did you at least make it clear to Mr Blair and his
 13 advisers before that election which aspects of Labour
 14 Party policy would be less or more acceptable to your
 15 readers?
 16 A. There was not a particular discussion about policy but
 17 it would be fair to say that leading up to the 2005
 18 General Election, there was a huge debate on the next
 19 stage of the European constitution and the Sun, the
 20 Daily Mail and, I think, the Telegraph were all
 21 campaigning quite hard to have a referendum put in the
 22 2005 manifesto. And so, yes, that would have been
 23 subject of discussion, you know, if there were any
 24 meetings pre the 2005 -- I'm not sure if there are any,
 25 but ...

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1 Q. Okay. Just look at one particular article, which is
 2 tab 27 in this bundle we've prepared, which was the
 3 piece in the Sun in 2005. Do you remember this one,
 4 Mrs Brooks?
 5 A. Sorry, I'm just trying to -- yes, sorry, I have it now.
 6 Q. "Hopes dashed. News is crushing blow to Gordon Brown's
 7 chances of becoming prime minister."
 8 A. Is there a date on this?
 9 Q. No, there isn't because it's printed online.
 10 A. Right.
 11 Q. But it's printed in 2005.
 12 "Mr Blair has confided to close allies over the last
 13 two weeks that he intends to lead Labour for five more
 14 years and may even fight a fourth election."
 15 Was that piece the outcome of a conversation between
 16 you and Mr Blair?
 17 A. I think the byline will be Trevor Kavanagh, and as I --
 18 but it's not printed on here, and as I said, Trevor and
 19 I had some good sources, but I don't think it's fair to
 20 reveal who they were.
 21 Q. Well, I think you can tell me whether it was Mr Blair
 22 himself, whether he'd, as it were, planted this in the
 23 Sun with your help. Can you tell us that or not?
 24 A. I don't think I can tell you that at all.
 25 Q. Okay.

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1 A. Although I do remember this story, that -- I think some
 2 time in 2004 -- and this is going from memory --
 3 Gordon Brown had felt that he had come to an
 4 agreement -- I think this is in Andrew Rawnsley's book,
 5 I think -- an agreement that he would step down before
 6 the 2005 election, and at some point between that
 7 agreement in 2004, which I think was during the summer,
 8 when they all came back from recess, I think Tony Blair
 9 changed his mind and Trevor and I had heard about this
 10 and we asked everybody and we got that story.
 11 Q. It's also suggested that you passed on material,
 12 intelligence -- call it what you will -- gained from
 13 your few dinners with Gordon Brown -- you passed that on
 14 to Tony Blair. Is that true or not?
 15 A. Who suggested that, sorry?
 16 Q. It doesn't matter. In the same way as you're not
 17 telling me your source, I'm certainly not going to share
 18 mine with you. Is it true or not?
 19 A. Okay, we'll play that game all day. No, it isn't, and
 20 I think your source might be John Prescott. And it's
 21 not true.
 22 Q. Completely untrue, is it?
 23 A. Not true.
 24 Q. We can see from this schedule at RMB1 that you had much
 25 less contact with Mr Brown when he was Prime Minister

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1 than you had had with Mr Blair when he was
 2 Prime Minister. Would you agree?
 3 **A. Well, he wasn't Prime Minister for very long, and in**
 4 **2009, the Sun came out for the Tories and contact was**
 5 **very limited after that.**
 6 Q. It stopped on 30 March 2009. There was a telephone
 7 call, and that's the last contact you've recorded.
 8 **A. When, sorry? Can I just check that date?**
 9 Q. Yes, 30 March 2009. Do you see that one?
 10 **A. I can't, but anyway, I know -- I'm not sure that's true.**
 11 Q. Well, unless the diary is incomplete, it is true, isn't
 12 it?
 13 **A. The diaries are very incomplete, and -- you know, I do**
 14 **want to make this point. They are very incomplete.**
 15 **I will have seen Gordon Brown between 30 March 2009**
 16 **and -- I saw him at the Labour Party Conference**
 17 **in September 2009, so -- but I -- and I remember at**
 18 **least one occasion going to Downing Street. Again, I'm**
 19 **sorry for these diaries that are incomplete, but they're**
 20 **just my PA's desk diaries, so they perhaps won't have**
 21 **everything in.**
 22 Q. But after 30 March 2009, the Sun was moving inexorably
 23 towards supporting the Conservative Party, wasn't it?
 24 **A. I think the position at the Sun at the time was not an**
 25 **overwhelming support for the Tory Party, but more that**
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1 we had had a few major issues in which we had, on behalf
 2 of our readers, particularly on Afghanistan, fallen out
 3 with Gordon Brown's government, and I think around March
 4 2009 -- it may have been a bit later -- I think that's
 5 when Gordon Brown announced that the referendum that had
 6 been many promised in the 2005 manifesto on the European
 7 constitution, they were going to renege on that promise,
 8 and again, I think it was the Mail and the Telegraph and
 9 the Sun who -- particularly at the Sun, so I'll just
 10 speak to the Sun -- called then for a snap election in
 11 the autumn of 2009 because this referendum was
 12 a hard-fought battle. The population by far wanted that
 13 referendum on the European constitution, and so we had
 14 fallen out with each other, but I still saw him from
 15 that date.
 16 Q. Again, that wasn't really the question at all. By
 17 30 March 2009, the Sun was moving inexorably towards
 18 supporting the Conservative Party. Is that true or not?
 19 **A. Sorry, I thought I had said at the beginning, in answer**
 20 **to that question, that I don't think that was quite the**
 21 **way I would describe it, more that we were running out**
 22 **of ways to support Mr Brown's government.**
 23 Q. Moving inexorably towards withdrawing its support for
 24 the Labour Party. Could we agree on that formulation?
 25 **A. We could.**
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1 LORD JUSTICE LEVESON: Could I just ask about one sentence
 2 in what you've just said? Let me just find it. You
 3 spoke of pursuing matters "on behalf of your readers".
 4 I'm just wondering what you did to discover the views of
 5 your readers, save for those that communicated with you.
 6 In other words, if you have millions of readers, how are
 7 you identifying their views or are you reading the runes
 8 of what you believed the correct approach is, supported
 9 by those who are vigorous enough to correspond with you
 10 and taking that forward? I'm trying the find the
 11 balance here.
 12 **A. Yes, no, I think on Europe we -- on our European**
 13 **campaign, which had been a long tradition at the Sun way**
 14 **before I became editor but believed in it too -- on**
 15 **particularly the European constitution, we had spent**
 16 **probably since 2005 -- and the sentence that I said then**
 17 **was in 2009 -- we were pretty sure of where our readers**
 18 **stood on that matter. We'd had lots of polls that we'd**
 19 **been done. We'd run petitions in the newspaper.**
 20 **I think both the Mail and the Sun ran phone lines**
 21 **saying, "Call in if you feel this promise should be kept**
 22 **to about the referendum." So there was a lot of**
 23 **feedback from the readers on that particular issue.**
 24 **And on Afghanistan, I think it's fair, through our**
 25 **Help for Heroes campaign, that we are considered to be**
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1 a very pro-armed forces paper and some of the failings
 2 in Afghanistan, we were getting an incredible amount of
 3 feedback on, not just from the troops on the ground but
 4 also from the military here. So we had a pretty good
 5 idea on those issues.
 6 LORD JUSTICE LEVESON: Yes, I've found the sentence now.
 7 You said:
 8 "We had a few major issues on which we had, on
 9 behalf of our readers ..."
 10 I'm just wondering whether you are merely a conduit
 11 or whether there is a fair amount of what is
 12 Rebekah Brooks and/or Trevor Kavanagh and/or some others
 13 that's thrown into the mix of deciding how you're going
 14 to pursue the matter.
 15 **A. I think every editor uses his or her own judgment in**
 16 **putting together the paper and what stories or campaigns**
 17 **we should follow and hopefully we get it right. But**
 18 **that is -- it's an instinct but it's also -- and I refer**
 19 **to it in my witness statement, and I don't know if it's**
 20 **the same on other newspapers but we have a particular**
 21 **close interaction with Sun readers. I mean, for the**
 22 **last 11 years, every year I go on holiday on a £9.50**
 23 **caravan park with Sun readers. I take all my executive**
 24 **team. We go through their emails. The post room at the**
 25 **Sun is sort of legendary. It's now an email room, or**
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1 inbox, but the letters that we get through them are
 2 always looked at. There's a great sort of culture at
 3 the Sun newsroom that the reader is always to be
 4 respected. I mean, it's almost a sackable offence to be
 5 rude to a reader. We get readers ringing us up asking
 6 for directions if they're lost somewhere. We have quite
 7 a close -- and I'm sure it's the same on other papers,
 8 but I remember when I moved from the News of the World
 9 to the Sun, it was one of the things that I noticed the
 10 difference in.

11 MR JAY: Can I ask you about your social circle, I hope not
 12 intrusively. Is it fair to say that there was a close
 13 social circle in existence here: you, Wendi Murdoch,
 14 Elisabeth Murdoch, and at one stage Sarah Brown?

15 A. We all knew each other, but we didn't meet as a group
 16 like that very often. In fact, I think probably once.

17 Q. Okay. I'm doing this chronologically, so we're onto
 18 Mr Cameron now.

19 LORD JUSTICE LEVESON: Is that convenient just to have five
 20 minutes?

21 MR JAY: Yes.

22 LORD JUSTICE LEVESON: All right.

23 (11.09 am)

24 (A short break)

25 (11.21 am)

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1 MR JAY: Mrs Brooks, we're onto Mr Cameron now. According
 2 to his biography, in 2005, you actually supported
 3 Mr Liam Fox for the Conservative leadership. Is that
 4 correct or not?

5 A. I don't think that is correct. I can't -- I don't think
 6 the Sun came out for a particular candidate in the
 7 leadership. We probably didn't support Ken Clarke
 8 because of Europe, but I don't remember actually having
 9 a particular line in the paper for the leadership.

10 Q. Okay. Mr Coulson is appointed Director of
 11 Communications in or about May 2007. Did you have any
 12 involvement in that event?

13 A. No.

14 Q. Can you recall when you first got to hear about it?

15 A. Yes, I can. I think I've written it in my witness
 16 statement. I heard about it from Andy Coulson after he
 17 had met with George Osborne and I then was told by Andy
 18 again that he'd got the job.

19 Q. What was your reaction to that piece of news?

20 A. I probably said, "Well done."

21 Q. That's what you said, but what was your reaction to it?
 22 How did you feel about it?

23 A. Well, he'd had to resign from the News of the World and,
 24 you know, he'd found another job, a good job, so as
 25 a friend I was very pleased for him.

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1 Q. Were you at all surprised?

2 A. I'd already had the -- I wasn't surprised when he
 3 finally got the job because he'd called me with George
 4 Osborne, but --

5 Q. At a slightly earlier stage, when you first heard of it,
 6 were you at all surprised that the Conservative Party
 7 wanted to appoint Mr Coulson?

8 A. Not really. I mean, journalists are good communicators
 9 and Alastair Campbell went to the Mirror.

10 Amanda Platell I think worked for William Hague, Iain
 11 Duncan Smith. So there's a long history of journalists
 12 going into politics, so it didn't occur to me this was
 13 any different.

14 Q. I think your answer is: you weren't surprised at all?

15 A. No.

16 Q. The list of your meetings, which is RMB1. It's a list
 17 of meetings with members or leaders of political
 18 parties. Do you have that page, Mrs Brooks?

19 A. Yes, I have, yes.

20 Q. For the meeting at Santorini, Greece, which is the
 21 bottom of the first page of this list, you put an
 22 asterisk by it. You say you don't have a record of this
 23 meeting although you do recall meeting Mr Cameron while
 24 on holiday with the Murdoch family in Santorini, Greece,
 25 in 2008. That's why you've included it in the list, is

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1 it?

2 A. Yes.

3 Q. Whose idea was it that Mr Cameron meet with the Murdochs
 4 in Greece on this occasion?

5 A. I'm not sure who came up with the idea. I think it was
 6 borne out of the fact that Mr Murdoch --
 7 Mr Rupert Murdoch was in Europe that summer, and
 8 Mr Cameron was travelling to Europe, and I think the
 9 idea came up -- but it was organised through Number 10.

10 Q. There must have been initiatives, though, within
 11 News International to make arrangements. Did you know
 12 anything about those?

13 A. I knew he was coming, but I think the arrangements were
 14 made through Mr Murdoch's office and Number 10.

15 Q. Were you consulted at all in relation to those
 16 arrangements?

17 A. No.

18 Q. You were there in Greece, presumably on holiday, with
 19 the Murdoch family and there was nothing more to it than
 20 that; is that right?

21 A. Yes, it was for Elisabeth Murdoch's birthday.

22 Q. And you presumably met with Mr Cameron on that occasion
 23 when he was in Greece, did you?

24 A. I did, yes.

25 Q. Do you remember how long he stayed?

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<p>1 A. I think it was an afternoon and an evening. I think 2 that's all.</p> <p>3 Q. Were you witness to any of the conversations which took 4 place, or not?</p> <p>5 A. Yes, I was witness to one with him and Mr Murdoch about 6 Europe, because we were in Europe. Very general terms. 7 But then he had subsequent other conversations where 8 I wasn't around.</p> <p>9 Q. So there were a number of conversations, possibly on 10 a number of topics. Is that the picture?</p> <p>11 A. Well, it wasn't a sort of formal sit-down conversation. 12 However, the one I was witness to was a sort – 13 I happened to be there when they were talking about 14 Europe. I was brought into the conversation because 15 they were talking about Europe.</p> <p>16 Q. Was this an occasion you were pleased about or not?</p> <p>17 A. Well, it seemed to – it was a very cordial meeting and 18 it went well. Like I say, it lasted for either an 19 afternoon or an evening, so it wasn't particularly long.</p> <p>20 Q. Because by that point you were quite friendly with 21 Mr Cameron, weren't you?</p> <p>22 A. Yes.</p> <p>23 Q. Because we know from your list that on new year's eve 24 2008, he attended a new year's eve party at your farm, 25 didn't he? Your husband's farm.</p> <p style="text-align: center;">Page 49</p>	<p>1 A. It will have done in general terms. I mean, there were 2 probably lots of other people there at the lunch, but 3 again, May 2009 – like I say, I'm not quite sure that 4 my memory's correct, but I'm pretty sure that the 5 European constitution debate was, shall we say, at 6 large, as was Afghanistan at the time. So they may have 7 been two of the issues.</p> <p>8 Q. We know that on 9 September 2009, Mr James Murdoch told 9 Mr Cameron at a drink at the George that the Sun would 10 support the Conservative Party at the next election. 11 The headline on the front page, I think, was on 12 30 September 2009.</p> <p>13 A. Mm-hm.</p> <p>14 Q. When did you first know that that shift would take 15 place?</p> <p>16 A. To the – to the Conservative party?</p> <p>17 Q. Yes. I've given you the date when Mr James Murdoch told 18 Mr Cameron that it would happen: 9 September 2009. When 19 did you first know that that shift would take place?</p> <p>20 A. Well, if we put aside the timing of it, I think probably 21 in the June 2009. Me and Rupert Murdoch and 22 James Murdoch had started to have discussions, because 23 I think by that stage – and that was post the reneging 24 on the referendum, it was post a campaign for a snap 25 election, and it was – I think one of my last front Page 51</p>
<p>1 A. Yes, but not at our home. It was my sister-in-law's 2 party.</p> <p>3 Q. So her home nearby; is that it?</p> <p>4 A. No, the point I was just trying to make was the Brooks 5 family had a family connection with the Camerons before 6 I came along, so I just wanted to make that distinction.</p> <p>7 Q. Is the distinction that Mr Cameron is only a friend of 8 the Brooks family, or are you accepting that Mr Cameron 9 became your friend?</p> <p>10 A. Yes. No, of course I'm accepting that.</p> <p>11 Q. Looking further down this list, 3 May 2009, lunch at the 12 home of James and Kathryn Murdoch. From that point, of 13 course, there's no evidence that you're meeting with 14 Mr Brown; is that fair? Although you did say that your 15 list may not be complete in relation to Mr Brown.</p> <p>16 A. I know my list isn't complete. I'm not sure – I'm sure 17 Gordon Brown and Tony Blair have had to release their 18 social and formal and informal meetings, haven't they? 19 With – and I'm pretty sure if they have, there will be 20 meetings at Downing Street with Mr Brown from that 21 period in May right up until September. I don't know 22 how many, though.</p> <p>23 Q. The topic of conversation on 3 May 2009. It's difficult 24 to remember any specific events, of course I understand, 25 but did it cover political issues?</p> <p style="text-align: center;">Page 50</p>	<p>1 pages that I edited of the Sun was "Don't you know 2 there's a bloody war on?" The point of it was there 3 didn't seem to be one senior politician, including the 4 Prime Minister, who was willing to address the issues 5 the military were facing out there, and so I think that 6 was around June –</p> <p>7 Q. You're moving off the question now. The question was 8 a simple one: when did you first know? You gave me the 9 answer. It was June 2009. You kindly expanded upon it. 10 There were conversations: you, the two Murdochs and 11 Mr Kavanagh. Is that in a nutshell?</p> <p>12 A. Yes.</p> <p>13 Q. Was any part of the discussion about who was likely to 14 win the next election?</p> <p>15 A. I think back in June, the main discussion, which is why 16 I tried to give you a little bit of background, so you 17 could understand the context, was that it was more that 18 we had lost things to support Gordon Brown's government 19 on and what did that mean. So there were very initial 20 discussions in June.</p> <p>21 Q. When those discussions coalesced into a fixed position, 22 which must have arisen by 9 September 2009 by the 23 latest, was any part of the decision based on who was 24 likely to win the next election?</p> <p>25 A. I'm not sure what the polls were at the time. It was Page 52</p>

13 (Pages 49 to 52)

1 much more, in that summer, about our readership and
 2 where they stood in terms of the policies that the
 3 Labour government – the bank bailout had been the year
 4 before. The debt, the rising debt, so – the recession.
 5 There were lots of issues that our readers were
 6 concerned about, and like I say, the main point of
 7 summer was the fact that we probably hadn't written one
 8 editorial in support of the Labour government for quite
 9 some time. So it wasn't as clearcut as – as the
 10 question.
 11 Q. I'm not saying it was. The question was: was any part
 12 of the discussion related to who was likely to win the
 13 next election?
 14 A. Well, in general terms, it would have been, but not –
 15 but only a part of it, because I can't remember what the
 16 polls were at the time. I think the Tories were in the
 17 lead then. But polls are polls.
 18 Q. But from your perspective, if it's true that you're
 19 mirroring the views of your readers, then by definition
 20 you would be interested in how they were going to vote
 21 at the next election. Do you see the logic of that?
 22 A. I do, and the issue with the Sun, which I think is
 23 probably one of the most interesting things about its
 24 readership, is the amount of floating voters. So if
 25 you're a Mirror reader or a Mirror journalist, you're

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1 pretty much tied to Labour –
 2 Q. We know all this, Mrs Brooks.
 3 A. Yes. So I think that in the Sun the floating voters are
 4 quite important. So we would do internal polls and
 5 research to where our readers were changing, but the
 6 overwhelming feedback from the readership at that time
 7 was that they were very unhappy with the lot they had.
 8 Q. So we're back to the wider point, whether you are simply
 9 the mirror of the opinion of your readers or whether you
 10 have any influence at all on the formation of their
 11 opinion, which may be a point I'll come back to you.
 12 If you look at the list of meetings, there's also
 13 a meeting, a dinner, with David Cameron, 21 January
 14 2010, again at the home of James and Kathryn Murdoch.
 15 Can you remember if anyone else was present?
 16 A. I can't, I am afraid. There will have been other people
 17 present, maybe people from the office. But not
 18 particularly that one. I think we had one dinner where
 19 there were some military chiefs there. I'm not sure if
 20 that was the one.
 21 Q. At that dinner, was there any discussion as to the
 22 timing of the Sun's change of support?
 23 A. No, we didn't tell anyone the timing.
 24 Q. Did Mr Cameron at any stage know the timing?
 25 A. Probably he knew it was within a period of time from the

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1 drink that you referred to that he had with
 2 James Murdoch that it would happen, but absolutely not
 3 on the timing.
 4 Q. Can we see how specific we can be?
 5 A. Mm-hm.
 6 Q. Was he told that it would be within the party conference
 7 season?
 8 A. No. I don't think so.
 9 Q. What was he told?
 10 A. Well, I wasn't there at the drink that he had with
 11 James Murdoch, but I think from – James Murdoch's own
 12 evidence is that they had a discussion, which is: "This
 13 is what the Sun will probably do."
 14 The timing was a matter of discussion with me and
 15 the editor of the Sun, Dominic Mohan, and the political
 16 team there, and James and Rupert Murdoch. So the timing
 17 conversation was not with David Cameron or his advisers.
 18 Q. So the News International team, really from the top to
 19 editorial level –
 20 A. Yes.
 21 Q. – with you in the middle as CEO, were responsible for
 22 the timing of the decision; is that right?
 23 A. In terms of the party conference season, yes.
 24 Q. Did you play the major role here, Mrs Brooks?
 25 A. I was certainly instrumental in it. I mean, ultimately,

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1 Rupert Murdoch's the boss, but I was instrumental in it,
 2 as was Trevor Kavanagh, Tom Newton Dunn and the editor,
 3 Dominic Mohan.
 4 Q. Final decision made by Rupert Murdoch, but you are the
 5 driving force behind it, or not?
 6 A. No, I was instrumental rather than the driving force.
 7 It was pretty collective in terms of everyone's view,
 8 particularly the readership's view, but everyone's view
 9 that we were going to sort of distance ourselves from
 10 the Labour Party that we'd supported for many years, but
 11 as in terms of the timing, it was probably quite a small
 12 group.
 13 Q. And you were part of that small group?
 14 A. Yes.
 15 Q. Of course, the timing was careful inasmuch as it
 16 succeeded Mr Brown's speech at that conference, didn't
 17 it?
 18 A. It did.
 19 Q. And so designed, rightly or wrongly, to cause him
 20 maximum political damage. Would you agree?
 21 A. Well, the discussion on the timing was this, which is it
 22 would be terribly unfair at the start of a party
 23 conference to say that before hearing what Mr Brown and
 24 the senior cabinet ministers had to say. For all we
 25 knew, they could have come up with a fantastic policy

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14 (Pages 53 to 56)

1 for Sun readers, some taxation – any -- I mean
 2 anything. So I think it was unfair for us to go before.
 3 Q. Are you seriously saying that Mr Brown might have said
 4 something which caused you, the Sun, to change their
 5 minds and go back to plan A?
 6 A. No, I'm not seriously saying that. What I'm saying is
 7 we felt it was unfair to cloud a party conference in
 8 that way. So that was the reason for the timing not
 9 being before. I think you heard from Mr Coulson
 10 yesterday that the Conservative part, if they'd had
 11 their way, they would have liked the endorsement at the
 12 beginning of their conference. But the reason -- the
 13 main -- the sole reason for -- we knew it was going to
 14 be -- we absolutely were ready to do this in that party
 15 conference season, but the reason for that night is
 16 because Mr Brown's speech, which I can't remember how
 17 long it lasted, but the key was that he spent less than
 18 two minutes on Afghanistan, and we felt that was the
 19 right timing in order to distance ourselves from --
 20 Q. But you must have made this decision before you heard
 21 his speech.
 22 A. Oh, yes. I'm not --
 23 Q. There was nothing in his speech which made a difference
 24 to the timing, was there?
 25 A. I was talking more about fairness rather than it was

1 Q. I mean individuals within the Labour Party as well. You
 2 knew that, didn't you?
 3 A. Well, yes.
 4 Q. Did you sense in any way that this was the exercise of
 5 power concentrated, if not in you personally, at least
 6 in a small group of people within News International,
 7 who of course you've named?
 8 A. I think -- I don't think we ever saw it in those terms,
 9 no.
 10 Q. But I'm asking you to think about it now and perhaps see
 11 it in those terms.
 12 A. But I don't think we've ever seen it in those terms.
 13 Q. Why not?
 14 A. Because rightly or wrongly, I believe and have believed
 15 throughout my career that I was -- my main
 16 responsibility was to a readership, and that any
 17 influence that we could come to bear on their behalf or
 18 for their concerns was the most important thing, and
 19 that's just the way it was. So I don't think we saw it
 20 like that. Yes, in answer to your question, we knew
 21 there would be certain individuals in the Labour Party
 22 that would not be happy with that decision.
 23 Q. This is a decision taken -- you've identified who took
 24 it?
 25 A. Yes.

1 going to affect the decision. I thought or we thought
 2 it was fair not to do it at the beginning of their party
 3 conference. They probably wouldn't see it like that,
 4 but at the time it was thought to be the right thing.
 5 Q. All these considerations, including, you say, the
 6 consideration of fairness, are an indication of how
 7 important this decision you were taking was. Would you
 8 agree?
 9 A. I think from the Sun's point of view it was an
 10 incredibly important decision that the Sun made in 1997,
 11 after many, many years of Tory support --
 12 Q. Please just keep to the question, Mrs Brooks. The
 13 question was about this decision in 2009.
 14 A. Yes.
 15 Q. Don't give us ancient history. Focus on this, please.
 16 A. No, but ancient history is quite important in this
 17 manner because I think you're asking for an explanation.
 18 So I think that it was a very important decision and we
 19 did give it careful consideration after many years of
 20 Labour support.
 21 Q. And you knew that the decision would anger certain
 22 people, didn't you?
 23 A. Well, the Labour Party.
 24 Q. Well, obviously, Mrs Brooks.
 25 A. Well, who did you mean then?

1 Q. Ultimate responsibility, Mr Rupert Murdoch.
 2 Mr James Murdoch was a party to it. You were
 3 instrumental, to use your term, and Mr Kavanagh was
 4 there as well. Effectively it was those four people,
 5 wasn't it?
 6 A. And Mr Mohan, the editor.
 7 Q. Yes. Was he contributing much to this debate or not?
 8 A. Yes, he was.
 9 Q. Five of you then, add him as well.
 10 A. Yes.
 11 Q. All five of you in different ways exercising
 12 considerable power. Would you agree?
 13 A. I think that we were -- the part of me, Mr Kavanagh and
 14 Tom Newton Dunn, who was the political editor, and
 15 Dominic Mohan, the journalists, I think we were all of
 16 a mind that this was the right thing to do for the paper
 17 and for our readership. We just didn't see it in those
 18 terms, so I'm -- I'm sorry.
 19 Q. You don't see the intrusion -- I'll use a different
 20 word -- the dissemination of power from within a few
 21 people capable of impacting on the opinions of many
 22 people? You don't see that as being at least
 23 a possibility?
 24 A. Well, I can see how you can phrase it like that, and
 25 many other critics do so too, but from your own

<p>1 perspective, the Sun newspaper has in its history always 2 done sort of quite dramatic endorsements. It's like the 3 paper. It's strong, it's punchy. It tells it as it is. 4 When you reach an opinion, it's pretty obvious. And, 5 you know, from the Vatican chimney of smoke to Kelvin's 6 "Will the last person turn out the lights?", we have had 7 a tradition and a history of being bold and dramatic in 8 our timing when it came to politics. So we just didn't 9 see it in the terms that you're couching it at, although 10 I know that critics did.</p> <p>11 Q. Mm. We know you had conversations with those close to 12 Mr Brown in relation to the decision. Before I ask you 13 about those, did you try to speak to Mr Cameron before 14 the headline went out?</p> <p>15 A. No, I didn't. I was busy.</p> <p>16 Q. Too busy to try and speak to him. Is that it?</p> <p>17 A. My main concern was to try and speak to Mr Brown.</p> <p>18 Q. Why was he a higher priority than Mr Cameron here?</p> <p>19 A. Because I felt it was the right thing to do, to speak to 20 Mr Brown before anybody else.</p> <p>21 Q. Out of what motive?</p> <p>22 A. Well, I think general courtesy, but I thought it was the 23 right thing to do, and also Mr Brown and his wife were 24 due to come to the News International party that night 25 and I wanted to get hold of them beforehand.</p> <p style="text-align: center;">Page 61</p>	<p>1 A. I did have a conversation with Mr Brown, and I think it 2 was in October, rather than that night or that week.</p> <p>3 Q. So within a week of the --</p> <p>4 A. No, I think it was a few weeks after.</p> <p>5 Q. Why did it take you so long to speak to him?</p> <p>6 A. Well, I had tried to speak to him on the night, and then 7 I'd spoken to Lord Mandelson instead, and it was clear 8 that there was nothing more to say at that point.</p> <p>9 Q. Why?</p> <p>10 A. I don't think he wanted to talk to me.</p> <p>11 Q. So when you did speak to him eventually, can you 12 remember anything about that conversation?</p> <p>13 A. I do. I remember it quite clearly because it was in 14 response to -- the Sun had splashed on a letter that 15 Gordon Brown had written to a bereaved mum whose son had 16 died in Afghanistan and he had got some spelling 17 mistakes and addressed the wrong name or something, but 18 the Sun had been particularly harsh to him over it, and 19 I spoke to him either that day or the next day, I can't 20 remember.</p> <p>21 Q. What, at his instigation or yours? Can you recall?</p> <p>22 A. He rang me.</p> <p>23 Q. Can you remember anything about the conversation?</p> <p>24 A. Yes, I can, because it was -- it was quite tense.</p> <p>25 Q. Okay, so what was said then?</p> <p style="text-align: center;">Page 63</p>
<p>1 Q. Did you leave a series of voicemail and text messages on 2 the mobile phones of Mr Brown and Lord Mandelson?</p> <p>3 A. I think "a series" is too strong a word. I left 4 a message for both of them, yes.</p> <p>5 Q. For Mr Brown to speak to you urgently. Was that it?</p> <p>6 A. Well, I certainly put a request earlier in the afternoon 7 to speak to him. Later in the afternoon, sorry.</p> <p>8 Q. I know you've seen Lord Mandelson's account, but he 9 eventually did speak to you, didn't he?</p> <p>10 A. Yes, he did.</p> <p>11 Q. And there's a slight difference as to, I think, one word 12 which was used, which we'd better not go into.</p> <p>13 A. What, the "chump" word?</p> <p>14 Q. Yes.</p> <p>15 A. That was what he claimed to have said, yes.</p> <p>16 Q. Was he angry or not?</p> <p>17 A. Well, depending on how you heard it, "chump" could be 18 quite an offensive word. So he seemed quite angry, but 19 not surprised.</p> <p>20 Q. No, because, as you said, the tone of your coverage had 21 been unfavourable to the government for some time, 22 hadn't it?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have any conversation with Mr Brown on or 25 shortly after 30 September 2009?</p> <p style="text-align: center;">Page 62</p>	<p>1 A. Well, it was a private conversation, but the tone of it 2 was very aggressive and, quite rightly, he was hurt by 3 the projection and the headline that had been put on the 4 story, and I think, also quite rightly in his defence, 5 he suspected or thought that this may be a way in which 6 the Sun was going to behave, and I assured him that it 7 wasn't, that it was a mistake, the headline was too 8 harsh and this was not the way the paper was going to 9 behave.</p> <p>10 Q. But you were no longer the editor, of course, were you?</p> <p>11 A. No, but I had spoken to the editor that morning, very 12 early on, when I saw the headline, and we had discussed 13 it at length and come to that conclusion.</p> <p>14 Q. So you told Mr Mohan not to repeat that sort of thing, 15 did you?</p> <p>16 A. I thought that Mr Brown's concerns that the Sun coverage 17 was going to be a personal attack was understandable and 18 I thought that would be wrong.</p> <p>19 Q. That's what politicians fear most from the Sun, isn't 20 it, personal attack? And it's what the Sun has quite 21 often indulged in, would you agree?</p> <p>22 A. No.</p> <p>23 Q. This is a one-off, is it?</p> <p>24 A. I think the fact that it resulted in such an 25 extraordinarily aggressive conversation between me and</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

1 Mr Brown shows that it actually doesn't happen all the
 2 time. I mean, I remember it very clearly for the nature
 3 of it and -- no, sorry, I don't accept that.
 4 Q. But fear of personal attack from the Sun has been
 5 a factor in what politicians do or don't do. You well
 6 know that, Mrs Brooks, don't you?
 7 A. I think that Neil Kinnock may feel that about the Sun.
 8 But I'm not sure that the paper has been like that for
 9 a while.
 10 Q. For how long?
 11 A. I just don't think it concentrated on the personal -- in
 12 the main. Occasionally, obviously, depending on the
 13 story, that would happen, but in the main, I think the
 14 Sun concentrated on the issues and the policy and the
 15 campaigns, rather than attacking just for the sake of
 16 personal attacks, and I think Mr Brown felt that letter
 17 was purely personal attack.
 18 Q. Fear of personal attack and a fear of allegedly holding
 19 politicians to account by prying intrusively into their
 20 personal lives. That has been part of the métier of the
 21 Sun, hasn't it?
 22 A. Obviously I'm going to object to "prying intrusively".
 23 The whole point that newspapers or the press in general,
 24 shall we say, hold politicians to account on occasion
 25 has been found to be intrusive, but that is not the

1 policy.
 2 Q. These are aberrations then? Is that what it amount to?
 3 A. I think that when a newspaper oversteps the line,
 4 that -- I have heard criticism of papers that I have
 5 edited and others -- that privacy is a hugely debated
 6 topic in every newsroom, but your question, your
 7 premise, was that this was the culture, and I was just
 8 disputing that.
 9 Q. I think as well it's also a manifestation of the power
 10 that the Sun and other high circulation newspapers can
 11 exercise, often through the personality of the editors.
 12 Would you accept that or not?
 13 A. Sorry, what was the question?
 14 Q. A manifestation of the power high circulation newspapers
 15 can exercise, often through the personality of their
 16 editors. It is the fear that if the politician departs
 17 from what the paper wants, there may be a personal
 18 attack.
 19 A. I -- I don't think it's fair to say that politicians
 20 live in fear of newspapers. They are highly motivated,
 21 ambitious people, and MPs don't scare easily. So
 22 I don't think that's fair that they live in fear of
 23 power and because I believe that the power of a paper is
 24 its readership -- I know, but that's what I believe, and
 25 that it's its readership -- then that would be like

1 saying they're fearful of the leadership or the
 2 electoral.
 3 Q. This is a sort of recurring theme in what you're saying,
 4 that the roots here are the readership, it all flows up
 5 through the tree, which is you, and then emitted out,
 6 but you have no role in any of this?
 7 A. But the reader --
 8 Q. Is that right?
 9 A. I suppose that the point of me being here is to give the
 10 Inquiry some explanation of how the newspapers I edited
 11 worked, and it was true that the readership was at the
 12 very centre of that paper, and so going against that
 13 readership -- that's why I'm saying that it's not
 14 a particular individual editor that has a power; it is
 15 the paper.
 16 Q. How one can test this: after you have a piece which some
 17 would say is personal -- and we're talking about
 18 Mr Brown's piece -- what happens? Does your inbox fill
 19 up with emails of approbation or is there a deathly
 20 silence? What happens? Can you help us?
 21 A. Well, in extreme circumstances, going over history,
 22 numbers of people can stop by the newspaper. In terms
 23 of that particular story, I think I -- I wasn't on the
 24 paper at the time, so I think I do remember that being
 25 a negative reaction from the readers, although they felt

1 that, you know, the Prime Minister should probably take
 2 the time to spell the name of a grieving widow
 3 correctly, and certainly the bereaved son, and there was
 4 some sort of -- overall, they felt that, you know, at
 5 least he'd taken the time to do it, and I think that's
 6 probably fair. It wasn't an overwhelming reaction but
 7 yes, you do get reactions.
 8 Q. The one extreme reaction, of course, was Hillsborough,
 9 but since then there's never been anything equivalent,
 10 has there? Where people actually voted with their feet
 11 and didn't buy the paper?
 12 A. And Princess Diana's death, actually.
 13 Q. Okay.
 14 A. For the majority -- for a lot of newspapers, yes. So
 15 there have been other occasions.
 16 Q. Can I just go back to this conversation with Mr Brown.
 17 You said it was tense, he was angry. No doubt you say
 18 it was also a private conversation. I don't really want
 19 to lead you on this, if you understand me, but did he
 20 say anything which is relevant to this Inquiry,
 21 particularly in the context of evidence we've heard from
 22 Mr Murdoch?
 23 A. Sorry, what particular piece of evidence from
 24 Mr Murdoch?
 25 Q. Well, then I'm leading you. I just thought that putting

1 it in those terms you'd follow what I was referring to.
 2 You followed Mr Murdoch's evidence, did you?
 3 **A. I did follow Mr Murdoch's evidence. I think Mr Brown**
 4 **was very angry, and I'm not sure there was anything**
 5 **particularly relevant to this Inquiry, although when**
 6 **Mr Murdoch relayed his conversation with Mr Brown –**
 7 **I cannot remember when that was – Mr Murdoch also told**
 8 **me the same story that he told you.**
 9 Q. Okay, well that is of some assistance, but can we be
 10 clear: when did Mr Murdoch relay that conversation to
 11 you?
 12 **A. The reason I can't remember the timing is because**
 13 **obviously I had my own rather angry and intense**
 14 **conversation with Mr Brown. However, previous to that**
 15 **conversation, I had also indirectly, again, had**
 16 **similar – not threats made, but similar sort of veins**
 17 **of reaction – sorry, similar sort of comments made**
 18 **about the Sun abandoning Labour after 12, 13 years.**
 19 **Hostile comments. So when Mr Murdoch told me his**
 20 **conversation, it didn't surprise me.**
 21 Q. What did Mr Murdoch tell you?
 22 **A. Exactly what he told the Inquiry.**
 23 Q. And the conversation you had with Mr Brown, was that
 24 issue returned to or not?
 25 **A. It was – like I said, I feel that the content probably**

1 harbour any such fear or concern; is that it?
 2 **A. No.**
 3 Q. Why not?
 4 **A. Because although Mr Brown had said those things to**
 5 **Mr Murdoch and although I had heard similar insinuations**
 6 **from others close to Mr Brown, that there was a sort of**
 7 **a tone of threat about it, the fact is that it just**
 8 **didn't occur to me that they were real or proper or –**
 9 **I just – I would just dismiss them, I suppose.**
 10 Q. Some would say that an elected government, either
 11 through executive power conferred on it by mandate or
 12 through Parliament in due course, would be quite
 13 entitled to bring in media policies which it thought to
 14 be in the public interest but which nonetheless did
 15 impact on the commercial interests of media companies.
 16 Would you agree?
 17 **A. I'm sure that it is absolute – of course it's proper**
 18 **for all governments to debate and introduce regulation**
 19 **and policy on the media. Of course I agree with that.**
 20 Q. I'm just trying to explore your thinking in 2010. You
 21 have here Mr Brown allegedly, on your evidence, hostile
 22 to News International, and you have Mr Cameron, who
 23 isn't. Is that right? I'm not saying he's favourable
 24 to News International but he's certainly not hostile, is
 25 he?

1 **was a private conversation, but the tone of it –**
 2 **unless, of course, Mr Brown would like to tell you about**
 3 **it, but he was incredibly aggressive and very angry.**
 4 Q. It's relevant in this sense, Mrs Brooks. I doubt
 5 whether in the end this Inquiry will resolve questions
 6 of fine detail, but you were chief executive officer of
 7 News International. You might have been fearful that if
 8 Mr Brown did win at the next election, of course against
 9 the odds, he had it in his power to harm the interests
 10 of your company. Do you see that?
 11 **A. I don't accept it. I see the question, but I –**
 12 Q. Which part don't you accept?
 13 **A. That I didn't think that.**
 14 Q. So that obvious point didn't cross your radar at all,
 15 did it?
 16 **A. That at not any point in the conversation with Mr Brown**
 17 **did I think: "If he wins, he will go against the**
 18 **commercial interests of credit company"? He was just**
 19 **incredibly aggressive and angry.**
 20 Q. I'm sure it wasn't a thought which flashed through your
 21 mind during the conversation, but when you reflected on
 22 the conversation, it would immediately spring to mind,
 23 wouldn't it?
 24 **A. It didn't, no.**
 25 Q. At no stage in the run-up to the 2010 election did you

1 **A. He wasn't hostile to the Sun.**
 2 Q. No. It's just how this would weigh in your thinking.
 3 After all, you're the chief executive officer now.
 4 **A. Mm-hm.**
 5 Q. So that's something that you should be thinking about.
 6 Wouldn't you agree?
 7 **A. It depends if you – I mean, Gordon Brown is – if you**
 8 **accept the premise that Gordon Brown is a responsible**
 9 **politician that doesn't put personal prejudice or**
 10 **bitterness before his policy-making decisions – so if**
 11 **you accept that premise, then the threats are pointless**
 12 **and should be dismissed. However, if he's not that**
 13 **person and he does put those things, then that's**
 14 **a failing in his duty because it's not – it shouldn't**
 15 **be about his personal prejudices. The Sun supported the**
 16 **Labour Party for many, many years, and then decided to**
 17 **make a change. So it didn't occur to me at the time**
 18 **that Mr Brown and his colleagues would devote their time**
 19 **in – into carrying out those threats.**
 20 Q. Of course, it might have been part of the implied
 21 settlement between the Sun and the Labour Party, who,
 22 after all, were in power for 10 years, that the quid pro
 23 quo for support is that the Labour Party would not
 24 intrude into areas media policy which could harm the
 25 interests of News International and other similar

1 organisations. Did that thought process ever pass
 2 through your mind?
 3 **A. No.**
 4 **Q. Okay. I'm going to come back to Mr Cameron. There's an**
 5 **absence, isn't there, of text messages which might have**
 6 **existed?**
 7 **A. Yes, that is correct.**
 8 **Q. Can we see, however, how far we get? It is said that he**
 9 **texted you at certain times, up to a dozen times a day.**
 10 **Is that true?**
 11 **A. No, thankfully.**
 12 **Q. Okay. A handful of times a day?**
 13 **A. No. I mean, I have read this as well, 12 times a day.**
 14 **I mean, it's preposterous. One would hope as leader of**
 15 **the opposition or Prime Minister, he had better things**
 16 **to do and I hope that as chief executive I did. I mean,**
 17 **I would text Mr Cameron and vice versa, on occasion,**
 18 **like a lot of people.**
 19 **Q. Can you give us an idea of frequency?**
 20 **A. Probably more -- between January 2010, maybe -- during**
 21 **the election campaign, maybe slightly more, but on**
 22 **average, once a week.**
 23 **Q. The critical time, as you say, is the election campaign,**
 24 **March to May 2010.**
 25 **A. Yes.**

1 **Q. Can you give us an idea of frequency in relation to that**
 2 **period?**
 3 **A. Well, maybe twice a week.**
 4 **Q. Can you assist us with the content of any of these text**
 5 **messages?**
 6 **A. Some, if not the majority, were to do with organisation,**
 7 **so meeting up or arranging to speak. Some were about**
 8 **a social occasion, and occasionally some would be my own**
 9 **personal comment on perhaps the TV debates, something**
 10 **like that.**
 11 **Q. How often do you think you met with him socially during**
 12 **this period? Let's take the first five months of 2010.**
 13 **Ignore the record, because we agree --**
 14 **A. No, I'm ignoring the record, but at least it gives me**
 15 **a sort of memory refresh. Sorry, what was the period of**
 16 **time?**
 17 **Q. Let's just take the run-up to the 2010 election, which**
 18 **was, I think, on 6 May 2010. I may be wrong about the**
 19 **exact date. The four or five months before then.**
 20 **A. Yes.**
 21 **Q. How often would you meet with him or did you meet with**
 22 **him socially?**
 23 **A. I did meet with him between January 2010 and the**
 24 **election. As you can see, I have no record of it, so --**
 25 **I think we will have met about -- I mean, obviously it's**

1 **incredibly busy time -- I'd say probably about three or**
 2 **four times.**
 3 **Q. What comments, if any, did you make on his performance**
 4 **in the television debates? Can you remember those?**
 5 **A. Not a particular great length. I think, like everybody,**
 6 **I felt the first one wasn't very good. That was it.**
 7 **Q. Did you text the other two party leaders or not?**
 8 **A. I didn't text Gordon Brown, no.**
 9 **Q. No.**
 10 **A. That would have been --**
 11 **Q. Not evidently Mr Clegg either, from your demeanour?**
 12 **A. No.**
 13 **Q. Everybody wants to know how his texts are signed off.**
 14 **Can you help?**
 15 **A. In the main --**
 16 **LORD JUSTICE LEVESON: Do I?**
 17 **MR JAY: Well, you probably don't, actually, but if I don't**
 18 **ask, people will enquire why the question wasn't asked.**
 19 **LORD JUSTICE LEVESON: All right.**
 20 **MR JAY: But I'm happy to be overruled, frankly.**
 21 **A. What was the decision?**
 22 **LORD JUSTICE LEVESON: Answer the question.**
 23 **A. Oh right, sorry, sir. He would sign them off "DC" in**
 24 **the main.**
 25 **MR JAY: Anything else?**

1 **A. Occasionally he would sign them off "LOL", "lots of**
 2 **love", actually until I told him it meant "laugh out**
 3 **loud", then he didn't sign them like that any more. But**
 4 **in the main, "DC", I would have thought.**
 5 **LORD JUSTICE LEVESON: Right. We've done that. Move on.**
 6 **MR JAY: We'll move on, okay. Did he make or did you make,**
 7 **rather, phone calls to his constituency home?**
 8 **A. No, actually, no.**
 9 **Q. Did you often pop around to each other's houses in south**
 10 **Oxfordshire?**
 11 **A. No, I think often popping around is definitely**
 12 **overstating the case.**
 13 **Q. How would you put it?**
 14 **A. We occasionally met in the countryside if it was --**
 15 **because I was there every weekend and he was there in**
 16 **his constituency.**
 17 **Q. It's also said -- and I think this is still in the**
 18 **Times -- was there a meeting at the Heythrop**
 19 **point-to-point ahead of which you texted each other to**
 20 **make sure that you would not be seen together?**
 21 **A. I just thought there might be a -- I have been to the**
 22 **Heythrop point-to-point, because my husband is chairman,**
 23 **and I think Mr Cameron has been too, because it's in his**
 24 **constituency. Was the question did we meet there,**
 25 **sorry?**

1 Q. Did you text each other beforehand? Do you remember
 2 that?
 3 A. There have been many point-to-points over the years.
 4 Well, it's annual. Was this a particular one?
 5 Q. Can you remember this or not, Mrs Brooks?
 6 A. Which --
 7 Q. A date has not been put on this. Of course it will be
 8 an annual event.
 9 A. Where did you say you read it, sorry?
 10 Q. It was in the Times on Tuesday.
 11 A. Oh, right. I did read that. It was a suggestion in the
 12 Times that we -- both were at the same point-to-point
 13 but we didn't meet up and there was some reason why that
 14 was significant, but it is true that we didn't meet up.
 15 I was there very briefly and I think -- but he did meet
 16 up with my husband.
 17 Q. Did you attend his private birthday party in October
 18 2010?
 19 A. Yes.
 20 Q. Can I ask you these questions. Others have asked me to
 21 put them. Did you have any communication with
 22 Mr Cameron following the publication of the Guardian's
 23 Milly Dowler hacking story, which was on 5 July 2011?
 24 The communication would be about that story.
 25 A. I'm sure we discussed it between July 2009 and July
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1 2011.
 2 LORD JUSTICE LEVESON: No, Mr Jay didn't ask about 2009.
 3 A. Oh, sorry.
 4 LORD JUSTICE LEVESON: He asked about 2011. In other words,
 5 this is the story which came out of the Guardian, which
 6 generated the --
 7 A. Right. No, I don't think I did have any direct
 8 contact -- sorry, sir, yes, you're right -- on those
 9 dates.
 10 MR JAY: The other question, which in fact is the question
 11 which I think you thought I was asking, but I am going
 12 to ask it now: did you discuss the phone hacking
 13 allegations against News International with Mr Cameron
 14 at any time between the July 2009 Guardian story and
 15 your departure from News International?
 16 A. Yes, I did.
 17 Q. I wouldn't want you to say anything which bears on the
 18 current police investigations, you understand -- in
 19 other words which relates to anybody in particular --
 20 but in general terms, can you assist us as to the
 21 content of those discussions?
 22 A. I think on occasion -- you know, not very often, so
 23 maybe once or twice, because of the news and because,
 24 you know, the phone hacking story was a sort of
 25 a constant, or it kept coming up. We would bring it up,
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1 but in the most general terms. Maybe in 2010, we had
 2 a more specific conversation about it, which I think
 3 is -- yeah, that's about right.
 4 Q. Can you tell us about that one?
 5 A. It was what I remember, rather than it being -- the
 6 general terms of the story being around or what had
 7 happened that day. I'm just very concerned because
 8 you -- I thought you were warning me in --
 9 Q. Well, I don't know what you're going to say, Mrs Brooks,
 10 but if it's a general conversation and it may relate
 11 more to Mr Cameron's state of mind rather than any
 12 underlying fact, I think you can probably tell us about
 13 it.
 14 A. No, I think it was nothing particularly that he wouldn't
 15 have said publicly, but he was interested in the latest
 16 developments and asked me about them and I said to him
 17 what I say to everybody when they asked me for an update
 18 on it. It was to do with the amount of civil cases
 19 coming in around 2010 and we had a conversation about
 20 it. I just particularly remember that.
 21 Q. I think the context must be that he was concerned that
 22 this went beyond Goodman and Mulcaire; is that fair,
 23 without being any more specific than that?
 24 A. Probably, yes. It was a general conversation with
 25 the -- in late 2010 about the increase in the civil
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1 cases.
 2 Q. The increase in civil cases can only be an indication
 3 that this phenomenon is not limited to Messrs Goodman
 4 and Mulcaire, or at least that's a very strong
 5 inference. Are we agreed about that, without being any
 6 more precise than that?
 7 A. I think News International has acknowledged that
 8 publicly anyway, yes.
 9 Q. Can you help us with what Mr Cameron said?
 10 A. It was a couple of years ago. It was a general
 11 discussion about -- I think he asked me what the update
 12 was. I think it had been on the news that day, and
 13 I think I explained the story behind the news. No
 14 secret information, no privileged information; just
 15 a general update. I'm sorry, I can't remember the date,
 16 but I just don't have my records.
 17 Q. You're focusing on what you told him, which I'm not
 18 really interested in --
 19 A. Oh, right.
 20 Q. -- with respect. I'm just concerned with what he might
 21 have said. That's all.
 22 A. I think he asked me -- I think it had been in the news
 23 that day -- I think it was about the civil cases. Maybe
 24 a new civil case had come out, and he asked me about it
 25 and I responded accordingly.
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1 Q. Was it related to his hiring of Mr Coulson and possibly
 2 having second thoughts about that?
 3 A. No, not in that instance, no.
 4 Q. On any other instance?
 5 A. No.
 6 Q. Are you sure about that?
 7 A. Yes.
 8 Q. We're really in the dark then as to what these
 9 conversations were about, apart from a general --
 10 A. Well, because they were very general. He -- they
 11 weren't a sort of -- it was particularly around the
 12 civil cases in 2010. Your question was: did we ever
 13 speak about it in those two years, and my answer is:
 14 yes, we did, very generally, but I do remember in late
 15 2010 having a particular -- perhaps a more detailed
 16 conversation, because if you go back in the chronology
 17 of the phone hacking situation, that was when the civil
 18 cases were coming in and being made newsworthy.
 19 Q. Okay, can I just ask you about a different topic: the
 20 role of the Freuds. We'll just touch on this. You've
 21 been a close friend of Elisabeth Freud nee Murdoch for
 22 over ten years; is that right?
 23 A. Longer, actually, but yes.
 24 Q. They have a country house in Oxfordshire as well, don't
 25 they?

1 A. Yes, they do.
 2 Q. About how often have you been in the Freuds' home in the
 3 country, your home in the country or the Camerons'
 4 constituency home in the company of other politicians?
 5 A. So just to distill that to make it easier to answer, how
 6 many times I've been in David Cameron's home with other
 7 politicians?
 8 Q. Yes, or the Freuds' country home or your home.
 9 Approximately.
 10 A. I'm pretty sure never, David Cameron's home in the
 11 countryside. I think once, maybe, George Osborne may
 12 have been present at a dinner at my own and I think the
 13 only time at Elisabeth Murdoch and Matthew Freud's house
 14 was her 40th in -- a couple of years ago.
 15 Q. Yes, the 40th party we've got under tab 40, haven't we?
 16 It's the last tab. It was in August 2008.
 17 A. Oh, sorry.
 18 Q. It actually was held at somewhere called Burford Priory.
 19 I don't know where that's it, although I detect it might
 20 be in Oxfordshire.
 21 A. It's in Burford.
 22 LORD JUSTICE LEVESON: Well done.
 23 MR JAY: We can see who was there. To be fair, a range of
 24 politicians across all parties, but I don't spot many
 25 Liberal Democrats.

1 A. Are there no Liberal Democrats? No. Right. Yes, I can
 2 see the list.
 3 Q. Do you know if BSKyB is still a client of Freud
 4 Communications?
 5 A. I don't. I'm sure -- I mean, you know, Freud
 6 Communications is a huge company. I don't know their
 7 full client list. I'm pretty sure they haven't
 8 represented BSKyB on a corporate level, but I'm sure
 9 they will have represented lots of other areas of Sky.
 10 I don't know currently, but probably.
 11 Q. Can I just ask you some general questions about that
 12 bid. When were you made aware that the bid would be
 13 made?
 14 A. I think before the public announcement, shortly before
 15 the public announcement.
 16 Q. Before the General Election or after, do you think?
 17 A. I think it was before -- yeah, before. I actually can't
 18 remember when the public announcement was, but it was
 19 shortly before.
 20 Q. This was obviously a big moment for News Corp.
 21 I appreciate that you're CEO of News International and
 22 not News Corp and that distinction is understood, but
 23 were there not discussions with either of the Murdochs
 24 about the timing of the bid?
 25 A. I -- I played no formal role in the BSKyB transaction

1 and certainly not the strategy of timing and all that
 2 kind of thing. I was made aware that it was on the
 3 cards, so to speak, before the public announcement.
 4 Maybe six weeks, a couple of months beforehand.
 5 Q. Because it would obviously have knock-on effects for
 6 News International as well, wouldn't it?
 7 A. Well, not particularly, no. No.
 8 Q. If News International had no interest in it, why were
 9 you told about it?
 10 A. It wasn't that we had no interest. Obviously, as part
 11 of News Corp, we were interested, but at the time, the
 12 way it was presented to me was -- I didn't think it was
 13 going to have an effect on News International.
 14 LORD JUSTICE LEVESON: You've said that you had no formal
 15 role in the BSKyB bid, and I quite understand that,
 16 because there's no reason why you should, but what about
 17 informally? I mean, here, as we've been discussing, you
 18 are extremely well connected to very, very senior
 19 politicians across the range, and that's part of your
 20 job, as you've described. Wouldn't your view as to how
 21 it might work out, how it might play, be of extreme
 22 value informally, not formally?
 23 A. Extreme value to News Corp?
 24 LORD JUSTICE LEVESON: To News Corp. To your ultimate boss,
 25 to Mr Murdoch.

1 A. It was never quite put in those terms, but I did have an
 2 informal role, as you suggest, mainly after the
 3 formation of the -- if you want to call it this for
 4 a better word -- the anti-Sky bid alliance, because that
 5 directly in some ways brought News International into
 6 what was a News Corp transaction because -- the anti-Sky
 7 bid alliance was I think the BBC, the Guardian, the FT,
 8 the Daily Mail, the Telegraph, British Telecom,
 9 Independent -- well, everyone else probably, and once
 10 they had formed that alliance and were using their own
 11 news outlets to promote their view and also to lobby
 12 politicians, then I suppose I probably did get involved,
 13 but again, not in the deal or the transaction or the
 14 strategy behind it.
 15 LORD JUSTICE LEVESON: No, it's not the deal or the strategy
 16 behind it; it's perhaps the public presentation, perhaps
 17 the way in which the criticisms could be countered,
 18 perhaps using all your experience borne out of the
 19 relationships you've been careful to develop for
 20 professional reasons -- and doubtless coincidentally for
 21 personal reasons -- over the years.
 22 A. I mean, I think in some circumstances that may be true,
 23 but in this one it was a quasi-judicial decision and
 24 I don't think my input or, as you say, using that was of
 25 relevance. Obviously, in light of the anti-Sky bid
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1 alliance lobbying, that I would waste no opportunity in
 2 putting what was probably our case on the deal -- not
 3 ours, News International, but ours, News Corp -- but
 4 because of the nature of the decision, I'm not sure
 5 I was of any -- it was of any value, particularly, apart
 6 from a counter voice in a very large opposition.
 7 MR JAY: When were you first made aware of the code name
 8 Rubicon? Can you recall?
 9 A. I think when I was -- I was told about it. I may have
 10 heard it in the ether before, but I think I was told
 11 what that was.
 12 Q. I'm sure you were aware when you were told about it, but
 13 I asked when that was.
 14 A. Around the same time.
 15 Q. A few weeks before; is that it?
 16 A. No, maybe a couple of months before. Six, eight weeks
 17 before.
 18 Q. Do you know who chose that code name?
 19 A. No, I don't, but I think it -- I think it might have
 20 been James Murdoch, but I don't know that.
 21 Q. Obviously someone who enjoys classical allusions. Was
 22 it a code name which anybody in government knew about?
 23 A. No, I don't think so.
 24 Q. Mr Osborne, Mr Hunt, did they know about it?
 25 A. No, I never heard them acknowledge that, no.
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1 Q. If you could look at the list again of RMB1, the
 2 meetings with prime ministers, and identify whether the
 3 BSKyB bid was discussed on any relevant occasion. On
 4 9 October 2010, there was dinner at Chequers with
 5 Mr Cameron.
 6 A. Yes.
 7 Q. Might you have raised the bid on that occasion?
 8 A. No. I'm pretty sure that was his birthday party.
 9 Q. That's the private party we'd covered about 15 minutes
 10 ago.
 11 A. I --
 12 Q. What about 23 December 2010, which we've already had
 13 some evidence about?
 14 A. It was -- rather than discussed at that dinner, it was
 15 mentioned and I think James Murdoch's testimony said
 16 that, and I was aware that it was mentioned, but it was
 17 not by any means widely discussed at that dinner. It
 18 was mentioned because it was in the news because of --
 19 because obviously Dr Cable had resigned from that role.
 20 Q. Were you party to any conversations along the lines of:
 21 "Dr Cable has acted in breach of duty. Let's hope the
 22 next one, Mr Hunt, does not"?
 23 A. Not necessarily, but clearly that was our view, that we
 24 hoped that having been always put to us that it would be
 25 a very fair process and -- which, of course, we were
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1 happy with, that it would be fair and democratic, to
 2 find out that perhaps some personal prejudice had come
 3 into that decision was quite disappointing, so it would
 4 have been along those lines, yes, that at least now the
 5 decision would be fair.
 6 Q. Fair or favourable, do you think?
 7 A. Fair.
 8 Q. You knew Mr Hunt quite well, didn't you?
 9 A. Not as well as others, no. I mean, I'd seen him
 10 occasionally, but not particularly.
 11 Q. Even informally, you weren't putting out feelers,
 12 soundings, to find out whether he'd be onside or not?
 13 A. I think he had -- I think he'd posted something on his
 14 website saying that he was quite favourable earlier on
 15 in the process, before he'd had the -- before the
 16 decision went to him. I'm pretty sure that's --
 17 Q. So maybe you knew it anyway?
 18 A. Maybe I knew from then, but I don't -- but not from
 19 a direct conversation with Mr Hunt.
 20 Q. People are also curious -- it may be nothing turns on
 21 this, I don't know -- about a further occasion when you
 22 may have met with Mr Cameron on Boxing Day 2010. Can
 23 you enlighten us there, Mrs Brooks?
 24 A. Yes, no, it's -- I've been asked about it before.
 25 Mr Cameron attended a Boxing Day mulled wine, mince pie
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1 party at my sister-in-laws, and I popped in on my way to
 2 another dinner and I actually don't have any memory,
 3 because I don't think I did even speak to him or
 4 Samantha that night, but my sister-in-law tells me they
 5 were definitely there for the party, so I would have
 6 seen them, but not even to have a proper conversation.
 7 Q. So as to the scope of any conversation, which you say
 8 wasn't a proper conversation, are you sure it would not
 9 have covered the BSKyB issue?
 10 A. On?
 11 Q. Boxing Day.
 12 A. Definitely. Absolutely not. I mean, I don't think
 13 there was a conversation.
 14 Q. I will come back to certain aspects of BSKyB in due
 15 course, but I'd like to cover some general questions now
 16 about the subject matter of conversations with
 17 politicians, seeking to ignore, to the extent which one
 18 can, private and social matters. It's self-evident that
 19 your conversations with politicians would embrace the
 20 issues of the day; is that fair?
 21 A. Sometimes, yes.
 22 Q. Would they also embrace issues such as press regulation
 23 and media policy?
 24 A. Very rarely. I mean, there are some examples of when
 25 I have met with a politician particularly to discuss
 Page 89

1 that, but they were very infrequent.
 2 Q. And the role of the BBC, was that often the subject or
 3 sometimes the subject of conversation?
 4 A. Not particularly. I mean, from my perspective, Sun
 5 readers are pretty pro-BBC. I think in general, wasting
 6 in any public sector or taxpayer's money was something
 7 that we would address with the BBC on occasions and
 8 others, but not in a sort of -- I never really had
 9 a conversation with a politician about the sort of
 10 top-slicing the licence fee or all that kind of -- just
 11 not ...
 12 Q. What about issues such as self-regulation of the press
 13 and the Press Complaints Commission? Were those ever
 14 discussed with politicians?
 15 A. Again, probably not enough, but no.
 16 Q. Why do you say "not enough"?
 17 A. Well, when you asked me the question, I was just
 18 reflecting on the fact that I couldn't remember
 19 a conversation with a politician where we did discuss
 20 the PCC, which is --
 21 Q. What about press ethics? Was that ever the subject of
 22 conversations with politicians?
 23 A. Well, obviously because of the last couple of years it
 24 has been the subject, but --
 25 Q. Can we go back before then?
 Page 90

1 A. Yes.
 2 Q. Because I think the last couple of years is in danger
 3 of --
 4 A. Overwhelming --
 5 Q. -- muddying the waters, and I want to speak for
 6 generally. Can you help us with that?
 7 A. Okay. I think after Operation Motorman and "What price
 8 privacy?", there was a sort of a general debate going on
 9 in the media in terms of -- particularly in 2003, which
 10 pretty much saw the end of the use of private
 11 detectives, certainly in the way that they had been for
 12 the last decade, and I think that that was something --
 13 Operation Motorman and "What price privacy now?" will
 14 have been discussed with the relevant politician at the
 15 time.
 16 I suppose press ethics particularly came up with
 17 Jack Straw. I know that Mr Les Hinton and Mr Murdoch
 18 MacLennan and Mr Dacre had spent some time, as well as
 19 the rest of the industry, discussing the Data Protection
 20 Act and in particular the custodial sentence assigned to
 21 journalists. I remember that being a big conversation
 22 with politicians and I probably only got involved in
 23 that again quite late on. So there was some discussion
 24 but not a great deal.
 25 Q. You were friends with Mr Blair. Mr Blair we know often
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1 felt that the Daily Mail was hostile to him and his
 2 wife. Was that something that he discussed with you?
 3 A. On occasion, yes.
 4 Q. Quite often, perhaps?
 5 A. Not quite often. It was probably more Cherie Blair that
 6 would discuss it with me.
 7 Q. I'm not interested in private discussions, but I'm
 8 interested in the wider picture of press ethics. What
 9 was the concern that was being conveyed to you in this
 10 context?
 11 A. Well, it wasn't, if you like, press ethics in its most
 12 altruistic form, but it was the tone. I think Cherie
 13 Blair was concerned that she felt a lot of her coverage
 14 was quite sexist, you know, but she's not the first
 15 high-profile female to think that about the UK media,
 16 and so that would come up on occasion. And she
 17 sometimes felt it was quite cruel and personal about her
 18 weight and that it sort of concentrated on those things
 19 rather than, in her eyes, her charity and the things
 20 that she was going to do. But I'm not sure that's what
 21 you're asking me because it's not really press ethics;
 22 it's more tone.
 23 Q. It may be part of the overall picture. We know that
 24 Mr Blair described the press as "feral beasts" in 2007.
 25 A. Yes.
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<p>1 Q. Was that a discussion in like vein which he had with 2 you?</p> <p>3 A. No. Although I think that post Iraq, I think there was 4 some conversations about the 24-hour media, which is, 5 I think, what he was referring to, the sort of the fact 6 that we, the press, have become feral beasts because 7 there was always a constant need for a new story. So 8 occasionally 24-hour news was mentioned in terms of 9 Iraq, but not really. I was surprised when he said 10 that.</p> <p>11 Q. Well, his speech speaks for itself, but "feral beasts" 12 I think went further than just a temporal point, that 13 the press is there 24 hours a day. It's also to do with 14 the way they behave. Sometimes they're a bit wild and 15 off their leashes. Do you see the analogy?</p> <p>16 A. I see the analogy, yes.</p> <p>17 Q. He didn't communicate any of those concerns to you?</p> <p>18 A. No.</p> <p>19 Q. Did politicians ever complain to you privately about 20 coverage in the Sun of them?</p> <p>21 A. Yes, occasionally. You know, there was a -- if 22 people -- if someone felt it was unfair -- I mean, you 23 asked me a question earlier about -- I can't remember 24 how you phrased it, but if I had passed information from 25 Gordon Brown to Tony Blair, I think it was something</p> <p style="text-align: center;">Page 93</p>	<p>1 we can agree more or less where we are.</p> <p>2 A. Mm.</p> <p>3 Q. This may be the more important point: that in order to 4 get close to Mr Murdoch, in practice they had to get 5 close to you. Would you agree with that?</p> <p>6 A. No.</p> <p>7 Q. Why not?</p> <p>8 A. Because it's not true.</p> <p>9 Q. Would you agree that politicians might perceive that you 10 had influence over Mr Murdoch?</p> <p>11 A. No, I certainly don't think that, no. I think they -- 12 I was an editor of a newspaper, a very large circulation 13 newspaper, with a wide readership with an exceptional 14 percentage of floating voters, and I do believe that, 15 like other editors in similar situations, politicians 16 did want to get access to the editor of the Sun and his 17 or her team as much as possible. But I don't think that 18 people ever thought to get to Mr Murdoch they had to go 19 through me. I don't think that's correct.</p> <p>20 Q. Let's see if we can break that down. Politicians 21 certainly wanted to get close to you, to have access to 22 you, didn't they?</p> <p>23 A. Yes.</p> <p>24 Q. And you were someone who Mr Murdoch trusted implicitly, 25 were you not?</p> <p style="text-align: center;">Page 95</p>
<p>1 like that, and which I said wasn't true. There's plenty 2 of people doing that, but on occasion they would 3 complain. Tony Blair would often complain about our 4 attitude to Europe and him on Europe, regularly. Many, 5 many Home Secretaries would regularly complain about 6 campaigns or -- that we were doing in the paper. So 7 yes, they did. I think our role was -- I think that was 8 correct because our role was to hold them to account on 9 certain issues.</p> <p>10 Q. Okay. Some further general questions. Let's see if we 11 can analyse the power play which may or may not be in 12 issue here. It would be fair to say, wouldn't it, that 13 you were very close to Mr Rupert Murdoch, who trusted 14 you implicitly; are we agreed?</p> <p>15 A. I was close to him, yes.</p> <p>16 Q. And he trusted you implicitly --</p> <p>17 A. Yes.</p> <p>18 Q. Would you also agree that politicians, for whatever 19 reason, wanted to get close to Mr Murdoch to advance 20 their own interests? Are we agreed?</p> <p>21 A. I think that a lot of politicians wanted to put their 22 case to Mr Murdoch. "Advance their own interests" is 23 probably -- I'm sure most politicians have a higher view 24 of what they were doing, but yes.</p> <p>25 Q. I'm not suggesting this is wholly selfish, but I think</p> <p style="text-align: center;">Page 94</p>	<p>1 A. Yes. I hope so.</p> <p>2 Q. And that was well understood by any politician who cared 3 to look. Would we agree?</p> <p>4 A. Well, I think they thought we had a close working 5 relationship, yes.</p> <p>6 Q. Didn't you ever examine the motives or thought processes 7 of politicians, why they were wanting to get close to 8 you, and just, even as a piece of self-indulgence, 9 pondered to yourself: "Well, what's going on here? Why 10 are they trying to get close to me?"</p> <p>11 A. I think I always examined the ulterior motives of 12 politicians, but I thought it was pretty obvious that 13 they wanted to get to -- I don't know a politician that 14 would turn down a meeting with a senior journalist from 15 any broadcast or any newspaper. So it wasn't -- it 16 didn't need a lot of thinking that politicians wanted to 17 get access to journalists. I mean, that's been the same 18 case for decades, as you -- as you pointed out in your 19 opening statement in this module.</p> <p>20 Q. But you were in possession of the megaphone which would 21 be of utility to them, and which, if they had access to, 22 logically and self-evidently, might have influence over 23 your readership. That's the truth, isn't it?</p> <p>24 A. I think the politicians were very keen to put their case 25 to me and my team at the Sun because of the large</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 readership of the Sun.
 2 Q. Did you regard it as part of your role -- or, if you
 3 didn't, perhaps it was an accidental by-product of your
 4 role as editor in particular -- to build up friendships
 5 with politicians?
 6 A. I think some friendships did occur, but I think it's
 7 important to put it in the context of friendships.
 8 I mean, we all have lots of different friendships. Old
 9 friends, new friends, work colleagues, associates. And,
 10 you know, through the decade that I was a national
 11 newspaper editor and the years I was CEO and the ten
 12 years I was a journalist, some friendships were made.
 13 But I don't think I ever forgot I was a journalist and
 14 I don't think they ever forgot they were a politician.
 15 Q. Did you not understand that you did have a degree of
 16 personal power over politicians?
 17 A. No. Again, I just didn't see it like that. I saw my
 18 role as editor of the Sun as a very responsible one and
 19 I enjoyed my job and every part of that job, but
 20 particularly, as I've said in my witness statement,
 21 I enjoyed campaigns and I enjoyed bridging a gap between
 22 public opinion and public policy, taking on concerns of
 23 the readers. So I don't accept it in the power terms
 24 that you keep describing it as.
 25 Q. But your real interest is people, isn't it, Mr Brooks?
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1 You're a very empathetic person. You understand how
 2 human beings think and feel, don't you?
 3 A. I do like people, yes, and journalists, as a main, do
 4 try and be empathetic, otherwise no one would tell them
 5 anything.
 6 Q. But you understand the potential of, if I can put it in
 7 this way, personal alchemy, how you with get people to
 8 do or might get people to do what you want, and indeed
 9 what they are trying to do with you. Don't you get any
 10 of that?
 11 A. I'm not sure quite what you mean.
 12 Q. I'm not suggest anything sinister here. I'm talking
 13 about really the power of human empathy. Some people
 14 are empathetic and it's completely lost on them. But
 15 it's not lost on you, is it?
 16 A. Well, I hope to be empathetic in life to people, yes.
 17 Q. I just wonder whether you sense or sensed -- because
 18 we're talking about the past now -- the effect you might
 19 have had on politicians. Some of them may even have
 20 been afraid of you. Is that true?
 21 A. I literally -- like I say, I don't see politicians as
 22 these sort of easily scared people. Like I say, most of
 23 them are pretty strong, ambitious and highly motivated,
 24 so ...
 25 Q. Let's see if we can just take one case study and see
 Page 98

1 whether there's any validity in that case study.
 2 A. Okay, right.
 3 Q. You remember the McCanns serialisation case?
 4 A. Yes, I do.
 5 Q. Actually, we have Dr McCann's evidence in relation to
 6 this in the bundle at page 57 under tab 6. Do you have
 7 that there? We're working from the transcript of the
 8 evidence this Inquiry received on 23 November 2011.
 9 A. Right, yes.
 10 Q. If you look at page 57, line 11, the question I asked
 11 was:
 12 "You talk about a meeting with Rebekah Brooks ..."
 13 Are you on the right page?
 14 A. They're not numbered in that way.
 15 LORD JUSTICE LEVESON: They are, actually.
 16 A. 57, is it? At the bottom?
 17 LORD JUSTICE LEVESON: No, it says 15 at the bottom, but
 18 each page has four pages on it.
 19 A. Yes, right. I have it, sorry. Thank you, sir. Yes?
 20 MR JAY: The question was:
 21 "You talk about a meeting with Rebekah Brooks which
 22 led to a review of your case, a formal review. Just to
 23 assist us a little bit with that, can you recall when
 24 that was?"
 25 Dr McCann's answer was:
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1 "I think it's probably worth just elaborating a
 2 little bit because it's quite a complex decision-making
 3 process. News International actually bid for the rights
 4 to the book along with HarperCollins, and one of their
 5 pitches was the fact that they would serialise the book
 6 across all their titles. We were somewhat horrified at
 7 the prospect of that, given the way we had been treated
 8 in the past and the deal was actually done with the
 9 publishers, Transworld, that excluded serialisation.
 10 "Now, we were subsequently approached by
 11 News International and Associated to serialise the book,
 12 and after much deliberation, we had a couple of meetings
 13 with the general manager and -- Will Lewis and
 14 Rebekah Brooks and others, and what swung the decision
 15 to serialise was News International committed to backing
 16 the campaign and the search for Madeleine."
 17 Pausing there, there was going to be serialisation
 18 in both the Sunday Times and the Sun, I believe. Do you
 19 recall that?
 20 A. I do.
 21 Q. I think this is the year 2010, by which time you were
 22 chief executive officer, weren't you?
 23 A. That's correct.
 24 Q. What was the price that you paid for the serialisation?
 25 Can you remember?
 Page 100

1 A. I can't remember, actually. I -- it's hundreds of
 2 thousands of pounds.
 3 Q. A million, we've been told.
 4 A. No, it wasn't. It wasn't a million. Half a million,
 5 maybe. I can't remember. I mean, I can -- there are
 6 ways to find out, but I'm not sure it was a million.
 7 Q. Okay. I paraphrase the rest of what Dr McCann said,
 8 because he couldn't take this issue much further. Your
 9 intervention was successful in securing a review of the
 10 case. Do you understand that?
 11 A. I -- you asked if it was successful and he says it was,
 12 yes.
 13 Q. Yes. Can you remember anything about that intervention?
 14 A. Actually, to just go back, the reason I was involved as
 15 chief executive was because it concerned two newspapers,
 16 the Sunday Times and the Sun. So if you like, I did the
 17 deal with HarperCollins from the corporate point of
 18 view, and then left it to the two editors, John Witherow
 19 and Dominic Mohan, to decide the different approaches.
 20 I had always got on very well with Dr McCann and
 21 Kate McCann throughout their incredible traumatic time,
 22 and in fact I think they, if asked, would be very
 23 positive about the Sun, actually, and in this case,
 24 I thought that Dominic Mohan's idea to run the campaign
 25 for this review of Madeleine's case by the Home

1 Secretary was the right thing for the Sun to do, and
 2 I think the Sunday Times did the book. So my
 3 intervention was at that point, as in: was the original
 4 discussion with Dr McCann. I don't think I spoke to
 5 Theresa May directly, but I am pretty sure that Dominic
 6 Mohan may have done.
 7 Q. Let's see whether we can agree or disagree on what may
 8 have happened. When you were discussing the
 9 arrangements with the McCanns, you asked if there was
 10 anything more they wanted. Do you recall that?
 11 A. Maybe, yes.
 12 Q. And Dr Gerry McCann said that he wanted a UK police
 13 review of the case. Do you remember him saying?
 14 A. That I do, yes.
 15 Q. Do you remember your answer being: "Is that all?"
 16 A. I may have said it slightly more politely: "Is there
 17 anything else before we conclude this meeting?", but --
 18 I don't particularly remember saying that, but maybe
 19 I did, yes.
 20 Q. I'm not suggesting to you that it was impolite; I'm just
 21 summarising the gist of what you said.
 22 A. Maybe, yes. We had been going through a list of issues
 23 that Dr McCann and Kate McCann wanted to be assured of
 24 before we went forward with the serialisation, so
 25 possibly.

1 Q. Did you then take the matter up with Downing Street
 2 direct?
 3 A. No.
 4 Q. Did you not tell Downing Street that the Sun was going
 5 to demand a review and the Prime Minister should agree
 6 to the request because the Sun had supported him at the
 7 last election?
 8 A. No, in fact I didn't speak to Downing Street or the Home
 9 Secretary about this, but I know that Dominic Mohan or
 10 Tom Newton Dunn will have spoken to them.
 11 Q. Pardon me?
 12 A. They would have spoken directly to either Number 10 or
 13 the Home Office. I'm not sure. You'll have to ask
 14 them. Probably the Home Office, I would have thought.
 15 Q. That the Sun wanted an immediate result and that
 16 a letter would be posted all over the front page from
 17 the McCanns to the Prime Minister asking for a review,
 18 unless Downing Street agreed. Did that happen?
 19 A. I think that's how the Sun launched the campaign from
 20 memory. It was with a letter, yes.
 21 Q. The Home Secretary was told that if she agreed to the
 22 review, the page 1 letter would not run. Do you
 23 remember that?
 24 A. No, I don't.
 25 Q. But as the Secretary of State did not respond in time,

1 you did publish the letter on the front page. Do you
 2 remember that?
 3 A. I do remember the Sun kicking off the campaign with
 4 a letter, yes.
 5 Q. But you don't believe there was any conversation or
 6 indeed threat to the Secretary of State? Is that right?
 7 A. I'm pretty sure there would have not been a threat, but
 8 you'll have to -- we'll have to ask Dominic Mohan,
 9 because, like I said, my involvement was to discuss the
 10 campaign in the continued search for Madeleine with the
 11 McCanns and to do the deal on the book and to -- they --
 12 because I had done so many campaigns in the past, they
 13 wanted my opinion, but after that I left it to both
 14 editors to execute the campaign.
 15 Q. What I've been told is that you then intervened
 16 personally, Mrs Brooks. You told Number 10 that unless
 17 the Prime Minister ordered the review by the
 18 Metropolitan Police, the Sun would put the Home
 19 Secretary, Theresa May, on the front page every day
 20 until the Sun's demands were met. Is that true or not?
 21 A. No.
 22 Q. Is any part of that true?
 23 A. I didn't speak to Number 10 or the Home Office about the
 24 McCanns until, I think, after the campaign had been won,
 25 and then it came up in a conversation that I had -- and

1 I don't even think directly with the Prime Minister.
 2 I think it was one of his team.
 3 Q. We can find out in due course whether this is true or
 4 not, but I must repeat it to you. It is said that you
 5 directly intervened with the Prime Minister and warned
 6 him that unless there was a review by the Metropolitan
 7 Police, the Sun would put the Home Secretary,
 8 Theresa May, on the front page every day until the Sun's
 9 demands were met. Is that true or not?
 10 A. I did not say to the Prime Minister: "I will put
 11 Theresa May on the front page of the Sun every day
 12 unless you give me a review." I did not say that. If
 13 I'd had any conversations with Number 10 directly, they
 14 wouldn't have been particularly about that, but they
 15 would have been, if I'd been having a conversation, that
 16 the Sun was leading a major campaign with a very strong
 17 letter on page 1 to start the campaign, and anyone who
 18 knew me would have talked to me – any politician would
 19 have talked to me about it. But I did not say that.
 20 I don't know who said I said that, but we're going back
 21 to sources again.
 22 LORD JUSTICE LEVESON: Could we ask this: were you part of
 23 a strategy that involved your paper putting pressure on
 24 the government with this sort of implied or express
 25 threat?

1 A. I was certainly part of a strategy to launch the
 2 campaign in order to get the review for the McCanns,
 3 yes. But I think the word "threat", sir, is – is too
 4 strong.
 5 LORD JUSTICE LEVESON: Well, give me another word then for
 6 "threat", could you?
 7 A. Persuade them?
 8 LORD JUSTICE LEVESON: Persuasion. All right.
 9 MR JAY: In your own words, Mrs Brooks, define for us what
 10 the strategy was.
 11 A. So the McCanns were deeply upset that there hadn't been
 12 a review. It seemed incredibly unfair that they hadn't
 13 got this review. You only have to read their book to
 14 understand the trauma that they go through. So we said,
 15 "We'll join forces with you", and Dominic Mohan and his
 16 team went away and constructed a campaign. I cannot
 17 remember when the idea of the letter came up. It may
 18 have even been my idea to do the letter. I can't
 19 remember. But the campaign was launched in order to try
 20 and convince the government or convince the Home
 21 Secretary that a review would be the right thing to do.
 22 Q. Do you know how it came about that the review was
 23 ordered?
 24 A. No, I – I can't remember, I'm sorry. Such a lot has
 25 happened since then, but –

1 Q. You must have been told, Mrs Brooks?
 2 A. I remember Dominic Mohan telling me that the review was
 3 going ahead.
 4 Q. That the Sun had won, in other words?
 5 A. He didn't put it in those terms, but he said – well,
 6 actually, I think he said, "The McCanns have won."
 7 Q. The Sun headline on 14 May, front page, was that as
 8 a result of its campaign, the Prime Minister was
 9 "opening the Maddie files". Do you remember that one?
 10 A. I remember the Sun winning the campaign, the McCanns
 11 winning the campaign, yes.
 12 Q. So this is not, you say, a case study then in the
 13 exercise of power by you? I'm not suggesting that the
 14 end result was right or wrong. Many would say it was
 15 right, that there should be a review. I'm just saying
 16 the means by which you achieved the objective --
 17 A. But it could be said that a review of Madeleine McCann's
 18 case, with everything that had gone on, was the right
 19 thing to do. We presented the issue. We supported the
 20 McCanns in their determination to get a review. It
 21 wasn't new. They'd tried before, before the election,
 22 and the election had come into – and the Sun – and the
 23 Home Secretary clearly thought it was a good idea too,
 24 because I'm pretty sure there wasn't – it wasn't a long
 25 campaign. It wasn't like Sarah's Law over ten years.

1 I think it was very short.
 2 Q. Yes, it didn't take very long because the government
 3 yielded to your pressure, didn't they? It took all of
 4 about a day.
 5 A. Or perhaps they were convinced by our argument.
 6 Q. There are always two sides to the coin here, that of
 7 course everybody would say, on one level, money should
 8 be spent, but the campaign to date, I'm told, has cost
 9 £2 million and some would say maybe that money might
 10 have gone somewhere else. It's never clearcut, is it?
 11 A. What, the Madeleine McCann campaign?
 12 Q. No, the operation which started up the review, which was
 13 called Operation Grange, I understand.
 14 A. Right, sorry.
 15 Q. Perhaps you would say all you were doing was reflecting
 16 the views of your readers. Is that it?
 17 A. I think in that case, it was an issue that we brought to
 18 the readers, that we explained to the readers that
 19 a review hadn't taken place and that – we presented the
 20 McCanns' story as in the reason why they wanted the
 21 review. I think that absolutely chimed with our
 22 readership and the campaign was started with a very
 23 heartfelt letter and the politicians were convinced our
 24 argument, or the McCanns' argument, was correct.
 25 Q. It also chimes with the commercial interests of your

1 papers because this sells copy, doesn't it?
 2 **A. Well, campaigns can sell newspapers. I think the**
 3 **serialisation of the book actually was good for**
 4 **circulation for the Sunday Times. I'm not sure how well**
 5 **the campaign was in circulation terms, but they would be**
 6 **a matter of record. It may have been.**
 7 **Q. Can I deal, finally before lunch, with one other example**
 8 **just to get your evidence on this. Mr Dominic Grieve at**
 9 **one point was the Shadow Home Secretary, wasn't he?**
 10 **A. Yes, he was.**
 11 **Q. Do you remember a conversation with him over dinner**
 12 **which you discussed the Human Rights Act?**
 13 **A. I do, yes.**
 14 **Q. To cut to the quick, his position was in favour of the**
 15 **Act and your position was not, if one wanted to distill**
 16 **it into one sentence; is that correct?**
 17 **A. I don't think that's quite right. Similar. His**
 18 **position was that it was – it was a shadow cabinet**
 19 **dinner, and his position was that David Cameron's**
 20 **promise or, shall we say, the Tory Party's promise to**
 21 **repeal the HRA and replace it with a British bill of**
 22 **rights, I think was the plan at the time, was not –**
 23 **should not be so easily promised to papers like the Sun**
 24 **and the Mail and the Telegraph, and so it wasn't that he**
 25 **was pro it or against it. He was just making the legal**

1 point that it was very difficult to do.
 2 **Q. Were you impressed with him after that conversation?**
 3 **A. Well, as it turned out, he was absolutely right, but at**
 4 **the time – it was more his colleagues around the table,**
 5 **because I think they'd put out a policy announcement**
 6 **that it was going to be in the manifesto they would**
 7 **repeal the HRA. David Cameron had written for the Sun**
 8 **explaining this. And so the dinner conversation was**
 9 **quite heated, as he was the only one at the table**
 10 **saying, "Actually ..." I admired him standing up to his**
 11 **shadow colleagues like that, and as I say, in the end**
 12 **he's turned out to be correct.**
 13 **Q. Didn't you tell Mr Cameron, after that conversation you**
 14 **had with Mr Grieve, words to this effect: "You can't**
 15 **have someone like that as Home Secretary. He won't**
 16 **appeal on our readers. Move him"? And that's indeed**
 17 **what happened.**
 18 **A. No, I did not tell Mr Cameron to move him. What – the**
 19 **conversation – as I say, it was a very heated**
 20 **conversation, borne out by – his colleagues were trying**
 21 **to almost silence him at the table because he was, in**
 22 **effect, saying one of the promises the Conservatives had**
 23 **made to the electorate was they were going to repeal –**
 24 **and it was almost the opposite way around, that they**
 25 **were concerned that his view was not to be taken**

1 seriously, and as it turned out, he was entirely
 2 correct.
 3 **Q. Did you give any advice to Mr Cameron as to whether**
 4 **Mr Grieve might move on?**
 5 **A. No, no. In fact, after that conversation – sorry, it**
 6 **is important to remember Mr Cameron wasn't at that**
 7 **dinner.**
 8 **Q. That's right. Did you indicate to Mr Cameron in any way**
 9 **what your view was about Mr Grieve?**
 10 **A. No. In fact, Mr Osborne and Mr Cameron did the opposite**
 11 **to me, where they were at pains to explain that**
 12 **Mr Grieve's view, which has now proved to be entirely**
 13 **correct, was absolutely not their view and they were**
 14 **going to repeal the HRA and replace it with a British**
 15 **bill of rights, and that Mr Grieve was mistaken.**
 16 **LORD JUSTICE LEVESON: Just before we break, could I take**
 17 **you back to this issue that we've bounced around several**
 18 **times, which is who is leading who.**
 19 **A. Yes.**
 20 **LORD JUSTICE LEVESON: Do you think that at least in part,**
 21 **what you were in fact doing, to use your own words, was**
 22 **bringing issues to your readers as opposed merely to**
 23 **responding to your readers' interests?**
 24 **A. I think that's correct, yes.**
 25 **LORD JUSTICE LEVESON: I'm sure we'll come back to it this**

1 afternoon, but I would like your view, which you can
 2 reflect upon, on this: everybody's entitled to be
 3 a friend of whomsoever they want to be a friend. That's
 4 part of life. But can you understand why it might be
 5 a matter of public concern that a very close
 6 relationship between journalists and politicians might
 7 create subtle pressures on the press, who have the
 8 megaphone, and on the politicians, who have the policy
 9 decisions?

10 **A. Yes, I can understand that.**
 11 **LORD JUSTICE LEVESON: All right. 2 o'clock.**
 12 **(1.02 pm)**

(The luncheon adjournment)

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Relationships with public figures

General

30. I have submitted to the Inquiry (RMB/1) a list of meetings with senior politicians (including political advisers and press officers) and senior representatives of the police service. The list is, however, based upon such limited documentation as I still have, primarily a diary kept by my former PA, which goes up to May 2011, supplemented by my memory. I am fully aware that the list may therefore be incomplete (particularly in comparison with the schedules submitted to the Inquiry by others) or inaccurate.
31. Since my departure from News International I have had no access to my work emails. However, the emails and texts that were on my Blackberry at the time I left News International were imaged and saved. These cover a limited period from the beginning of June 2011 until 17th July 2011. I have not been able to view all the emails for that period since a number were compressed and it was not possible to retrieve them. There is one email which might be relevant to the inquiry, which I attach as RMB/2. Apart from this, there is nothing in the emails that I have been able to view which is relevant to the inquiry. As regards my emails to my private accounts, there are none there which are relevant.
32. I have not included in RMB/1 references to attending party conferences, drinks receptions or awards ceremonies unless there is a reference to meeting with a specific individual. I often attended events where I would have spoken to many public figures about a variety of issues and I have not attempted to document these events. Also, in some instances I simply cannot now recall the extent to which, if at all, political topics were raised in the course of social events. It is not possible from my records to say who initiated the various meetings that I have listed or, sometimes, what the purpose or content of the meetings might have been. I have not recorded whether special advisers were present at any of the meetings with politicians, but it is likely that they will have been present during some of the meetings.

Police

33. I first met representatives of the police service when I became a senior newspaper executive. As a features writer I did not cover the crime beat nor did that function report to me as a features editor. I have met with the last four MPS commissioners: Lord Condon, Lord Stevens and Lord Blair, and Sir Paul Stephenson - some of them on several occasions. I have also met with other senior MPS figures. However, a lot of my contact with police officers stems from The Sun's fifteen-year sponsorship and support of The Police Bravery awards. At these events, I have met with many chief constables and police officers from the regions.

Civil servants and press officers

34. I have met a few civil servants, perhaps just the most senior of the day. The same goes for political press officers unless they accompanied a politician at a

meeting. My contacts on political issues were almost always with the politicians themselves although often SPAD's would be there. This probably stems from the fact that I only really became involved in political journalism when I had executive roles.

35. For as long as I have worked in the newspaper industry, I have observed, and then also been part of, the symbiotic relationship between the press and politicians. It is in politicians' interests to try and influence the electorate through the readership of the press, and it is in our interest to inform our readers of what is really going on in the corridors of Westminster. One defining aspect of journalism is the ability to tell many people what few people know. Full contact with senior public officials is a vital aspect of a newspaper's responsibility to its readers.
36. I don't know any journalist that doesn't want to meet a senior politician, or those that advise them, in the simple pursuit of what we do - the gathering, analysis and distribution of information.
37. Equally, I don't know any politician who doesn't want to meet a journalist or senior newspaper executive in the pursuit of what they do - the gathering of support for themselves and/or their policies. A lot of politicians wanted reader feedback and reaction to their policies or proposed policies. For instance, we were able to lobby a Chancellor of the Exchequer that a proposed change in policy, which would affect cheap flights, would be seen as a tax on the less fortunate - including many of our readers and the policy was withdrawn.
38. There is a common denominator, however, in both parts of this symbiotic relationship. It is that we are all accountable to the same constituents - the readers and the voters are one and the same.
39. The relationship inevitably produces tensions, but I believe that, for the most part, the tension works for the public good as it produces effective communication between the press and the political establishment shaping our readers' lives which, in turn, assists in the democratic process.
40. Over time, close association between politicians and journalists does produce a build-up of trust and confidence between them and, in some cases, friendship as well. When your area of work brings you close to others, it is inevitable that this will sometimes develop into friendship and it is not possible to legislate or regulate against this, nor is it desirable to do so. There can be nothing wrong with the fact that friendships are made from time to time, provided that professional duties are not undermined.
41. It is important to understand, however, that close and effective working relationships must not lead to compromise on either side. I have never abused my friendships to gain access to information that otherwise I could not have obtained as a professional journalist, nor have I ever compromised my independence through loyalty to a friend who is also a politician.
42. But whether a relationship develops into friendship or not, a relationship of trust and confidence between the press and politicians does have great value.

Where I have known a politician well, this has led on many occasions to a free and frank exchange of views as we have sought to change policy or better understand why the Government is taking a particular stance. If our relationship were always confrontational and antagonistic, we simply would not engage with politicians to that degree. Equally, an amicable relationship often helps, particularly in decisions in publishing stories of a personal nature.

43. In my various roles as a journalist and newspaper executive, I have met many politicians from every party, as well as those that advise them. I have met them on numerous occasions, and with varying degrees of regularity. At some point or other I must have met with every leading politician. This was to be expected, is no different to any newspaper editor and it has been this way for decades.
44. I got to know some politicians very well. I think I met first Tony Blair in 1995. The meetings at that time were all about getting to know him and his beliefs since it was fairly clear that New Labour would be elected. Over the succeeding years we met often, particularly during my time as Editor of *The Sun*.
45. I do not believe it is true that I was closer to politicians than other newspaper editors. I also made sure I met politicians from all parties. Similarly, I have generally felt that politicians were fairly even-handed in terms of the time they spent with journalists. For instance I do not know one Home Secretary who wasn't familiar with every Editor on Fleet Street. But of course the readership of some newspapers is more in sympathy with some political parties than others.
46. There are many examples I could use to demonstrate that the ability to obtain access to politicians has worked to the public good, for instance, the funding of Childline. The NSPCC contacted me to say that the Government were proposing to cut Childline's funding. *The Sun* was a great supporter of Childline and it was also relevant to Sarah's Law since that concerned targeted abuse in the home as well as paedophiles living in the community. To me, the fact that as a result of Government cuts an abused child's calls might go unanswered was unthinkable and I knew *The Sun* readers would be outraged by this when there was so much of tax-payers money wasted on bureaucracy that helped no one. I therefore sought meetings both with Gordon Brown and Tony Blair to try to persuade them to guarantee Childline's funding for the next few years, and *The Sun* campaigned on the issue as well. After initial resistance, they eventually agreed.
47. Another example relates to the now well-known disagreements between Tony Blair and Gordon Brown. Without close access to them, and those around them, the press would never have been able to discover, analyse and report on the political consequences of their growing rift.
48. There were many different kinds of meetings. In general, there wasn't a formal process to arranging meetings. Most often they were held at News International Headquarters in Wapping, but sometimes I would travel to Downing Street (or Chequers), the relevant ministry or wherever the politician

(whether government or opposition) was located for meetings. The Party conference season was, apart from its most obvious purpose, an annual opportunity for politicians to lobby journalists and vice versa. I have attended all the Labour and Conservative party conferences for fifteen years. News International hosted an annual party where the Prime Minister and the Cabinet would attend (or the Leader of the Opposition and Shadow Cabinet). The individual newspapers would host dinners and I would always have many meetings arranged over the three or four days and attend the major speeches.

- 49. Meetings were almost always about policy issues, sometimes at the invitation of the politician and sometimes at our request. When a politician and his or her advisors came into the newsroom for a lunch, it was generally to address the Editor and senior journalists on that politician's policies or to debate a contentious issue between that particular politician and the newspaper.

Hospitality

- 50. I have been asked to deal with the question of hospitality. Before the Bribery Act came into force, it was not uncommon to buy political contacts small gifts e.g. wine or flowers as a thank you or for congratulations. Most contact was over lunch or dinner at Wapping, but there was some at restaurants where the newspaper would usually pay the bill.
- 51. One example is when I spent a lot of time working with the Paedophile Unit at New Scotland Yard as a result of the Sarah's Law Campaign, and would sometimes send them a case of wine as a thank you for what they did on a daily basis and what they had to witness. People, whether politicians or senior police officers, were taken to good restaurants that were appropriate to their seniority. As far as I was concerned, it was always proportionate and helped to foster the contacts and relationships that we developed.

Prime Ministers

- 52. I have been asked to detail my professional relationship with each of the Prime Ministers.
- 53. I first met Tony Blair in 1995 after he became leader of the Labour party. As the schedule shows, I met him at numerous political and social occasions, and these meetings increased in frequency throughout his decade as Prime Minister. I've had many formal, informal and social meetings with him, some of which I have been able to detail. We also spoke often on the telephone on a variety of issues and I do not have a record of these calls or the number of them.
- 54. Tony Blair, his senior cabinet advisers and press secretaries were a constant presence in my life for many years. It is true that some of these professional relationships resulted in social contact, but that is not surprising due to the thirteen years tenure. In the earlier years I became close friends with his wife Cherie Blair - who was a great advocate of women's equality - and also with the Blairs' closest advisers including Alastair Campbell and his partner Fiona Miller.

55. Although the inevitable tensions caused by my profession and our coverage were a constant source of disagreements, I remained in close contact with Tony Blair throughout his time in Downing Street. From 1996 to 2007 both the *News of the World* and *The Sun* backed Tony Blair and New Labour, although the newspaper was always a critical friend campaigning on behalf of our readers.
56. The Sun ran vigorous campaigns to persuade the Government to agree to a referendum on the EU Constitution and against the Euro. It would have been possible for Tony Blair to have taken offence over our treatment of him. Instead, he stood his ground and repeatedly told me that we would have to agree to disagree on Europe. Equally, the *News of the World* criticised Cherie Booth when she (and other instructed members of her chambers) defended the right of a paedophile to live near his victim. The *News of the World* also published stories concerning Peter Foster which were difficult and embarrassing for the Blairs. Issues would arise therefore from time to time which would test friendships but this is inevitable if people are doing their jobs properly. In my view, it would be completely inappropriate for any journalist to put a friendship with a politician before the interest of that journalist's readers.
57. In 2003, during the Iraq war, I spent more time than usual talking to Tony Blair and Downing Street. I believe this was due to our support of the Iraq invasion and the large military readership of *The Sun*.
58. I first met Gordon Brown in 1996 and then more frequently in the run up to the 1997 General Election. I was Deputy Editor of the *News of the World* and, like our sister paper *The Sun*, we were supporting Tony Blair and New Labour. Over the years I established a working relationship with Gordon Brown, Ed Balls and the Treasury. Gordon Brown would call every daily newspaper editor after each of his budgets (and on other occasions as well) to gauge opinion and have regular meetings with other Fleet Street journalists - I was no different.
59. I also established a close friendship with Gordon Brown's girlfriend, fiancée and then wife, Sarah. In fact it was during the announcement of their engagement in 1997 that I first advised Sarah on aspects of the media (*The News of the World* published, with their permission, the first photograph of them together).
60. We also worked on many charitable causes together including Piggy Bank Kids and the Jennifer Brown Research Fund, Woman's Aid and Domestic Violence and Maternal Mortality. Sarah devoted much of her time to her life as a campaigner and writer, often submitting authored pieces to our newspapers. I worked with Sarah to achieve publicity and public awareness for her campaigns and also wrote for her book 'Moving On Up'.
61. Our support of Tony Blair over the deepening hostility between him and Gordon Brown often made the relationship difficult. Although they were supposed to be on the same side, Gordon Brown viewed newspapers as 'his camp' or Blair's camp. My friendship with Sarah at least meant that for some

while we continued to have a cordial working relationship, but in 2006 the famous 'curry house coup' left my relationship with Gordon Brown and 'his camp' quite hostile. Tony Blair and his aides were convinced that Gordon Brown and his aides had conspired together in order to force his early resignation. Gordon Brown saw *The Sun's* support for Tony Blair at this time as a betrayal.

- 62. However by 2008, I had known Sarah well for over ten years. Our friendship had strengthened through many difficult situations and tragic personal circumstances, and we were good friends to each other despite the conflicts that arose from the criticism by *The Sun* of aspects of Gordon Brown's tenure as Chancellor of the Exchequer or Prime Minister.
- 63. The year I turned 40, Sarah was concerned that I had not planned any birthday celebrations. That same year, both Elisabeth Murdoch and Wendi Murdoch also celebrated their 40th birthdays and so Sarah invited all three of us with some mutual friends to have dinner at Chequers and, due to logistics, to stay over that night and leave after breakfast. That is the extent of the so-called "slumber/pyjama party". Gordon Brown was not present at the dinner but he may have been there the next morning before we all left.
- 64. In the end, the events of Autumn 2009, in particular *The Sun's* coverage of Afghanistan and support for David Cameron, made it difficult for Sarah and I to be as close as we had been. Indeed, since the election in 2010, I believe we have only seen each other once at a mutual friend's wedding party.
- 65. I first met David Cameron, I believe, after he had been appointed Shadow Education Secretary. Thereafter, after he became Leader of the Opposition in December 2005, I met him with increased frequency. Like most formal meetings, I would often have our political editor present. Just as with Tony Blair and Gordon Brown, I met David Cameron at numerous political and social occasions (including working breakfasts, lunches, receptions, News Corporation summer parties, party conferences and dinners).
- 66. When he was Leader of the Opposition David Cameron and I spoke regularly on the telephone on a variety of issues, and I do not have a record of these calls or the number of them. Since Mr Cameron has become Prime Minister, however, I have not been to Downing Street. By then I had become Chief Executive Officer of News International, and I had no reason to do so. I have had few formal meetings with David Cameron whilst he has been Prime Minister. When I have seen him, it has been mainly at social events, celebrations or other occasions.
- 67. Like other Prime Ministers, David Cameron's views and those of *The Sun* were often different and we had disagreements on policy.
- 68. I should add that my husband Charlie and David Cameron and his family have been friends for many years. I would say that, particularly since Charlie and I married in June 2009, David Cameron and I became friends, and he has been a personal guest of my husband and myself at social dinners (including on 19th December 2009 and on 23rd December 2010), and we have been to Chequers

(where many other media personnel, public figures and personal friends have of course also been). I have also met him at the homes of other personal friends and family.

The loan of the retired police horse

69. I have been asked by the Inquiry to deal with the loan of a retired police horse by the Metropolitan Police Service. During a holiday with my husband, we had been told about these retired horses and that, due to their tough lives on the front line, it was often difficult to retire them properly as they need expensive veterinary care and experienced riders. Months later, at the end of a lunch with Sir Ian Blair, I asked about the plight of police horses and I was offered the chance to visit Imber Court – the HQ of the highly professional Mounted Branch. I was subsequently interviewed, and our farm assessed, and it was agreed by the Mounted Branch we should be loaned a retired police horse. I note that Lord Blair does not recall this conversation. There is no reason why he should. The main purpose of the lunch was to discuss the IPCC report into the Stockwell investigation.

Media influence on public policy and decision-making

70. I have been asked to deal with a number of specific issues.

General Elections

71. Rupert Murdoch did of course have strong views about the stance that his newspapers would take in a General Election and it is not possible that an editor of *The Sun* or the *News of the World* would support a party in an election without discussing it with him. He would always listen to opinions from his senior executives – one of his many strengths – and, if presented with the right argument, he would change his mind. But equally, and more importantly, the stance that a newspaper took was also influenced by its readership. Rupert Murdoch would always ask about the readers and what they thought and what was in their best interests.
72. Though *The Sun* had supported New Labour for many years, a number of issues – Gordon Brown's return to Old Labour and his woeful support for the war in Afghanistan, the size of the bank bailout, the reneging on the promise of a referendum on the European Constitution – meant that, by the spring of 2009, we realised that the paper had run out of things to say in support of Gordon Brown's Government.
73. On so many issues, we found we were attacking the Government and calling for an election to encourage Gordon Brown to go to the electorate and get his own mandate. It was fairly inevitable that we would end up supporting David Cameron, and we chose to show our support for him the day after Gordon Brown's Party Conference Speech in September 2009. Although, by then, I had become CEO of News International, I was instrumental in our change of stance along with Dominic Mohan, *The Sun* political team and of course Rupert and James Murdoch. As the Inquiry has heard, Rupert Murdoch was

of the view, which we shared, that *The Sun* should withdraw its support from the Government.

74. I have been asked about the effect of the editorial stance of a newspaper on the conduct and outcome of General Elections and other national polls. I do not think that newspapers fundamentally change the outcome of elections, particularly with the digital and multi-media choices available now. The significance of a newspaper's stance is for a different reason - it is an early indication of the outcome of an election since it reflects as far as it can the views of its readership. The stance that *The Sun* takes has always been regarded by politicians as important because the newspaper is not partisan - it is said that it has a large number of floating voters. When we concluded, therefore, that our readers had lost confidence in Gordon Brown's Government it was a significant moment, because it reflected the mood of our readership. I don't remember one politician not asking for support from *The Sun*.

Campaigns

75. I have also been asked to deal with how and why newspapers run campaigns. Newspaper campaigns are hugely important, and effective, in providing a vehicle for the concerns and wishes of readers. Without such campaigns, members of the public are often simply not heard. Campaigns formed an essential part of my newspaper career, and led to me engaging very closely with public figures in the type of private meeting to which I have already made reference. Plainly, none of them were concerned with the commercial or business interests of News International or News Corp.

76. We did, of course, gauge public feeling on particular issues by seeing how well the papers sold. There were failures, as well as successes. Sometimes, we simply failed to capture the interest of our readers, on other occasions, we delivered our message badly. I ran a campaign against racism towards immigrants, but some of our message backfired, and the readers didn't like the lecturing tone and politically correct nature of the campaign.

77. But other campaigns worked well. There were many campaigns by the *News of the World* and *The Sun*. Those with which I had the most involvement with are:

- a. Sarah's Law
- b. Help For Heroes
- c. Baby P
- d. Madeline McCann
- e. Malaria No More
- f. Europe
- g. Domestic Violence
- h. Make Poverty History
- i. Academy Schools

- j. Comic Relief
- k. MRSA
- l. Victims of dangerous driving
- m. Victims of knife crime
- n. Postcode lottery for Breast cancer
- o. NHS reform
- p. Overcrowded prisons
- q. Welfare reform
- r. Fathers for Justice
- s. Sun Employment

78. I deal in more detail with some of these campaigns below.

77. The most significant campaign that I ever ran was the Sarah's Law Campaign. I became personally involved because I felt a strong sense of injustice on behalf of Sarah Payne and her family. Although Roy Whiting was on the Sex Offenders Register, no members of the public had access to it and so he and other serious paedophiles were allowed to live unchecked in society, notwithstanding that the rate of recidivism in serious paedophiles is around 87%. Roy Whiting lived near Sarah Payne's grandparents and had a previous conviction for abducting and sexually assaulting an 8-year-old girl. I felt that we should do something about the fact that paedophiles were living unchecked in this way.

78. We began a campaign of naming and shaming paedophiles. I accept that this could have been done better with more time but I balanced that with a need to highlight this issue while the readers were aware of the story. Some people were included in the list that should not have been grouped with serious paedophiles. There were risks of vigilantism. Yet I had looked at the success of Megan's Law in the United States, which was similar to the law that we were proposing, and in the case of Megan's Law there were almost no examples of vigilantism.

79. After a couple of weeks we stopped the naming and shaming and the government agreed to close all the loopholes in the law which allowed paedophiles to remain unchecked in the community. That happened and in certain defined cases of someone who has regular, unsupervised access to children, it is now possible for parents to find out whether that individual has a record for child sex offences. In total 15 new pieces of legislation were introduced as a result of the campaign.

80. When I was Editor of *The Sun*, we always supported and campaigned on behalf of the Military and in particular the Armed Forces. I spent a lot of time with the Secretary of State for Defence and with the Chiefs of the Armed Services. I spent some time in Afghanistan and was pleased to see how our support for the troops helped morale. In October 2007 we launched a campaign for a charity called Help For Heroes. Soldiers who had suffered

wounds in theatre particularly from IBDs were suffering poor aftercare once their immediate medical needs had been dealt with. In particular, at that time the rehabilitation centre Hedley Court needed a huge injection of funds to cope with the injuries coming from Afghanistan. The campaign has been hugely successful. I think to date the charity has raised well over 100 million pounds. After a dinner with the Prince of Wales - he suggested that we also fund and organize an annual awards ceremony to praise all aspects of the military. This is now known as the Sun's Millics and is supported greatly by the Prince of Wales, The Duchess of Cornwall, The Duke and Duchess of Cambridge and Prince Harry, as well as politicians from all parties.

- 81. Our domestic violence campaign influenced the Domestic Violence, Crime and Victims Bill 2005. As a direct result of our work with Sandra Horley at Refuge and Women's Aid, with Gordon Ramsay and Sarah Brown and from receiving letters from women readers suffering from domestic violence, we campaigned regularly between 2003 and 2005 to tighten up the law on common assault and restraining orders. The Sun's campaign was praised by the police, the Home Secretary and relevant charities.
- 82. Finally, I should mention the campaign concerning the response of Haringey Council to the failings over the Baby P case. We ran a campaign demanding the resignation of those that we felt were most responsible: Sharon Shoesmith, the social workers and the doctor. Baby Peter sustained over 50 injuries during an eight-month period in which he was repeatedly seen by Haringey Childrens' Service and NHS professionals. The campaign had enormous traction with our readership and we were able to deliver a petition signed by 1.5 million people to Downing Street calling for their resignations. The decision of Social Services to allow a "step-father" who was on a charge of raping a two year old to continue living in Baby P's house was a cataclysmic failure and the reaction of our readership does demonstrate that we were right to call for personal responsibility to be taken by Ms. Shoesmith.
- 83. I have been asked about the risks associated with campaigns, and I have already referred to the risks of vigilantism in connection with the paedophile campaign. With the campaign concerning Haringey Council I am sure that we tapped into and reflected the public mood, but we were criticized for being tough and harsh and some will say that we should have acted with more restraint. The biggest risk is to launch a campaign that the newspaper's readers have no interest in, because this means you have misjudged them. Also I accept that there is an associated risk that campaigns can be seen, wrongly, as 'media witch hunts'.

Public and political appointments

- 84. I have been asked to what extent my views were sought or offered on cabinet appointments. I think the genesis for this question must be stories that have appeared in the past that a particular Shadow Minister had been replaced at my request. This is myth. I had no influence over the appointment of any minister, shadow or otherwise. I have never sought it, and it is preposterous to think that a Prime Minister or party leader would be dictated to by me. From time to time all newspapers, including those that I edited, might campaign for

political resignations but this is completely different. Politicians too would talk to me about our readers' perception of them, no doubt as part of a process of gathering information. But that was the limit of it.

85. With regard to appointments of other public figures, from time to time *The Sun* has argued that individuals should be sacked or resign or be suspended. I cannot say what influence these articles had on their futures; each case is different. What I do believe, though, is that in each instance we were reflecting the public mood after wrongdoing had been exposed.

The Data Protection Act reform

86. I have been asked about the extent to which I, or anyone on my behalf, made representations in relation to the development of policy concerning the Data Protection Act 1998. I believe the issue is whether or not the change in the law introducing custodial sentences for offences against Section 55 of the Act was to be brought into force.
87. I have only my recollection of this issue as I do not have any records. I know that Les Hinton, when he was Chief Executive Officer of News International, together with Murdoch MacLennan and Paul Dacre had been lobbying against the new provision from their industry roles. I took over Les Hinton's role when he went to the United States to become Chief Executive Officer of Dow Jones. My recollection is that the three of us met with Jack Straw and he seemed sympathetic to our views. Any notes concerning these meetings will be held now by News International, Associated Newspapers or Telegraph newspapers. This was an example of industry lobbying for a perfectly proper purpose.

BSkyB

88. I have been asked the extent, if any, to which I discussed with any member or representative of the Government the possibility of News International acquiring a larger stake in BSkyB in 2010-2011. I have been asked particularly about discussions that I might have had with either the Prime Minister in October or December 2010 or with the Chancellor of the Exchequer in December 2010.
89. I think that I should clear up a common misconception. The BSkyB bid was a bid by News Corp, not News International. I was not on the Board of News Corp and I had no formal role in it. I was not therefore directly involved in the strategy or discussions concerning the bid, although of course I was made aware of the general position and was at times emailed, or copied into emails, about it (as Exhibit RMB/2 shows). I certainly attended internal meetings about it.
90. There did come a point, however, when the perception was that it was News International that was bidding for BSkyB, and inevitably, as its Chief Executive, I found myself drawn into the debate. As might be expected, many people sought to raise the issue with me, and I became involved in defending the bid to them. I cannot now recall all the occasions when the bid was

discussed, but it would have included the October 2010 Conservative Party Conference (as Exhibit KRM/19 suggests). When the matter arose in conversation, I am sure that I would have expressed my views forcefully, particularly given the vocal opposition. I have no doubt whatsoever that opponents of the bid were doing likewise.

- 91. At no point did I ever have an inappropriate conversation with anyone who had any influence over what the Government might do. The formation of the anti-Sky bid alliance was unprecedented - I think it involved the BBC, *The Guardian*, *The Financial Times*, *The Telegraph*, *The Daily Mail* - nearly all the media groups apart from News International. Other commercial rivals like British Telecom also joined the alliance. It was in this climate that conversations took place as many of these media companies were using their own publications or broadcasts to convey their opposition.
- 92. With regard to the suggestion that I had 'discussions' with David Cameron and George Osborne, I am sure I did refer to the issue generally but it would have been in the context of the anti-Sky bid alliance and not specifically on detailed matters concerning the bid. I am reminded by Exhibit KRM/18, and the emails on page PROP100001679, that I emailed Frederic Michel, in response to an email from him on 14th December 2010, stating "*Same from GO - total bafflement at response*". This seems to refer to the Ofcom 'issues letter' that had been sent out a few days before.
- 93. I cannot recall sending this email, but I presume that 'GO' was a reference to George Osborne, whom, according to the records that I have, I had seen socially the previous evening. The email clearly shows that whatever was discussed was brief and inconsequential. The issue was topical, and of course everyone would have known that, as the CEO of News International, I would have been likely to support the bid.

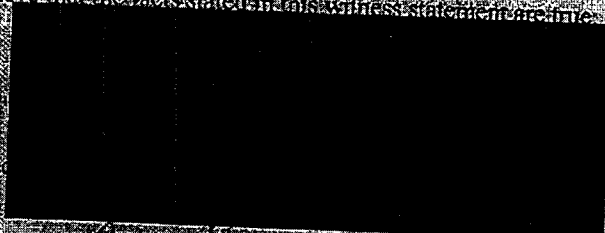
Education Sector

- 94. I have been asked about Mr Rupert Murdoch's interest in UK education centres, with particular reference to a visit to East London to inspect a site where Mr Murdoch was said to have offered to build an Academy School.
- 95. News International had a significant community social responsibility remit. Rupert Murdoch wanted to give something back to the poorest areas of the East End where News International was based. The idea was to establish a school for 3-18 year olds, which would also be a centre for media excellence. I had many meetings with both Michael Gove and Boris Johnson concerning the project and spent a lot of time visiting children's schools and meeting pupils in connection with the project. I hope that one day the project will become a reality, but obviously since July last year I have had no further part to play in it.

Andy Coulson

- 96. I have been asked to set out full details of all advice sought or offered by me in relation to the appointment of Andy Coulson with particular reference to a story that I dissuaded David Cameron from appointing Guto Harri to the post.
- 97. This is another myth. The first I heard of the possibility of Andy Coulson being appointed to the role was from Andy Coulson himself. By this time Mr Coulson had left News International. Mr Coulson told me the idea had come from George Osborne. At no point in the process did either David Cameron or George Osborne seek my views about his suitability before his appointment.
- 98. As for Guto Harri, I had no idea that he was a contender for the job. I know Guto and have the highest regard for him. If I had been asked for my view about Guto Harri, I would have only said positive things about him.
- 99. Finally, this particular allegation, one of many that had been made about me, does give rise to a wider point. It is one thing to be a passionate advocate of a free press, but if you seek to defend an inaccurate free press, you lose the moral high ground. I think that if the press do get it wrong, then there is a responsibility on them to correct their inaccuracies, otherwise these myths and false stories continue to be published unchecked and then to circulate to a wider audience through the Internet. Correcting inaccuracies does not cost a great deal for the press, yet it is given a low priority and minimal protection. I recognise that the newspapers that I edited are as much at fault as any other in this respect.
- 100. On the issue of fault, I would like to return to this inquiry when I can speak more freely. It would be disingenuous of me to not confront the failings of the press while defending the right of a free press. Through my experience as a working journalist for 22 years, and as a CEO of a media group handling a corporate crisis I believe that I am in a unique position to comment on future regulation, ethics and practices of the press. In the last nine months of my life I have had little proper opportunity for a full right of reply. Due to my current situation it is still impossible for me to reply in detail.

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



Signe

Dated

10th May 2012

EXHIBIT P

<p>1 Monday, 11 June 2012 2 (10.00 am) 3 (Proceedings delayed) 4 (10.15 am) 5 LORD JUSTICE LEVESON: I am today handing down rulings in 6 relation to the application made concerning Operation 7 Motorman and in relation to costs. 8 When this Inquiry was established last July, it was 9 extremely important that it had the benefit of 10 cross-party support and it is equally important that it 11 conducts its work so as not to undermine the basis upon 12 which it was established. 13 Two weeks ago, the former Prime Minister, 14 Mr Tony Blair, gave evidence. This week, I shall be 15 hearing from others who are or who have been the leading 16 politicians of the day. They come from different 17 parties, with different political allegiances, and 18 already there has been demonstrated intense public 19 interest in what they will be asked and what they will 20 have to say. 21 It is vital to bear in mind that the Inquiry is 22 grounded in the terms of reference announced when it was 23 set up. These include: 24 "1. To enquire into the culture, practice and 25 ethics of the press, including (a) contacts and the Page 1</p>	<p>1 and journalists have treated politics and politicians in 2 ways that are designed to keep or have the effect of 3 keeping the press insulated from criticism, from being 4 held accountable by anyone, so as to ensure that there 5 is no political will to challenge their culture, 6 practices or ethics. 7 To be more specific, the purpose of this Inquiry is 8 not to challenge the present government or the decisions 9 taken in the recent past, but to look at the much wider 10 sweep of history across party political boundaries in 11 order to discern any patterns of behaviour that could 12 not be recognised as fitting with the open, fair and 13 transparent decision-making that our democracy requires. 14 Inevitably, as I've already explained, the way in 15 which the BSkyB bid was addressed is a small but 16 significant part of the story. To the extent that there 17 are political questions that Parliament wishes to 18 investigate, I repeat that nothing I say or do is 19 intended to limit or prevent that investigation from 20 taking place. I do hope, however, that it will be 21 appreciated that this issue is merely the most recent 22 example of interplay between politicians and the press, 23 and that it will be recognised by everyone that failure 24 to address the impact of press behaviour or the 25 consequences of press interests is not confined to one Page 3</p>
<p>1 relationships between national newspapers and 2 politicians and the conduct of each ..." 3 And 2: 4 "To make recommendations ... (b) for how future 5 concerns about press behaviour, media policy, regulation 6 and cross-media ownership should be dealt with by all 7 the relevant authorities, including, among others, the 8 government; (c) as to the future conduct of relations 9 between politicians and the press." 10 The present focus is on the press and its 11 relationship with politicians. I am specifically not 12 concerned and am very keen to avoid inter-party politics 13 and the politics of personality. I am simply not 14 interested in either. 15 Further, however much some might want me to 16 investigate all manner of issues, I know that all of 17 this week's witnesses are equally keen to ensure that 18 the Inquiry itself remains on its correct track. That 19 track relates not only to the undeniable importance of 20 the role of the press in a democratic society and the 21 ways in which the press serve the public interest, but 22 also the privileges that are claimed as a consequence in 23 the way in which that role is fulfilled in practice. 24 It also relates to the other side of the coin, which 25 is the extent, if at all, to which proprietors, editors Page 2</p>	<p>1 government or one political party. For that reason, it 2 remains essential that cross party support for this 3 Inquiry is not jeopardised much. 4 So far as the terms of reference are concerned, in 5 the same way that I recognised in Module 2 that there 6 are bound to be entirely acceptable social and 7 professional relationships between police officers and 8 journalists, so my aim for this module is first to 9 recognise that there are entirely appropriate social 10 relationships between politicians and journalists, 11 doubtless borne of friendship and equally entirely 12 appropriate professional relationships between 13 politicians and journalists as the former seek to 14 promote their policies and their message while the 15 latter seek to ensure that politicians and their 16 policies are held fully and properly to account. 17 Secondly, it is also to recognise the risk that in an 18 effort to keep the press onside, supporting promoted 19 policies that are firmly believed to be in the public 20 interest, rather too much attention may be paid by 21 governments to the power that the press can exercise 22 pursuing its own agenda, particularly where that agenda 23 is agreed by the entire press or at least a significant 24 powerful section of it. That might include questions 25 relating to the provision of redress, particularly for Page 4</p>

<p>1 the weakest in our society.</p> <p>2 In that regard, I anticipate questions will be asked</p> <p>3 about the draft criteria for a solution which has been</p> <p>4 published on the Inquiry website, not to commit any of</p> <p>5 the party leaders giving evidence but rather to hear</p> <p>6 their perspective on the problems to be addressed in</p> <p>7 relation to problems culture, practices and ethics of</p> <p>8 the press and in relation to any unintended consequences</p> <p>9 which they have spotted but I may not have considered.</p> <p>10 Nothing I say shall be taken as expressing any concluded</p> <p>11 opinion: testing ideas with witnesses is doing no more</p> <p>12 than testing ideas.</p> <p>13 I add only this. It may be more interesting for</p> <p>14 some to report this Inquiry by reference to the politics</p> <p>15 of personality or the impact of the evidence on current</p> <p>16 political issues. That is not my focus, and as ever,</p> <p>17 I'll be paying attention to the way in which what</p> <p>18 transpires is in fact reported. This week will not</p> <p>19 conclude the evidence for Module 3, although we will not</p> <p>20 be sitting next week, thereafter it is intended to call</p> <p>21 further witnesses from the media to deal with the</p> <p>22 relationship between the press and politicians, not</p> <p>23 least to see if, in their perception, there are issues</p> <p>24 that need to be resolved and changes made.</p> <p>25 We will then turn to Module 4, which concerns ways</p> <p style="text-align: center;">Page 5</p>	<p>1 MR DAVIES: It's simply this. We would like to see the</p> <p>2 questions which those -- which some of the witnesses are</p> <p>3 answering in the cases where they have not quoted the</p> <p>4 questions in their witness statements. What has</p> <p>5 happened is this: most of the witnesses who have given</p> <p>6 evidence recently have been responding to Section 21</p> <p>7 notices from the Tribunal. Most of them have chosen to</p> <p>8 set out the questions in their witness statements and</p> <p>9 then to answer them. In one or two cases, I think they</p> <p>10 have exhibited the Inquiry's notice. In either case,</p> <p>11 one can see exactly the question being answered and</p> <p>12 relate the answer to the question.</p> <p>13 However, there have been a handful of cases where</p> <p>14 the witnesses have chosen to answer the questions</p> <p>15 without setting them out or exhibiting them. That is no</p> <p>16 criticism at all of the witness, but it does make it</p> <p>17 very difficult for those seeking to understand in detail</p> <p>18 what their evidence is to reach a full appreciation of</p> <p>19 it.</p> <p>20 A particular example of this was in fact Mr Blair,</p> <p>21 whose statement has a heading, "Turning to the</p> <p>22 particular questions", which then runs on for several</p> <p>23 pages, but he doesn't set them out and he says things</p> <p>24 such as, "I do not recognise any of the quotes I have</p> <p>25 been asked about", so we don't know what they are.</p> <p style="text-align: center;">Page 7</p>
<p>1 forward for the future. During the course of that</p> <p>2 module, I look forward to hearing how the industry has</p> <p>3 progressed with the plans that Lord Hunt outlined as</p> <p>4 long ago as 31 January 2012. I also look forward to</p> <p>5 considering the various other suggestions for the</p> <p>6 replacement of the PCC that have been submitted in</p> <p>7 detail to the Inquiry. It was on 17 May that I sought</p> <p>8 to provide some assistance for those intending to make</p> <p>9 submissions by publishing on the Inquiry website what</p> <p>10 are possible or potential draft criteria for an</p> <p>11 effective regulatory regime -- that is why they are</p> <p>12 called draft -- along with some key questions for</p> <p>13 Module 4, relating to public interest and press ethics.</p> <p>14 The purpose of doing so has been and remains to</p> <p>15 encourage everyone to consider the issues that I must</p> <p>16 think about and to welcome comments and suggestions.</p> <p>17 I repeat that I retain an open mind as to the</p> <p>18 future. All ideas will be subject to scrutiny and</p> <p>19 I have no doubt will help to inform the conclusions that</p> <p>20 I reach and the recommendations that I ultimately make.</p> <p>21 Thank you.</p> <p>22 I'm sorry for the delay in commencing the</p> <p>23 proceedings.</p> <p>24 MR DAVIES: Might I raise a point, sir?</p> <p>25 LORD JUSTICE LEVESON: Yes.</p> <p style="text-align: center;">Page 6</p>	<p>1 LORD JUSTICE LEVESON: All right, I understand that.</p> <p>2 MR DAVIES: We've been in correspondence with the Inquiry</p> <p>3 about this and the answer we've received is that</p> <p>4 correspondence -- the Inquiry's correspondence with</p> <p>5 witnesses is confidential. Now, it does appear to us</p> <p>6 that that simply cannot apply in this instance, and</p> <p>7 given that the vast majority of witnesses have set out</p> <p>8 the questions their answering, there can't be anything</p> <p>9 confidential in the remaining cases.</p> <p>10 And there arises to a lesser extent but also with</p> <p>11 Mr Brown, whose evidence we're about to hear, so we</p> <p>12 would ask for the questions in those two matters and any</p> <p>13 others where it arises.</p> <p>14 LORD JUSTICE LEVESON: All right, thank you.</p> <p>15 MR CAPLAN: Might I just support that, please.</p> <p>16 LORD JUSTICE LEVESON: Yes.</p> <p>17 MR JAY: I'll think about it and come back to you at</p> <p>18 a convenient moment.</p> <p>19 LORD JUSTICE LEVESON: Very good, thank you very much.</p> <p>20 Right.</p> <p>21 MR JAY: Sir, may I call this morning's witness, the Right</p> <p>22 Honourable Gordon Brown, please.</p> <p>23 LORD JUSTICE LEVESON: Thank you very much.</p> <p>24 MR GORDON BROWN (sworn)</p> <p>25 Questions by MR JAY</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 MR JAY: Mr Brown, your full name, please?</p> <p>2 A. James Gordon Brown.</p> <p>3 Q. You've provided us with a witness statement dated 30 May</p> <p>4 2012. It has the standard statement of truth and you've</p> <p>5 signed it. Is this your formal evidence to our Inquiry?</p> <p>6 A. Yes, it is.</p> <p>7 LORD JUSTICE LEVESON: Mr Brown, thank you very much for the</p> <p>8 work that's obviously gone into the Inquiry. I'm sorry</p> <p>9 that our start this morning has been slightly delayed.</p> <p>10 A. It's fine by me. Thank you very much,</p> <p>11 Lord Justice Leveson.</p> <p>12 MR JAY: Mr Brown, may we start your general comments, which</p> <p>13 I'm going to ask you to elaborate. On the bottom of the</p> <p>14 first page of your statement, our page 14207, you refer</p> <p>15 to securing the right balance between the freedoms of</p> <p>16 the media and the privacy of the citizen. Implicit in</p> <p>17 that is the premise that there is an imbalance at</p> <p>18 present, but how do you rectify the imbalance without</p> <p>19 impinging on the freedoms of the media?</p> <p>20 A. I think the starting point of all this has been the cri</p> <p>21 de coeur, if you like, the complaint that has been made</p> <p>22 by a family like the Dowler family, and they would</p> <p>23 support, I have no doubt, the freedom of the press, but</p> <p>24 they're worried about the threat that was made to their</p> <p>25 privacy as individuals, and I think Lord Justice Leveson</p> <p style="text-align: center;">Page 9</p>	<p>1 he said, "Yes, there is", and the next day the editor of</p> <p>2 the best-selling daily newspaper in this country arrived</p> <p>3 wanting an interview about how this man was the greatest</p> <p>4 statesman in the world, and so that is not, I think, the</p> <p>5 best way that the press exercises its freedom.</p> <p>6 I would defend the right of the press also, even</p> <p>7 when it gets things wrong, as it does on occasions and</p> <p>8 in circumstances. I remember when I started off as</p> <p>9 a Member of Parliament, I was plagued for the first two</p> <p>10 years with a story in the Times that was then in every</p> <p>11 one of the cuttings that said -- I was a new MP, of</p> <p>12 course, I was only in my early 30s. It said I had been</p> <p>13 born in 1926. It said I was a veteran, a stalwart, and</p> <p>14 then I was getting letters from pension companies saying</p> <p>15 that you had entered a new job late in life and were</p> <p>16 about to retire", and would I want to make provision for</p> <p>17 that? And the Times had gone into the House of Commons</p> <p>18 and had a photograph of me at the age of 19 and said</p> <p>19 that I was 57 years old.</p> <p>20 That was an honest mistake. Where I think we have</p> <p>21 a problem is in two respects. The freedom that the</p> <p>22 press has has got to be exercised with responsibility.</p> <p>23 Rights in our society can only come with</p> <p>24 responsibilities attached to them, and in two very</p> <p>25 specific areas in Britain today, we have a problem.</p> <p style="text-align: center;">Page 11</p>
<p>1 put it: who will guard the guardians? was a question</p> <p>2 which he wanted to address. I will say: who will defend</p> <p>3 the defenceless? We have to provide answers in</p> <p>4 a situation where we have two freedoms that are</p> <p>5 competing with each other.</p> <p>6 Perhaps I've had some time to reflect on these</p> <p>7 matters. You might call it a period of enforced</p> <p>8 reflection courtesy of the British people, but I've had</p> <p>9 a chance to look at some of these issues, and I would</p> <p>10 still hold to the view that really came from my</p> <p>11 religious upbringing, that the media, one of those</p> <p>12 institutions in society that have not only a right but</p> <p>13 a duty to speak truth to power, that they should</p> <p>14 continue to shine a torch on those dark secret recesses</p> <p>15 of unaccountable power and that, for example, in the</p> <p>16 great Sunday Times campaign on the thalidomide was</p> <p>17 proven to be the right thing to do.</p> <p>18 I would say that at its best, the media in this</p> <p>19 country is indeed also the best in the world, and</p> <p>20 I would defend the right of the media to exercise</p> <p>21 a freedom, even when there is a political bias.</p> <p>22 I was phoned up by a prime minister during the</p> <p>23 period I was in Number 10 when he was having great</p> <p>24 trouble with his other colleagues around Europe, and</p> <p>25 he -- I said, "Is there anything I can do to help?" and</p> <p style="text-align: center;">Page 10</p>	<p>1 The first is the conflation of fact and opinion,</p> <p>2 which is of course totally against the Press Council</p> <p>3 guidelines, and I think we ought to explore that, how</p> <p>4 standards in journalism could be upheld in a situation</p> <p>5 where there is a tendency for newspapers in particular</p> <p>6 to editorialise outside their editorial content.</p> <p>7 And the second is the thing is the question that the</p> <p>8 Dowlers put to us: how can we defend the privacy of</p> <p>9 a family who at their moment of greatest grief and at a</p> <p>10 time when they're at their most vulnerable have their</p> <p>11 privacy invaded by the press in a way that splits the</p> <p>12 family apart and makes everybody in that family</p> <p>13 suspicious of each other, and particularly so since it's</p> <p>14 been done by unlawful means, which include telephone</p> <p>15 tapping.</p> <p>16 You can deal with the legal issues by enforcing the</p> <p>17 law. I don't think the complaint system has ever worked</p> <p>18 properly, so I don't think the Dowlers could have</p> <p>19 expected to get redress from a complaints system, but</p> <p>20 I think -- and this is where I suppose I part company</p> <p>21 with some the statements that have been made so far to</p> <p>22 the Inquiry -- I think there is an issue not just about</p> <p>23 rooting out the bad and how you discipline and sanction</p> <p>24 where mistakes are made that are injurious to family</p> <p>25 life. I think we have to have some means by which we</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

1 incentivise the good as well. In other words, if the
 2 standard of journalism declines, and I think there is an
 3 issue in the Internet age about declining standards, we
 4 must have a means by which we incentivise the good.
 5 Q. Thank you. You mention freedom with responsibility, you
 6 mentioned it in your witness statement as well. How
 7 does one instill or ferment the necessary cultural
 8 change in the press to create that responsibility?
 9 A. I think in the first case it is a matter for the press.
 10 I think it's a matter about -- of upholding standards of
 11 journalism.
 12 I was -- funnily enough when I was very young,
 13 editor of my student newspaper at Edinburgh University
 14 and it was successful, we had as rector of our
 15 university at that time Kenneth Allsop, who was one of
 16 the greatest journalists, I think, of that period, and
 17 I used to debate with him this issue about the
 18 responsibility of the press and I'd rely on him because
 19 he influenced my judgments very much on this issue. And
 20 he said very clearly that the press had to exercise its
 21 judgment about what it published, how it framed its
 22 coverage but also how it conflated fact or opinion or
 23 avoided doing so with responsibility. I don't think we
 24 do enough to encourage the good.
 25 If I can say what I think the problem is -- and it

1 may be that we're dealing in some cases with the
 2 problems of yesterday and not the problems of
 3 tomorrow -- we are now in an Internet age, there's
 4 a massive flow of information available to everyone. I
 5 think it's true that in the 1930s, the BBC would have
 6 its news coverage and some days it would say, "There is
 7 no news to report today". Can you imagine a situation
 8 in 2012 in a 24-hours news, 7-day-a-week media where
 9 something like that could be said?
 10 We're about to see a flood of information on to the
 11 internet. We're moving from the ordinary web to the
 12 semantic web, from the web of linked files to what is
 13 called the web of linked data. So the amount of
 14 information on the internet is going to increase
 15 exponentially, the amount of information about you and
 16 me, the amount of information about people is going to
 17 increase exponentially.
 18 There is a zero cost for publication in the
 19 Internet. I can become a publisher overnight at almost
 20 zero cost. There is a new citizen journalism that is
 21 developing. We have all these things that are
 22 happening, and that is putting pressure on the quality
 23 of ordinary journalism because the advertising and
 24 business model of today's newspapers, today's print
 25 media, is being shot through as advertising gravitates

1 from the ordinary news media to the Internet, and the
 2 question arises then: who is going to sponsor, who is
 3 going to pay for, who is going to be the person that
 4 underpins quality journalism? And I believe therefore
 5 that we have to look not only at mechanisms by which we
 6 deal with abuses in the press, we have to look at
 7 mechanisms by which we can enhance and incentivise good
 8 standards.
 9 The BBC found a way to do it in the 1940s when they
 10 introduced the licence fee. Perhaps that licence fee
 11 should be available for the internet and for
 12 publications that go beyond broadcasting. I think
 13 there's a huge debate to be had, but you cannot ignore
 14 a fact that the holder for the coverage of news now is
 15 intimately related to the development of the Internet,
 16 and if standards are not there on the Internet, then the
 17 print media can rightfully say that they're being asked
 18 to observe standards that in no circumstances are being
 19 applied to the Internet. So the issue, I think, is
 20 a new one, and it's one that we have to deal with the
 21 transformation of the technology that is now available
 22 to us and the information flow that is absolutely
 23 massive for the ordinary member of the public.
 24 Q. You refer to the conflation of news and comment.
 25 A. Yes.

1 Q. And you rightly refer to clause 1 of the code which
 2 directly addresses that, but how in practical terms
 3 would you, if one wished to, segregate news and comment
 4 so they fall into clear compartments?
 5 A. We've gone into the practice, have we not, of
 6 editorialising outside the ordinary editorial. We used
 7 to talk about the editorial as the chance for the
 8 newspaper to reflect its views.
 9 Perhaps I could illustrate this best by giving you
 10 an example of what happened during the period of
 11 government. Perhaps it's good -- you could take
 12 a number of examples, but perhaps I could take one that
 13 is controversial: the coverage of Afghanistan.
 14 During the period I was Prime Minister, we had
 15 incredibly difficult decisions to make. This is
 16 a country of 35 million people, 135,000 troops at the
 17 maximum. You have nothing like the coverage that you
 18 have, for example, in Kosovo or East Timor, where you
 19 had 1 in 50, a peace-maker for every 50 people in
 20 Kosovo, and therefore you're dealing with a very complex
 21 set of circumstances in a country that has never been
 22 subject to effective law and order, and at a time when
 23 an army of occupation is -- that started as an army of
 24 liberation is becoming an army of occupation, and you're
 25 making very difficult and complex decisions about how

1 you deal with these problems, and so we increased the
 2 number of troops from 4,900 to 9,500. We increased the
 3 money spent on Afghanistan six fold, from 600 million to
 4 3.5 billion. The chief of the defence staff said that
 5 these were the most effective defence forces that we had
 6 ever had, given the resources we were putting into them.
 7 You could have an honest debate about whether we
 8 made policy mistakes. You could have, in fact, a very
 9 effective debate about what was the right judgment about
 10 troop numbers and everything else. We happened to have
 11 the biggest troop numbers of any country apart from
 12 America.
 13 But what, I think, one newspaper in particular
 14 decided to do -- and this is my point by way of
 15 illustration -- is it didn't want to take on the
 16 difficult issues so it reduced their opinion that we
 17 were doing something wrong to a view that was an
 18 editorialising position that we simply didn't care. So
 19 the whole weight of their coverage was not what we had
 20 done and whether we had done the right thing; it was
 21 that I personally did not care about our troops in
 22 Afghanistan. And that's where you conflate fact and
 23 opinion, and when you descend into sensationalism, you
 24 make it not an issue about honest mistakes or matters of
 25 judgment, but about evil intentions.

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1 So you can laugh about it now, and I do laugh about
 2 it sometimes. If you pick up a newspaper and you find
 3 that you've failed to bow at the cenotaph and then the
 4 quote is: "That is an example of how he doesn't care
 5 about our troops in Afghanistan", first of all, that
 6 isn't true, and secondly that's not the conclusion that
 7 should have been drawn.
 8 You have then a story before that that you fell
 9 asleep during the service of remembrance, but you were
 10 actually praying and you were bowing your head, and one
 11 newspaper decides -- and this was the Sun and I will
 12 name it -- this is an example of someone falling asleep
 13 and dishonouring the troops and again, you don't care.
 14 You then have a letter which you send to someone on
 15 which is a mark of respect to someone who is deceased
 16 and you are told that you have 25 misprints and then
 17 a handwriting expert appears to say this shows as lack
 18 of empathy and it goes on and on and on, and that is the
 19 idea.
 20 So here is a difficult issue that the press really,
 21 in the interests of the British public, have to treat
 22 seriously. There are very few war correspondents in
 23 Afghanistan actually reporting what is happening on the
 24 ground. All the reporting in these newspapers is being
 25 done from Westminster, and the issue is not the facts of

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1 what is happening or even an honest disagreement. That
 2 is the tragedy of all. The issue is reduced to: "This
 3 person doesn't care."
 4 Now, that is where I find -- you see, if the media
 5 only had a political view and said, "We are
 6 Conservative", you could accept that because that's in
 7 their editorials and that's part of freedom of speech,
 8 but to use the political view to then conflate fact and
 9 opinion -- of course that's the opposite of the press
 10 rules -- and at the same time to sensationalise, to
 11 trivialise and in a sense to demonise, it's what
 12 Professor Onora O'Neill, who I think gave the Reith
 13 lectures in the early years of the century talked about
 14 as a licence to deceive, and I think that is where the
 15 danger arises. It's too easy, following, of course, the
 16 citizen journalism of the Internet, where there is
 17 unresearched items, where people put their views very
 18 fiercely, where you have right wing and left wing
 19 bloggers, then to sensationalise in the print media, to
 20 distort fact and opinion and mix them together, and
 21 then, of course, to make it an issue not of policy
 22 difference but an issue of motive, an issue of
 23 intentions, an issue of character, an issue of
 24 personality, an issue of evil practice, and I think
 25 that's where the press has failed our country and

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1 I think on this particular issue of Afghanistan --
 2 I could give you an example from the economic crisis
 3 or what was called Broken Britain, I could give you
 4 examples, but this conflation of fact and opinion and
 5 the way it is done is very damaging to the reputation of
 6 the media and I find it done differently in other
 7 countries.
 8 Q. Okay. Mr Blair's "feral beast" speech, which was on
 9 12 June 2007, days before he left and you took over.
 10 Did you agree with the sentiments he expressed in
 11 that speech?
 12 A. I think Tony was saying exactly what I'm saying today,
 13 that this issue of fact conflated with opinion -- I've
 14 never used these words, nor would I, and I think my
 15 sentiment about the importance of the press has been
 16 expressed in my earlier remarks to you, that we both
 17 need a free press and should support and try to defend
 18 and uphold the best of standards in a free press, but
 19 I think his remarks were exactly what I'm saying, that
 20 if you set out to editorialise beyond your editorial
 21 column, if you conflate fact and opinion and put it on
 22 the front page of your newspaper, if you then
 23 sensationalise it by alleging that the opinion is not
 24 about the policy that you're supposed to be discussing
 25 but about the person that you are now attacking, then

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1 that's not a healthy sign for a democracy.
 2 I do note on Afghanistan that -- and this is what
 3 makes me very sad indeed -- I'm afraid that half the
 4 country is falling into the hands of the Taliban. I'm
 5 afraid that, as we reduce troops, we're just handing
 6 over power not to the Afghan army but to the Taliban,
 7 but the very newspaper that wanted to make the issue
 8 were we doing enough for our troops, has been virtually
 9 silent since the day of the General Election in 2010,
 10 and I have to conclude, as Mr Blair concluded, that
 11 these were not campaigns that were related to objective
 12 journalism exposing the facts. These, unfortunately,
 13 were campaigns that were designed to cause discomfort to
 14 people who were politically unacceptable.

15 Q. Okay. What's your analysis, Mr Brown, for the failure
 16 to address this issue, the fusion of fact and comment,
 17 the "feral beast" issue, put it as one wills, between
 18 1997 and 2010?

19 A. Tony gave evidence as few days ago, and he rightly said
 20 that a decision was made that there would be no
 21 manifesto commitment to reform of the media.
 22 When I came in in 2007, we had no mandate in our
 23 manifesto to propose reform of the media. I did want to
 24 make a change, and I did try to move away from what
 25 I thought was the excessive dominance of what is called

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1 the lobby system, and what really has led to these
 2 allegations of spin -- by the way, spin assumes that you
 3 got success in getting your message across, even if it's
 4 superficial and I don't think anybody could accuse me of
 5 having a great success in getting my message across.
 6 But I tried to move away from that.

7 One, we moved from having a political chief of
 8 communications to having a civil servant doing the job.
 9 That was to send the message that we were not trying to
 10 politicise government information; we were trying to
 11 give the information that was necessary for the public
 12 to understand what was happening.

13 We then tried to move back to a system where
 14 announcements were made in Parliament. They were not
 15 pre-briefed, they were made in Parliament, and therefore
 16 that moved away from a system where, to be honest, there
 17 were a selected group of people who previously could
 18 expect to get early access to information, and I think
 19 that's been a problem with the way the media system has
 20 worked, but I'm afraid it was wholly unsuccessful, and
 21 I see that the current government have moved back to
 22 having a political appointee as -- originally, of
 23 course, Mr Coulson as the head of the communications
 24 operation, and the lobby system remains intact.

25 It's not the lobby system per se that's the problem,

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1 it's this small group of insiders who get the benefit of
 2 early access to information, and I think that is one of
 3 the problems that prevents the greater openness that we
 4 have to see.

5 Yes, we should have made changes a lot earlier, and
 6 yes, the changes that eventually we tried to make we
 7 didn't make successfully, I'm afraid, because there was
 8 a huge resistance to them, and to be honest, if you
 9 announce something in Parliament or announced it in
 10 a speech, it was not being reported. Unless it had been
 11 given as an exclusive to a newspaper, they tended to put
 12 it on page 6, rather than page 1.

13 Q. Wasn't part of the reason for the inaction simply this,
 14 that until September 2009, your government had the
 15 support of the Sun, or certainly didn't expressly not
 16 have the support of the Sun and therefore the political
 17 will did not exist to take on the feral beasts?

18 A. I think that's a completely wrong impression about what
 19 was happening. I don't see us having the support the
 20 Sun for almost all the time that I was Prime Minister.
 21 You have to remember that when I started off as
 22 Prime Minister, the first thing the Sun did was try to
 23 ruin my first party conference but launching their huge
 24 campaign about how we were selling Britain down the
 25 river and demanding not only a European referendum but

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1 demanding that I support it. Then they ran, I think,
 2 a huge campaign on Broken Britain, which was taken up by
 3 the Conservative Party but was simply an attack on the
 4 government. So at no point in these three years that
 5 I was Prime Minister did I ever feel I had the support
 6 of the Sun.

7 I think what really changed, however, and I have to
 8 be honest about this, is when News International decided
 9 that their commercial interests came first, and I have
 10 to be absolutely clear about that, and I've submitted
 11 a note to you about that. There was a point in 2008 and
 12 2009 where, particularly with James Murdoch's speech in
 13 Edinburgh at the MacTaggart lecture when he set out an
 14 agenda, which to me was quite breathtaking in its
 15 arrogance and its ambition, and that was to neuter the
 16 BBC, it was to undermine Ofcom, the regulator, and it
 17 was a whole series of policy aims, which I've itemised
 18 for you in evidence I've given you, which no government
 19 that I was involved in could ever agree to. So the BBC
 20 licence fee was to be cut, they were to be taken out of
 21 much of the work on the Internet, their commercial
 22 activities were to be reduced, Ofcom was to be neutered,
 23 the listing of sporting occasions was to benefit
 24 News International, product placement was to be allowed.
 25 A whole series of issues. The impartiality of news

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<p>1 coverage should be removed as a requirement on the need, 2 and it should be like Fox News and not Sky News.</p> <p>3 The remarkable thing about this period in 4 government -- and I say this with regret, and I say this 5 with a great deal of sadness -- is that we could not go 6 along with that sort of agenda. We could not go along 7 with the neutering of Ofcom or the BBC seeing its 8 licence fee cut in real terms -- as I think has happened 9 now by something in the order of 15 per cent by 2016, 10 plus a whole series of other responsibilities put on 11 them -- nor could we see a case for the BBC being taken 12 out of much of its work on the Internet because that's 13 a valuable media service for the future, but while we 14 resisted that and were not supported, on each and every 15 one of these issues, I'm afraid to say -- and I think 16 this is an issue of public policy -- the Conservative 17 Party supported every one of the recommendations that 18 were made by the Murdoch group.</p> <p>19 Q. There's possibly the slight danger there, Mr Brown, of 20 straying away from the ambit of the question.</p> <p>21 A. I want to make the point, Mr Jay, if I may --</p> <p>22 Q. I was going to come to?</p> <p>23 A. -- it was suggested that somehow relations with the Sun 24 newspaper or with Mr Murdoch broke down because he 25 decided that he wanted to support the Conservative Page 25</p>	<p>1 I don't want to cause you or your family any distress 2 unnecessarily, but I hope you will see the value of the 3 example, in the same way as I apologised to those who 4 complained about press intrusion last November when they 5 gave evidence, because I do think it's an important part 6 of the story.</p> <p>7 A. I'm very grateful to you, Lord Justice Leveson. I have 8 never sought to bring my children into the public 9 domain, but I do think if we don't learn the lessons 10 from this, we'll continue to make mistakes.</p> <p>11 In 2006, the Sun claimed that they had a story from 12 a man in the street who happened to be the father of 13 someone who suffered from cystic fibrosis. I never 14 believed that could be correct. At best, he could only 15 have been the middleman, because there were only a few 16 people, medical people, who knew that our son had this 17 condition.</p> <p>18 In fact, for the first three months that our son was 19 alive, I just have to say to you, we didn't know, 20 because there were tests being done all the time to 21 decide whether this was indeed his condition or not, and 22 only by that time, just before the Sun appeared with 23 this information, had the medical experts told us that 24 there was no other diagnosis that they could give than 25 that this was the case. So only a few people knew this. Page 27</p>
<p>1 Party. I want to suggest to you that the commercial 2 interests of News International were very clear long 3 before that and they had support from the Conservative 4 Party.</p> <p>5 Q. May I move off the general comments now, Mr Brown, onto 6 your own experience, which is page 14214, or page 8 on 7 the internal numbering of your statement. Can I go back 8 to 2006 and the story in relation to your younger son in 9 the Sun newspaper.</p> <p>10 May we start off, please, by establishing the facts 11 as you know them to be in relation to this story. In 12 particular, do you know the Sun newspaper's source for 13 that story?</p> <p>14 A. This is very difficult for me, if I may say so, because 15 I've never chosen and never wanted my son or my sons and 16 my daughter ever to have been across the media. I do 17 think there is an issue -- and I hope that you will 18 address this -- about the rights of children to be free 19 from unfair coverage in media publications. But because 20 this issue was raised and became an issue for me, I've 21 had to look at what actually happened at the time and 22 it's only, in a sense, latterly that the facts that 23 I think are necessary to a fair examination of this have 24 become available.</p> <p>25 LORD JUSTICE LEVESON: Mr Brown, let me make it clear, Page 26</p>	<p>1 I have submitted to you a letter from Fife Health 2 Board which makes -- the National Health Service in 3 Fife, that is -- which makes it clear that they have 4 apologised to us because they now believe it highly 5 likely that there was unauthorised information given by 6 a medical or working member of the NHS staff that 7 allowed the Sun, in the end, through this middleman, to 8 publish this story.</p> <p>9 Now, whether medical information should ever be 10 hounded out without the authorisation of a parent or of 11 a doctor through the willingness of a parent is one 12 issue that I think it addressed, and I know the Press 13 Complaints Commission code is very clear, that there are 14 only exceptional circumstances in which a child's -- or 15 information about a child should be broadcast, and 16 I don't believe that this was one of them.</p> <p>17 I find it sad that even now, in 2012, members of the 18 News International staff are coming to this Inquiry and 19 maintaining this fiction that a story that could only 20 have been achieved or obtained through medical 21 information or through me or my wife leaking it -- which 22 we never did, of course -- was obtained in another way. 23 I think we cannot learn the lessons of what has happened 24 with the media unless there is some honesty about what 25 actually happened and whether payment was made and Page 28</p>

7 (Pages 25 to 28)

1 whether this is a practice that could continue, and if
 2 we don't root out this kind of practice, I don't think
 3 that we can sensibly say that we've dealt with some of
 4 the abuses that are problematical for us.
 5 I would say this about any child. I don't think any
 6 child's medical information, particularly at four
 7 months, has any interest for the public and should be
 8 broadcast to the public.
 9 MR JAY: Could you tell us, please, Mr Brown, the
 10 circumstances in which you or your wife were told that
 11 the Sun had this story and were minded to print it?
 12 A. I think again, if I can be very specific about this,
 13 because it is something that I believe you've been given
 14 information in this Inquiry that is not strictly
 15 correct. Our press office was phoned by a journalist
 16 from the Sun and said that they had this story about our
 17 son's condition and they were going to publish it.
 18 I was then contacted. I was engaged in the pre-budget
 19 report. I immediately, of course, phoned my wife,
 20 Sarah, and we had to make a decision. If this was going
 21 to be published, what should happen? We wanted to
 22 minimise the damage, to limit the impact of this, and
 23 therefore we said that if this story was to be
 24 published, then we wanted a statement that went to
 25 everyone that was an end to this, and there would be no
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1 further statements, no days and days and days of talking
 2 about the condition of our son.
 3 Unfortunately, this was unacceptable to the Sun
 4 newspaper. The editor phoned our press office and said
 5 that this was not the way that we should go about this,
 6 and to be honest, if we continued to insist that we were
 7 going to make a general statement, the Sun wouldn't, in
 8 future, give us any chance of advance information on any
 9 other story that they would do.
 10 It was at that time that the editor of the Sun
 11 phoned my wife, whose aim then, having accepted that
 12 this was a fait accompli – there was no thought that
 13 the Press Complaints Commission could help us on this.
 14 I think we were in a different world then. Nobody ever
 15 expected that the Press Complaints Commission would act
 16 to give us any help on this, and we were presented with
 17 a fait accompli, I'm afraid. There was no question of
 18 us giving permission for this. There was no question of
 19 implicit or explicit permission.
 20 I ask you: if any mother or any father was presented
 21 with a choice as to whether a four-month old son's
 22 medical condition, your child's medical condition,
 23 should be broadcast on the front page of a tabloid
 24 newspaper and you had a choice in this matter – I don't
 25 think there's any parent in the land would have made the
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1 choice that we are told we made, to give explicit
 2 permission for that to happen.
 3 So there was no question ever of explicit
 4 permission, and I think if my son were to read, at
 5 a later stage, on the Internet that his mother or I had
 6 given permission that all his medical information or
 7 medical knowledge should be broadcast in a newspaper, he
 8 would be shocked at our failure as parents. So I just
 9 cannot accept, as a parent, that we would ever put
 10 ourselves in a position where we gave explicit
 11 permission for medical knowledge about our son to be
 12 broadcast to the press.
 13 We had, I'm afraid, had previous experience of this
 14 when our daughter died, and we were very aware that this
 15 was a problem, but when you're presented with a fait
 16 accompli, there's nothing you can do other than to try
 17 to limit and minimise the damage.
 18 I may say we had not told relatives about this.
 19 This is a hereditary condition and therefore there were
 20 some relatives who actually were directly affected by it
 21 and we had to tell them. So there was no question of us
 22 being willing or complicit or anxious or, as one of your
 23 core participants has said this morning, desiring that
 24 this information be made public. No question about that
 25 at all. You could never imagine a situation.
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1 If people are able to say, in the aftermath of
 2 something like this, that they've had explicit
 3 permission when they haven't, and they can claim
 4 ex post facto that permission was given when there's no
 5 evidence that there was, then this practice will go on
 6 and on and on and children's information and information
 7 about people will go into the public arena with this
 8 idea that you can claim afterwards that you had explicit
 9 permission for something you never had permission for.
 10 I think this is important because we have to learn
 11 lessons from this, and I think there are more general
 12 lessons to be learned, but surely the rights of children
 13 must come first.
 14 Q. Thank you, Mr Brown. Another core participant has
 15 required me to put some questions to you, of which
 16 I know you have advance notice. I might just run
 17 through them.
 18 Mrs Brooks has stated on oath that the Sun had
 19 consent from your wife to run the story in November
 20 2006. Do you deny that consent was given?
 21 A. Absolutely. My wife has issued a statement to that
 22 effect.
 23 Q. If no consent was given, you and your wife must have
 24 been extremely upset and angry. If so, why was no
 25 complaint made by either yourself or your wife
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1 until June 2011?

2 A. That's not correct at all. Again, I think the

3 trivialisation of this is really unfortunate.

4 When we found out that this had happened -- and we

5 had had our previous experience, when information,

6 medical information about our daughter, had been made

7 public before she died -- we thought the only way to

8 deal with this was to get the Press Complaints

9 Commission in this case, but through the editors of the

10 major newspapers, to reach an agreement that they would

11 not publish information or photograph our children.

12 Before I became Prime Minister, I set in motion, and

13 Sarah and I set in motion, this procedure that we would

14 ask the editors of all the newspapers. We felt this was

15 a structural problem. It wasn't simply a problem

16 associated with only one newspaper. We wanted them to

17 agree that our children would not be covered while they

18 were at nursery school and primary school. They're very

19 young, as you may know.

20 We didn't want our children to grow up thinking that

21 they were somehow minor celebrities. We'd seen the

22 effect of this in other countries. We wanted our

23 children to grow up just as ordinary young kids that

24 went to school with everybody else and were treated just

25 like everybody else. So it was important to us that we

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1 had this agreement with the press, but that is how we

2 went about changing the way things had been done, and to

3 be fair to the media -- and I say this in my written

4 evidence, that we did have only two incidents where this

5 was breached. So it was possible, after this, to hold

6 a voluntary agreement, but the idea that we did nothing

7 after this incident is quite wrong, and I'm afraid it's

8 offensive. We took action to deal with it in the best

9 way we could without any fuss and without any noise, but

10 to get an agreement that children would not be covered

11 in this way, and I hope it is of help to others in

12 similar positions.

13 Q. Thank you. Why did your wife in particular remain good

14 friends with Mrs Brooks, to the extent of arranging

15 a 40th birthday party at Chequers for her in June 2008,

16 attending her birthday party in 2008 and Mrs Brooks'

17 wedding in June 2009, if what you say is correct?

18 A. I think Sarah is one of the most forgiving people

19 I know, and I think she finds the good in everyone.

20 Look, we had to accept that this had happened, and

21 we had to get on with the job of doing what people

22 expected a politician to do, to run a government. My

23 wife had a massive amount of charity work that she was

24 engaged in, and in fact, if I'm being accurate, I think

25 it was Wendi Murdoch, Mrs Murdoch's wife, who joined her

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1 in the White Ribbon Alliance and in the campaign to cut

2 maternal deaths, the maternal mortality campaign, which

3 was incredibly successful in cutting maternal mortality

4 by 30 per cent. And it was Wendi Murdoch -- and I think

5 it was her 40th birthday as well -- and Sarah that had

6 campaigned together on this maternal mortality campaign.

7 So my wife's charity work is something that she was

8 engaged in quite separately from my political work. As

9 far as I was concerned, I couldn't allow what had

10 happened to me to become a huge issue when I had a job

11 to do.

12 Q. Are you aware that your wife wrote Mrs Brooks a number

13 of personal notes and letters between 2006 and 2010 in

14 which she expressed her gratitude for "the support given

15 to us"?

16 A. Well, I think my wife, as I said, is a person who is

17 forgiving and would be kind to people irrespective of

18 what had happened in this particular incident, and

19 I don't think that that is evidence that we gave

20 explicit permission for a story to appear in the Sun.

21 Q. The last question, if I can turn to you: the records

22 show that there are 13 meetings between you or your wife

23 after Mrs Brooks had caused the article to be published

24 in November 2006. Why did you have those meetings?

25 A. Well, I'm not sure that there were 30, but I think that

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1 we had regular meetings -- what is the role of

2 a politician, particularly someone who is

3 a prime minister? You have a duty to explain. You have

4 to engage with the media. They are a medium by which

5 the concerns of the nation are expressed. We were

6 a country at war in Afghanistan, and before that, in

7 Iraq, at the time I was Prime Minister. We were

8 a country that faced a grave economic crisis. I would

9 have been failing in my duty if I had not tried -- and

10 I've listed all the meetings with the Telegraph, with

11 the Mail. They're hardly Labour supporters, are they,

12 and hardly people that actually did a huge amount to

13 promote my premiership? I met them all to try to

14 explain because I believed I had a duty to try to build

15 a consensus in this country about how we approached what

16 was the most difficult problem that took, after the

17 global economic crisis, most of my time, Afghanistan,

18 and how we approached the economic crisis.

19 I think people would be criticising me if I had

20 failed to talk to the media and failed to engage with

21 them, but I may say to you: there was a red line in

22 everything I ever did, and there was a line in the sand

23 across which I could never cross. If there was any

24 question that a vested interest was trying to promote

25 something that was against the public interest, then

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1 I could have nothing to do with that, and I think you
 2 can serve up dinner but you don't need to serve up BSKyB
 3 as part of the dinner. You have to have a clear
 4 dividing line between what you do in politics, and for
 5 me there was never a point -- we had issues related to
 6 the takeover or attempted takeover of ITV. We had --
 7 News International were very annoyed about what was
 8 happening in Ofcom to sporting rights. We had other
 9 news media concerned about different things. The BBC,
 10 of course, was concerned about the licence fee.
 11 But at no point in my premiership would I ever allow
 12 a commercial interest to override the public interest,
 13 and I've looked at all the records of what happened,
 14 including the records of our ministers in this matter,
 15 and we would never allow the public interest to be
 16 subjugated to the commercial or vested interests of any
 17 one company.
 18 Q. Did you sense, though, in your dealings with
 19 News International, that they were trying to persuade
 20 you to pursue media policies which were favourable to
 21 their interests but contrary to the public interest?
 22 A. News International had a public agenda. What's
 23 remarkable about what happened in the period of 2009 and
 24 2010 is that News International moved from being --
 25 I think it was under James Murdoch's influence, not so

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1 much Rupert Murdoch's influence, if I may say so -- to
 2 having an aggressive public agenda. They wanted not
 3 just to buy BSKyB, of course; they wanted to change the
 4 whole nature of the BBC. They wanted to change Ofcom,
 5 they wanted to change the media impartiality rules, they
 6 wanted to change the way we dealt with advertising so
 7 that there was more rights for the media company to gain
 8 advertisers. They wanted to open up sporting events so
 9 that Sky could bid for them in a way that -- they were
 10 perfectly entitled to put this agenda. That was the
 11 agenda they were putting publicly. I think what became
 12 a problem for us was that on every one of these single
 13 issues, the Conservative Party went along with the
 14 policy, whereas we were trying to defend what I believe
 15 was the public interest.
 16 Q. So is this the gist of your evidence: that the agenda
 17 they pursued was done publicly but not privately?
 18 A. I think their agenda was very public, and I don't think
 19 that they should be criticised for having a view about
 20 events. I think, however, it is the duty of the
 21 political system to distinguish between what's a vested
 22 interest and what's a public interest. I did so, and
 23 I think we did so at a cost.
 24 Q. Was not part of your reason, Mr Brown, for continuing to
 25 have dealings with Mrs Brooks that you correctly

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1 perceived her to be a powerful women and it would have
 2 been against your interest to have taken her on?
 3 A. I don't think I had a conversation with Mrs Brooks in
 4 the last -- I think I had one conversation in the last
 5 nine months of our government.
 6 It became very clear in the summer of 2009, when
 7 Mr Murdoch junior gave the MacTaggart lecture, that
 8 News International had a highly politicised agenda for
 9 changes that were in the media policy of this country,
 10 and there seemed to me very little point in talking to
 11 them about this.
 12 Q. Okay. Page 9 of your statement -- we're just going to
 13 note this, Mr Brown. This is our page 14215. You
 14 identify a number of breaches of your privacy, whether
 15 assaults, as it were, on your build society account, the
 16 national police computer was entered to check your name
 17 on police files, blagging, et cetera. We've heard
 18 evidence in relation to a lot of that already, but you
 19 formally draw this to our attention.
 20 A. Yes. Let me say, politicians must expect scrutiny.
 21 I have no doubt that the level of scrutiny that is going
 22 to happen in a modern technology age is going to be
 23 very, very great indeed.
 24 I think the question is whether you can justify what
 25 you might call fishing expeditions, based on nothing

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1 other than a political desire to embarrass someone, and
 2 I think the evidence that I give you is in relation to
 3 fishing expeditions where newspapers --
 4 Look, if you take everything that is personal about
 5 your life -- your bank or building society account, your
 6 medical records, your tax affairs, your lawyer and what
 7 he -- his legal records, your accountant -- in every
 8 area during the period that I was chancellor, there was
 9 either a break-in or a breach of these records. In most
 10 cases, I can show now that that happened because of an
 11 intrusion by the media.
 12 Now, I have been the first to say that there is
 13 a public interest defence if people are looking for
 14 information where they feel that there's a crime being
 15 committed and that the police or someone else is not
 16 investigating it, or where there's a security issue that
 17 is vital to the safety of the country and it's not being
 18 properly looked into, or, as the Press Complaints
 19 Commission rules themselves say, where there is an
 20 individual who is lying and who is deceiving. But
 21 I look at these instances, and I give you one as an
 22 example. I just give it to you. I was accused of
 23 buying a flat in an under-the-counter sale by
 24 a Sunday Times Insight team. They suggested that I'd
 25 bought this flat and it hadn't appeared on the open

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1 market and I got it at a knock-down price, and they
 2 would not accept that -- the starting point of any
 3 investigation was something that they would not
 4 acknowledge, that this very flat that I was supposed to
 5 have bought in an under-the-counter sale had first of
 6 all been advertised in the Sunday Times itself.

7 We had impersonating me to get bank information, we
 8 had blagging by lawyers, we had what's called reverse
 9 engineering of telephone. Someone sent me a tape which
 10 I passed on to the police, where the Sunday Times
 11 Insight team reporters are talking about how they're
 12 going to use these -- what I think are underhanded,
 13 perhaps unlawful techniques and tactics. But there was
 14 no public justification for this because there was no
 15 wrongdoing, and even now, I'm afraid the editor of the
 16 Sunday Times has come to your Inquiry and said that he
 17 had evidence of something that he was never able to
 18 prove and there was no public interest justification for
 19 the intrusion and the impersonation and the breaking
 20 into the records.

21 I accept a huge amount has to be tolerated in the
 22 interests of a politics that is free of corruption, but
 23 I don't think a newspaper, when it resorts to these
 24 tactics and then finds that there's nothing to report,
 25 should hold to a story which they know patently to be

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1 absolutely wrong. If you can laugh at it now, that they
 2 were claiming something that actually was advertised in
 3 their own paper was not correct, we have lessons to
 4 learn from that.

5 It's about freedom being exercised with
 6 responsibility and where irresponsibility is the way
 7 that freedom is exercised, it casts a doubt on the
 8 motives of the media.

9 Q. May we look now at your exhibit GB3, which is a list of
 10 your meetings with the media between 2007 and 2010.
 11 It's under tab 5 of the bundle we've prepared. Just so
 12 we get the flavour of this.

13 A. It's -- it was a duty of office, if I may say so. If
 14 I had not met media owners and editors, I would be
 15 failing in my duty. We had to explain to them what was
 16 basically two huge national issues, and the reason that
 17 calls are greater in some parts than others is because
 18 Afghanistan and the economic crisis were bigger issues
 19 at the time.

20 Q. We can see the range of people you were seeing,
 21 Mr Brown. The Barclays at the Telegraph on the first
 22 page, Mr Paul Dacre on the second page. Quite a few
 23 interactions with him, mainly over breakfast. We'll be
 24 coming back to that. Mr Dan Cone(?) of the Telegraph,
 25 the editor of the Telegraph, them some meetings, quite

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1 limited, with the Guardian. Mr Harding of the Times.
 2 One meeting with Mr Hinton, one with the Lebedevs.
 3 It's a full range, really. Would you agree?

4 A. Yes. I tried my best to meet everyone. I think
 5 probably -- yes, I met everyone where I could, and I did
 6 it sometimes at events that they had organised,
 7 sometimes at events that we organised, but I did it as
 8 regularly as I could. Not, I may say, with a great deal
 9 of success.

10 Q. In relation to the Murdochs, on the internal numbering
 11 of this document on the top right, page 12, we see that
 12 there are only two relevant meetings with
 13 Mr James Murdoch. The last was on 19 January 2009. Do
 14 you see that? And then there's a list of your meetings
 15 with Mr Rupert Murdoch.

16 You've put in a revised schedule quite recently,
 17 which --

18 A. I did so, if I may say so, because the Cabinet Office
 19 gave me the information, and I gave you what information
 20 they'd given me originally and I now give you the
 21 information they've given me subsequently. So that --
 22 if there has been --

23 Q. We will publish the revised schedule. It removes the
 24 meeting of 5 October 2007 which you say didn't take
 25 place.

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1 According to exhibit KRM 27, the exhibits to
 2 Mr Rupert Murdoch's witness statement, there was
 3 a meeting on 6 October. I thought there was also
 4 a phone call on 4 October, but that may not be right.
 5 No, his meetings start on 6 October so there's nothing
 6 for 4 October.

7 If we can deal with one point which was floated in
 8 evidence. This relates to the snap election, if you
 9 recall that, in 2007. An interview was pre-recorded by
 10 Andrew Marr with you on Saturday, 6 October. We know
 11 that there was dinner at Chequers with Mr Murdoch and
 12 his wife and others on the evening of 6 October 2007.

13 A. That's right. I think there was a misunderstanding,
 14 that people thought that I'd met Mr Murdoch and then
 15 done an interview with Mr Marr, and that somehow that
 16 would have influenced what I said to Mr Marr. In fact,
 17 I did the interview with Mr Marr and was very careful to
 18 do it before I had any meetings. I spoke to Mr Marr,
 19 did the interview, it was recorded the day before, so
 20 when I went for dinner with Mr Murdoch later on, I'd
 21 already recorded everything I was going to say about
 22 these issues and he had no influence on that interview
 23 or any decision I made, and he wasn't consulted about
 24 it, nor should he have been, nor, to be fair to him,
 25 would he have expected to have been.

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11 (Pages 41 to 44)

1 Q. I think there's also a correction of the dinner with
2 President Bush was 15 June, not 15 August 2008. There
3 are a couple of other meetings which you've added to
4 your schedule but I don't think much turns on those.
5 We'll publish the revised schedule in due course,
6 Mr Brown.

7 **A. Okay.**

8 Q. There's also a list of phone calls at GB3B, which we'll
9 come to in a short moment.

10 In relation to Mr Rupert Murdoch, Lord Mandelson has
11 told us that relations were closer than was wise, and he
12 included you within that statement. Do you agree with
13 him?

14 **A. No, I don't, actually, and I'm sorry, because I think
15 Mr Mandelson is perceptive about events normally.**

16 I think -- I obviously came from a Scottish
17 Presbyterian background. Mr Murdoch himself was the
18 grandson of a Scottish Presbyterian minister. I always
19 found it interesting that his grandfather had gone out
20 to Australia and immediately been put into prison
21 because he had defended church against state, so the
22 same Presbyterian interest in the freedom of conscience
23 and the, if you like, speaking truth to power was
24 I think very much part of what Rupert Murdoch's view of
25 the media was.

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1 So I understood, I think, quite a lot about his
2 Scottish background, but the idea that I was influenced
3 in what I did by Mr Rupert Murdoch's views is faintly
4 ridiculous, because Mr Murdoch would have, if he had had
5 the chance, persuaded us to leave the European Union,
6 not just stay out of the euro. He probably would have
7 had us at war with France and Germany. He probably
8 would have had us as a 51st state of America, and
9 Scotland, of course, which he wants to be independent,
10 he would have had as the 52nd state, with probably
11 a Republic in Scotland.

12 So the idea that I went along with Mr Murdoch's
13 views is quite ridiculous. Mr Murdoch has very strong
14 views. He's entitled these views. The idea that I was
15 following his views is just absolutely nonsense.

16 Q. Mr Murdoch himself describes a warm relationship he had
17 with you. Is that a fair characterisation?

18 **A. Yeah, I think the similar background made it interesting
19 because I think I understood where many of his views
20 came from, and I do also think he's been, as I said,
21 I think, publicly, a very successful businessman, and
22 his ability to build up a newspaper and media empire,
23 not just in Australia but in two other continents, in
24 America and Europe, is something that is not going to be
25 surpassed easily by any other individual.**

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1 **But I think you have to distinguish again between
2 the views that you have about him as an individual and
3 the red line that I would draw, the line in the sand
4 I talked about, between that and any support for
5 commercial interests.**

6 Q. But Lord Mandelson, when stating that relations were
7 closer than was wise, also made it clear that neither
8 Mr Blair nor you crossed that line, so I think his point
9 was more about perception than the reality. On that
10 basis, do you accept his observation?

11 **A. No, because the implication is that I would be
12 influenced by what Mr Murdoch was saying about these big
13 issues. I mean, I thought that it was wrong to join the
14 euro and I think we'll come back to that when you talk
15 about some of the issues relating to the media later,
16 but I didn't agree with him on most of these other
17 issues, and the idea that Mr Murdoch and I had a common
18 bond in policy is, I'm afraid, not correct. Mr Murdoch
19 was probably more on the flat tax school of policy than
20 in the school of policy that was identified with what we
21 were doing.**

22 **But I don't detract from the respect that I think he
23 deserves for having built up a very strong media empire,
24 starting from a view about the importance of a free
25 media.**

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1 Q. Between 1997 and 2007, were relations closer than was
2 wise?

3 **A. No, I don't think so. I rarely met Mr Murdoch, to be
4 absolutely truthful. I don't think he was in the
5 slightest bit interested in what I was doing --**

6 Q. Yes.

7 **A. -- and I can't remember many meetings with him at all.
8 I don't know if you have a record of these meetings but
9 I think you'll find them few and partner between.**

10 Q. Speaking more generally of the government of which you
11 were part, do you think that government was too close
12 than was wise to Mr Murdoch?

13 **A. I don't think so, but I don't know all the details of
14 what was discussed at the time. I had very few dealings
15 with Mr Murdoch and not many dealings with
16 News International. They had their own views on issues
17 of policy, and they weren't, in many ways, similar to
18 mine.**

19 Q. But weren't you aware of policy from the very top, as it
20 were, courting, assuaging and persuading the media,
21 including, in particular, News International. Was that
22 something (a) that you were aware of and (b) that you
23 assented to?

24 **A. My efforts were to persuade every media group that what
25 we were doing was serious. Look, we were trying to**

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12 (Pages 45 to 48)

<p>1 rebuild the National Health Service, improve our 2 education system, get more police onto the street, 3 legislate for freedom of information. We had agendas on 4 civil liberties, on issues like gay partnerships. All 5 these issues, you needed to have an understanding, at 6 least, on the part of the media, and you needed to talk 7 to them.</p> <p>8 As for any particular media group, I don't think 9 that I was involved in any sort of way that I would feel 10 uncomfortable about now with any particular media group 11 at all.</p> <p>12 Q. You must have been aware, though, of the pieces in the 13 Sun newspaper in March and April 1997 which we're told 14 adopted a rhetorical position but not one of substance. 15 Didn't those pieces cause you any qualms or distaste at 16 the time?</p> <p>17 A. Are you talking about the articles about the euro or 18 about Europe?</p> <p>19 Q. Yes.</p> <p>20 A. It's a strange coincidence that I, while supporting the 21 idea of a single currency in principle, was always 22 doubtful and dubious about its benefits to Britain in 23 practice, so I have found it of no great difficulty to 24 me that people were questioning the euro. 25 I think this goes to the heart of what happened</p> <p style="text-align: center;">Page 49</p>	<p>1 exclusivity for some people within the lobby that people 2 rightly, I think, resent.</p> <p>3 But when we tried to change it after 2007, we found 4 it example impossible to do so, and this openness of 5 culture that we should have really encouraged earlier is 6 something that I think still eludes us.</p> <p>7 Q. In 1997, did you believe that the support of the Sun 8 newspaper was important or not?</p> <p>9 A. Well, I wasn't involved in that particular issue. 10 I wasn't involved in talks about that, but clearly, if 11 you'd been in opposition for what has been 18 years, and 12 a newspaper that has previously been Conservative comes 13 to you or is prepared to come to you, that is a bonus, 14 that is something that you would welcome. But it's not 15 the be all and end all, and it's not something that 16 dictates the future of politics in your country, but 17 it's an important element of building a coalition for 18 success.</p> <p>19 Q. Going forward 12 years to 2009 --</p> <p>20 A. Yes.</p> <p>21 Q. -- were you not concerned at the times, as it were, the 22 signs of the Sun moving away from you to support the 23 Tory Party?</p> <p>24 A. I think that had happened from the time I became 25 Prime Minister. I'll be honest. I think they had</p> <p style="text-align: center;">Page 51</p>
<p>1 during a period of 13 years of government, that the euro 2 was a huge, huge issue, because some people argued that 3 if Britain did not join the euro then its future was 4 always to be on the periphery of Europe, and that was an 5 issue that had to be taken seriously.</p> <p>6 I, however, argued that the economics of the euro 7 made it almost impossible that Britain could benefit 8 from joining, and we did a whole series of studies in 9 detail showing that in fact it may not be of great 10 benefit to Europe to have the euro.</p> <p>11 Q. Even looking back on this period -- I'm looking now at 12 the period 1997 to 2007 -- do you think that there are 13 any lessons to be learnt from the relationship the 14 Labour government, of which you were a part, fostered 15 with the media, in particular News International?</p> <p>16 A. Definitely. I hope I'm not misunderstood, because my 17 original point was this: that we accepted too easily 18 a closed culture where it was possible for stories about 19 political events to be told to a few people rather than 20 openly by Parliamentary announcement or by speech, and 21 we should have reformed that system earlier, and the 22 system, I'm afraid, is still waiting to be reformed 23 announcement. It is too closed a system. It relies on 24 too small a number of people. Of course, it has its 25 heart in the lobby system, but it is actually the</p> <p style="text-align: center;">Page 50</p>	<p>1 severe reservations that were expressed in the European 2 campaign, the Broken Britain campaign, their Afghanistan 3 campaign, and I think, as I said, also there was a new 4 agenda that Mr James Murdoch was promoting about the 5 future of the media policy in Britain. So I was not 6 surprised at all when the Sun -- I perhaps was surprised 7 about the way they did it, which was a strange thing to 8 do, but the act of deciding to go with the 9 Conservatives, I think, had been planned over many, many 10 months.</p> <p>11 Q. But Lord Mandelson's account in his book was that the 12 shift of support stung you, to use his words, and in the 13 weeks and months that followed, it grated on you more 14 and more. Is that an accurate observation or not?</p> <p>15 A. No, I don't think so, because I had accepted that -- 16 I never complained to the Sun about us losing their 17 support. I never phoned them up. I have never asked 18 a newspaper for their support directly and I've never 19 complained when they haven't given us their support. 20 I don't think that you should be dependent on people by 21 begging them to support you in this way, and perhaps 22 it's a failing on my part that I never asked them 23 directly, but I never asked them directly, and I never 24 complained to them directly when they withdrew support 25 from the Labour Party.</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

1 Q. I'm not sure that Lord Mandelson is saying that. He's
 2 making a personal observation, that you were personally
 3 stung and that's something that --
 4 A. No, I don't think the word "stung" is correct, because
 5 I expected it. It was something that you could read for
 6 months previously. I think the manner in which they did
 7 it was offensive, but that was their choice, but I don't
 8 think that I was stung by it at all.
 9 Q. Many commentators have said, rightly or wrongly, that
 10 you're someone who is obsessed by the news and therefore
 11 from that obsession, if correct, more likely to be stung
 12 by this sort of change of support. Is that a fair
 13 observation or not?
 14 A. Well, you may say I'm so obsessed by the newspapers that
 15 I barely read them, so -- I have to tell you that that
 16 is not -- even in Downing Street, I didn't spend a great
 17 deal of time reading newspapers at all.
 18 Obviously if you're in a job where you have 24-hour
 19 questions about what's going on, you have to be able to
 20 answer them, so you have to have someone that's telling
 21 you: "You have to answer this question and that question
 22 and that question", but as far as the editorialising of
 23 the different newspapers, whether it be the Mail, the
 24 Telegraph or the Sun or whatever, I can tell you
 25 I didn't spend a great deal of time reading them.

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1 Q. Are we to interpret your evidence then -- and we're
 2 going to come to a particular event in a moment -- that
 3 really you received this news in relation to the news
 4 with complete equanimity?
 5 A. It was very strange, because I had phoned up the editor
 6 of the Sun on the afternoon of my conference speech.
 7 You know, every time I did a conference speech, or did
 8 a budget, I used to phone the political editors or the
 9 editors of the newspaper to ask if they had any
 10 questions arising from your speech, and sometimes they
 11 had more questions than others. If it was an unpopular
 12 budget, they would have lots of questions. If it was
 13 a popular budget, less so, and when it was a conference
 14 speech, I would phone them up.
 15 I phoned the editor of the Sun up that afternoon, as
 16 I phoned the editor of the Times, of course, that
 17 afternoon, and he had one or two questions for me about
 18 Afghanistan, and I think this may be 5 o'clock in the
 19 afternoon, and he didn't mention at all that the Sun was
 20 making this decision and it was to be announced in two
 21 hours. So if the editor of the Sun, you talk to him and
 22 he doesn't tell you what's happening, there doesn't seem
 23 to be much point in phoning anyone else at the Sun after
 24 that. So I just left it.
 25 MR JAY: Is that a convenient moment?

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1 LORD JUSTICE LEVESON: Yes. Mr Brown, periodically we give
 2 the shorthand writer a break.
 3 A. Thank you very much.
 4 (11.30 am)
 5 (A short break)
 6 (11.39 am)
 7 MR JAY: Mr Brown, we're onto the issue of a phone call that
 8 Mr Rupert Murdoch says took place. You'll recall his
 9 evidence in relation to that.
 10 Can we look, please, first of all, at exhibit GB3B,
 11 which is the last page of tab 4, which is a list of
 12 telephone calls with Rupert Murdoch.
 13 A. Yes.
 14 Q. Can we understand, first of all, who has compiled this
 15 list or what is the source of it?
 16 A. Any call I would have made with someone like
 17 Rupert Murdoch would go through Downing Street. In
 18 other words, there was a switchboard at Downing Street
 19 which would take calls wherever I was in the world and
 20 would link me up to whoever I wanted to speak to. So
 21 any calls I had with Rupert Murdoch, or indeed anybody
 22 else in this list, would have gone through Downing
 23 Street and it is their list.
 24 Q. Thank you. Does this list include calls in, as it were,
 25 as much as calls out?

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1 A. Yes. It would include a call that he had placed with
 2 me, or anybody had placed it me, and a call that I had
 3 placed to speak to anybody else, and it would include
 4 calls that were transacted through a mobile phone as
 5 well as through a fixed line phone, so it would include
 6 any telephone conversation I had with someone like
 7 Mr Murdoch.
 8 Q. When you were out of London, Mr Brown, was it ever your
 9 practice to call out directly to someone, either from
 10 your mobile phone or perhaps from a hotel phone?
 11 A. Not someone like Mr Murdoch. I would always go through
 12 Downing Street because you would always want someone on
 13 the phone call. You would want to have a record of what
 14 was being said, and you would want to know exactly the
 15 time you did the call and everything else. There's no
 16 question that any phone call could have been made
 17 without it going through this procedure.
 18 Q. May I turn that on its head and say that if for some
 19 deliberate reason you didn't want there to be a record
 20 of what was said, that might be a reason for arranging
 21 the call to take place without going through Downing
 22 Street?
 23 A. Well, I would never have done that. If I was calling
 24 a newspaper proprietor or I was calling a political
 25 leader around the world or calling someone about

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1 a policy issue, I would always go through Downing Street
 2 because I would always want someone on the call to
 3 verify what happened. I don't think there's any doubt
 4 that that's the way that I did things, and that's the
 5 way that I think most people I know had been in the
 6 office that I'd been in would do things. So no call
 7 could have been made without it going through Downing
 8 Street in this way.

9 Q. I'm just seeking to cover all possible options,
 10 Mr Brown.

11 A. I understand that.

12 Q. Did you have his number on your mobile phone?

13 A. No. I wouldn't know Rupert Murdoch's phone number.
 14 I didn't engage in emailing or anything like that.
 15 There was one letter sent to him through an email, but
 16 it was sent through Downing Street. I wouldn't have any
 17 of the proprietors' numbers on my mobile phone. They
 18 would be mainly personal.

19 Q. If we go to GB3B, we can see that there are two recorded
 20 phone calls in the year 2009, one in March, which is not
 21 relevant for our purposes, but one on 10 November 2009,
 22 which was 12.33 in the afternoon. Can you remember, was
 23 Mr Murdoch in New York on that occasion?

24 A. I don't know where he was. I suspect he was in
 25 New York. I think he may have just come back from
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1 Australia. It was a call I placed because of what was
 2 happening over Afghanistan.

3 Q. There's other surrounding evidence which bears on that
 4 call. In your exhibit GB1, under tab 2, at our
 5 page 14228, there's an email which you caused to be sent
 6 to Mr Murdoch on the evening of 10 November, which
 7 refers expressly to a telephone call you had earlier
 8 that day in relation to Afghanistan. Do you see that?

9 A. Yes, that's absolutely right. I decided to follow up
 10 the phone call about Afghanistan with information that
 11 I thought would be of use to him about public support
 12 for the war in Afghanistan and what was actually
 13 happening to it, and I think it was originally sent as
 14 an email so he got it that day, but it was also sent as
 15 a letter to him. And there were two follow-up letters
 16 on Afghanistan, because there was a correspondence --
 17 three letters, one of which I think he submitted to this
 18 Inquiry, but three letters on Afghanistan over the next
 19 few months, and I may say that's the only time in
 20 government that I've ever had any letter communication
 21 with Mr Murdoch.

22 Q. Yes. There was an email on 24 December 2009 in relation
 23 to Afghanistan, which is under our tab 2. Under our
 24 tab 14 -- this is Mr Murdoch's exhibit KRM 33 --

25 A. I think that's mine. The famous handwriting, yes, which
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1 someone said could be almost -- is totally illegible,
 2 yes.

3 Q. Yes, although we have a transcription of it. I'm pretty
 4 sure I've seen one somewhere. The version we have at
 5 01917 is typed.

6 There's another one, though, Mr Brown. 26 April,
 7 under tab 14 at page 01921.

8 A. That's the handwritten one, I think. Yes. There's only
 9 three. One was November and the other two followed.

10 Q. One was 5 April, which is only typed, one 26 April,
 11 which was handwritten, and the earlier one was December
 12 2009, so I think we've covered the three you've
 13 mentioned.

14 Are you clear, Mr Brown, that you had no
 15 conversation with Mr Murdoch shortly after the
 16 withdrawal of support for you in the Sun, which was
 17 28 September 2009, in which you threatened to declare
 18 war on News International or uttered words to that
 19 effect?

20 A. This is the conversation that Mr Murdoch says happened
 21 between him and me that -- where I threatened him and
 22 where I'm alleged to have acted in an unbalanced way.
 23 This conversation never took place. I'm shocked and
 24 surprised that it should be suggested, even when there's
 25 no evidence of such a conversation, that it should have
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1 happened. There was no such conversation. I decided
 2 after September 30, when the Conservative Party gained
 3 the support of the Sun, that there was no point in
 4 contacting them. As I said earlier, I'd never asked
 5 them for support directly, nor did I complain to them
 6 directly when they decided to support the Conservatives.

7 So I didn't phone -- I didn't return calls to
 8 News International, I didn't phone Mr Murdoch, I didn't
 9 talk to his son, I didn't text him, I didn't email him,
 10 I didn't contact him. This was a matter that was done.
 11 There was no point in further communication about it at
 12 all, and I'm surprised that, first of all, there's
 13 a story that I sort of slammed the phone down on him,
 14 and secondly, there's now a story from Mr Murdoch
 15 himself that I threatened him. This did not happen.
 16 I have to say to you that there's no evidence it
 17 happened, other than Mr Murdoch's, but it didn't happen,
 18 because I didn't call him and I had no reason to want to
 19 call him, and I would not have called him, given
 20 everything I've said to you.

21 Q. Finally on this point, so we're absolutely clear, one
 22 might say Mr Murdoch could be mistaken about the date
 23 and the call happened later. Is it possible that you
 24 might have uttered that sort of language during such
 25 a subsequent call?
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15 (Pages 57 to 60)

1 A. No, there is only one further telephone call and that is
 2 in November. And if I may say, the sequence that led to
 3 that call was on the Monday, the Sun had said that I'd
 4 disrespected our troops by not bowing at the cenotaph.
 5 On the same Monday, they said that I'd written a letter
 6 with 25 misprints and had been discourteous to a woman
 7 for whom I have the utmost sympathy, who was the mother
 8 of a deceased soldier, and I could understand that she
 9 was upset but they had claimed that I'd done things
 10 I hadn't done.

11 Then on the Tuesday, I had taken a phone call -- I'd
 12 wanted to phone this lady to sympathise with her and to
 13 explain that we thought a huge amount about her son and
 14 his contribution to our country, that it may be little
 15 comfort to get letters but it was important that she
 16 knew how much the country valued the service of her son.

17 The Sun had printed a partial version of that
 18 conversation, which they had clearly had a mechanism for
 19 taping which they shouldn't have had. The tape was in
 20 their hands and it's very surprising for a conversation
 21 with the Prime Minister and an ordinary member of the
 22 public to appear in the Sun newspaper, but to appear in
 23 this distorted way, with these headlines, "Bloody
 24 shameful" and everything else ...

25 I had concluded that the Sun were damaging our
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1 effort in Afghanistan and they were now persuading
 2 people who were actually in favour of the war that there
 3 was no point in supporting the war. And Mr Murdoch had
 4 always told me that he supported what we were doing in
 5 Afghanistan and I felt he should be aware of the facts
 6 and how we were losing public support at a difficult
 7 time, when we were trying to persuade the Americans and
 8 the rest of Europe that we had to have a collective
 9 effort not just to get more Afghan troops on the ground
 10 but also to get more European troops supporting these
 11 Afghan troops on the ground. So it was a very delicate
 12 political moment, so I phone him on that basis and that
 13 was what the call was about. There was no reference to
 14 threats or Conservative parties or anything. I'm quite
 15 surprised.

16 In fact, the conversation ended in a quite different
 17 way from what he says, because he asked me, given that
 18 he said that there should be no personal attacks by the
 19 Sun due to Afghanistan, which he supported -- he asked
 20 me would I phone Mrs Brooks, the editor of the -- would
 21 I have a phone call with her, where she would, he
 22 hinted, want to apologise for what had happened, and
 23 I said I saw no point in phoning her because the Sun was
 24 pursuing this course of action and it was for him to
 25 talk to her.

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1 He then asked me again, and for a third time, to
 2 phone her, and I said, "Well, look, out of respect to
 3 you, I will contact her", and that's how the
 4 conversation ended, with me agreeing that I would talk
 5 to her, and at the same time me sending the letter that
 6 explained -- as you can see, it's completely and
 7 entirely about Afghanistan and what was happening to
 8 Afghanistan and that's what the call was about.

9 You see, the problem about this is that I can see
 10 why it may suit people to say now that there was some
 11 pre-orchestrated campaign against News International and
 12 that I was threatening on a phone call and this is the
 13 justification, so this is nothing to do with telephone
 14 hacking, it's all to do with some political campaign
 15 against News International. But this call did not
 16 happen. The threat was not made. I couldn't be
 17 unbalanced on a call that I didn't have and a threat
 18 that was not made, and I found it shocking that we
 19 should get to this situation, sort of some time later,
 20 when there is no evidence of this call happening at the
 21 time that he says it happened, and you to be told under
 22 oath that this was the case and to be backed up by other
 23 people from News International who had been continuing
 24 to make comments about such a position.

25 Now, I think, because we're dealing with a very
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1 important issue, about the freedom of the press and
 2 about the responsibility of the press and about whether
 3 people had been either too hostile to News International
 4 or too favourable to News International, it's important
 5 that this is obviously cleared up. There is absolutely
 6 no evidence for this phone call or for the threat or for
 7 the judgment that Mr Murdoch made as a result of
 8 something that he was never party to. The only call
 9 that ever happened was in November, and it was about
 10 Afghanistan, and it was weeks after when people allege
 11 the call took place.

12 Q. Mrs Brooks' account of the call that you mention, which
 13 eventually you had with her on 10 November 2009 -- of
 14 course, she was no longer editor of the Sun; she was now
 15 chief executive of News International -- was that you
 16 were angry and aggressive. Is that right or not?

17 A. No, I don't think so, because I had come off a call with
 18 Rupert Murdoch. I had written a letter to him about
 19 Afghanistan, and out of respect to him I was phoning her
 20 to hear what she had to say.

21 Unfortunately, she wanted to tell me that the Sun
 22 had got this tape of my phone call with Mrs James, who
 23 was the very sad case of a lady whose son had died, and
 24 she had a lot of questions to ask about this that I was
 25 trying to help her with. But she tried to explain that
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16 (Pages 61 to 64)

1 they had got this tape -- which, of course, was very
 2 unusual circumstances, as I say, for a tape of
 3 a conversation from Downing Street to appear suddenly in
 4 the Sun newspaper -- and she wanted to tell me that
 5 they'd got this entirely lawfully and everything else
 6 had been checked and so on and so forth, and that was
 7 really what the nature of the call was, but I didn't get
 8 the sense that there was an apology coming from the Sun
 9 and I decided that there was no point in continuing the
 10 conversation. But it ended without acrimony. It was
 11 simply a conversation where she tried to tell me that
 12 they'd got this information in totally appropriate ways.

13 Q. It sounds as if, Mr Brown, you had every reason to be
 14 angry and aggressive but you managed not to show it. Is
 15 that the message you're communicating?

16 A. I think that when things are very difficult, you tend to
 17 be very calm indeed, and it was difficult because we
 18 were going through a period where the whole Afghanistan
 19 war effort was being, in a way, undermined by what
 20 I thought was a campaign on the part of the Sun that was
 21 alleging that we didn't care at all about our troops,
 22 and it was this distortion of fact and opinion that
 23 worried me, but on the other hand, I felt that the Sun's
 24 position was that they should be supporting the war in
 25 Afghanistan, and as my letters to Rupert Murdoch show,

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1 I tried to persuade him by argument that this was the
 2 right way to move forward, not by anything other than by
 3 putting the facts to him.

4 LORD JUSTICE LEVESON: I think that if I'd been persuaded to
 5 phone somebody to listen to an apology and to be greeted
 6 with the opportunity, as it were, to investigate further
 7 a private conversation, I think I'd be rather irritated.

8 A. I think in these circumstances, when you're surprised at
 9 what comes back to you -- look, Mr Murdoch had given me
 10 the impression that an apology was forthcoming. He also
 11 gave me the assurance that the Sun were going to remove
 12 this personal element of their attacks over Afghanistan.
 13 I didn't ask him for these assurances; he offered them.
 14 And I didn't discuss other issues with him, and
 15 therefore to some extent that was where the conversation
 16 lay, but it was really finding out that this was not
 17 necessarily how the Sun was going to proceed that was
 18 the surprise to me, but I don't think I was aggressive.

19 LORD JUSTICE LEVESON: Well, you might have a thicker skin
 20 than I might have had.

21 A. I think when you're dealing with some of these issues,
 22 you tend to be calmer when you're dealing with them.

23 MR JAY: The last letter you wrote to Mr Rupert Murdoch, the
 24 handwritten one of 26 April 2010, was in the General
 25 Election campaign. You had other things to do. Why did

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1 you take time to write him this personal handwritten
 2 letter at all?

3 A. Because Mr Murdoch had replied, and for the first time
 4 Mr Murdoch had said, which he had never said to me
 5 before, that he disagreed with the management of the war
 6 effort.

7 All my conversations with Mr Murdoch were perfectly
 8 civilised and were courteous and, as you can see,
 9 I wished him and his family well at the end of my
 10 letters and everything else. And then suddenly, out of
 11 the blue in our correspondence, he says, "I disagree
 12 entirely with the management of the war effort", and
 13 I felt that merited a reply. This was the first time
 14 he'd said to me personally that this is what he thought.
 15 I didn't understand what he meant by "the management of
 16 the war effort", because we had put extra resources in,
 17 and equally I've heard very little about complaints of
 18 the management of the war effort since, and it seemed to
 19 me that he was making a political point and I wanted him
 20 to know that he had never said this before and that
 21 I asked him to reconsider it.

22 If you look at the letter, it says, "I'm surprised
 23 to hear these views from you personally because you've
 24 never said them to me in any conversation we've had and
 25 would you like to reconsider these views?" And I said

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1 to him, "Look, no matter what the Sun and the Times
 2 does, I'm afraid I would rather have been an honest
 3 one-term Prime Minister than a dishonest two-term
 4 Prime Minister."

5 Whatever happened, I said, "Look, we are pursuing
 6 a campaign in Afghanistan that I believe is right. If
 7 the Sun is undermining it, even though it says it's
 8 supporting it, I have to tell you that that is the case,
 9 but given that this is the first time you've criticised
 10 the management of the war effort as an individual, I'd
 11 like to know what you were thinking of when you did so",
 12 and I didn't actually have a reply to that letter. He
 13 didn't think it necessary to reply.

14 Q. But isn't it obvious, Mr Brown, that you cared very much
 15 about this? It was a personal attack on you and it
 16 might be said to show that you do care deeply about what
 17 newspapers write about you and about ad hominem attacks
 18 of this sort.

19 A. Look, there were two big issues during the period I was
 20 Prime Minister. One was the global economic crisis,
 21 which we had to deal with and we took extraordinary
 22 action in Britain and I believe that we led the way, and
 23 I feel that international leadership is something that
 24 is needed. The second one was Afghanistan, where we
 25 dealt with a hostile media, but at the same time we were

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1 trying to prevent Taliban control in areas where the
 2 Taliban are now in charge, I'm afraid, and it mattered
 3 to me what was being done on Afghanistan and it mattered
 4 to me that we got the policy right of persuading other
 5 countries to contribute to the war effort and to
 6 persuade people that we had to get the Afghan army and
 7 police up and running.

8 So these were not issues about me personally that
 9 I was really trying to take up with Mr Murdoch. These
 10 were issues of policy. So if you look at the letters –
 11 and I suspect that they could only be looked at now
 12 because the sequence of them is now presumably available
 13 to people – you'll see that none of these letters refer
 14 to the political views of Mr Murdoch or to the Sun or to
 15 the News of the World or the Sunday Times. None of
 16 that. It was all about the management of the war
 17 effort, and I still feel to this day that huge damage
 18 was done to the war effort by the suggestion that we
 19 just didn't care about what was happening to our troops,
 20 which clearly had an effect on public opinion and
 21 clearly was something that I felt, as you can see,
 22 strongly about.

23 Q. I move off Mr Murdoch onto Mr Paul Dacre now and your
 24 relationship with him. Some have described that as
 25 personally close, although you weren't, of course, very

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1 often on the same page politically. Is that a fair
 2 description?

3 A. I didn't see Mr Dacre that much, as you can see from the
 4 records. Mr Dacre and I disagreed about many things on
 5 politics. I think he, like me, believes that there
 6 should be an ethical basis for any political system and
 7 that that is an issue that is not properly addressed
 8 both in our media and in our politics, so there is sort
 9 of common ground on that, even though we may disagree
 10 about what that means in practice.

11 He was personally very kind, as Rupert Murdoch could
 12 be personally very kind, when we had difficulties with
 13 our child, our first child, and I have not forgotten
 14 that. But to be honest, I got no support from the
 15 Daily Mail. The Daily Mail was totally against the
 16 Labour Party, and when it came to the election, you may
 17 see that I had a meeting with Lord Rothermere, as
 18 I talked to Paul Dacre, and I said, "Look, you're
 19 entering a situation where you have a party that's got
 20 a relationship with the Murdoch empire and their
 21 commercial interests and you should be very wary of it",
 22 and I did warn them that that was one of the problems
 23 that was going to happen.

24 Q. Some have said, including Mr Alastair Campbell, that the
 25 Daily Mail was less hostile to you personally when you

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1 were chancellor, owing in part to your position on the
 2 euro. Do you think that's a fair comment or not?

3 A. I don't know whether it was. Look, one of the huge
 4 dividing lines in British politics over the past
 5 10 years has been the euro. Most of the newspapers, of
 6 course, were against it.

7 I was in a minority within our government for a very
 8 long period of time of being sceptical about the euro.
 9 My colleague, Ed Balls, who was the economic adviser to
 10 the Treasury at the time and was later a Member of
 11 Parliament, did this enormous amount of work that proved
 12 to my satisfaction that the euro couldn't work, but it
 13 was a hugely divisive issue. But if the Daily Mail
 14 supported the objections that I had to the euro, then
 15 that's absolutely understandable, but I'm afraid to say
 16 on just about every other issue they were wholly against
 17 us and they wanted to see a Conservative government, as
 18 you know.

19 Q. Were policies such as the u-turn on casinos,
 20 reclassification of cannabis and the retreat on 24-hour
 21 drinking attempts to appease the Daily Mail in your
 22 view?

23 A. No. If you look at each one of these individual
 24 issues – and I don't want to bore you with them –
 25 I personally have strong opinions, as an individual,

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1 about the evil of excessive gambling. I thought that
 2 the 24-hour licensing was causing us problems, and on
 3 cannabis, you know, I don't hold what is probably the
 4 more conventional view about the effects of soft drugs,
 5 so I was against the reclassification of cannabis and in
 6 fact we reclassified it back.

7 These are views that I hold personally and I hold
 8 them quite strongly and I may say that probably I used
 9 my position to persuade members of the government who
 10 were not as keen on that policy was I was.

11 Q. Can I ask you, please, about section 55 of the Data
 12 Protection Act, the Information Commissioner's two
 13 reports in 2006.

14 At that time, when you were still Chancellor of the
 15 Exchequer, it didn't fall directly within your policy
 16 area, but do you recall considering the issues raised by
 17 them or not?

18 A. Not in huge detail at the time, but it became an issue
 19 after I became Prime Minister and we had to make
 20 a judgment. It comes back to this very important point
 21 that I think we discussed at the beginning about the
 22 protections that are available for the press where there
 23 is a public interest defence for actions that they may
 24 have taken that might initially sound unacceptable.
 25 And, you know, in the press complaints code there

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1 are these three public interest defences. One is about
 2 exposing criminal wrongdoing, another is about threats
 3 to the security and safety of the realm, and another is
 4 a bit more, I think, difficult, about whether deception
 5 by an organisation or individual is being exposed, and
 6 I felt quite strongly -- and still do -- that there has
 7 to be a public interest defence available in these
 8 circumstances, and that was what the -- is basically my
 9 own view about how you must have institutions outside
 10 the state who have the power to question and hold
 11 accountable the state, and no matter what we think about
 12 the way that the media behaved in certain instances,
 13 there is, in my view, a right to a public interest
 14 defence.

15 That's what we were debating after the Information
 16 Commissioner made a number of proposals about data
 17 protection, and I could understand the strength of
 18 feeling that he brought to this, and therefore I was
 19 anxious not to overrule him, but I could understand also
 20 my own instinct that there had to be at least a public
 21 interest defence in favour of the media where they had
 22 ventured into areas where, for good public reasons, they
 23 were exposing something that was wrong.

24 Q. But following the consultation on the proposal to
 25 introduce custodial sentences, the government's original
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1 position -- and this is when you were in charge -- was
 2 to introduce such custodial sentences, and Mr Jack Straw
 3 gave us evidence about it.

4 A. Yes.

5 Q. There was a dinner you had with Messrs Hinton, McLellan
 6 and Dacre on 10 September 2007.

7 A. That's right.

8 Q. Which we have in tab 34 of this bundle. Do you remember
 9 the issue being discussed on that occasion?

10 A. I remember the issue. I told them, as we started the
 11 dinner, what my own view was. I didn't ask them for
 12 their view, I'm afraid. Maybe I should have. I told
 13 them what my view was, that there should be a public
 14 interest defence, and therefore it wasn't a question of
 15 them lobbying me. I was informing them that this was my
 16 view, but that Michael Wills, who was an excellent
 17 minister, and Jack Straw, who was doing a great job on
 18 this, were consulting people about how we could
 19 implement this in a way where there was a public
 20 interest defence but we weren't going to back off
 21 entirely the potential need for legislation.

22 Q. Mr Dacre's account doesn't quite match that, Mr Brown.
 23 Under tab 34, he gave a speech to the Society of Editors
 24 conference on 9 November 2008. So it's about 16, 17
 25 months after the relevant date.
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1 A. Yes.

2 Q. He says:

3 "About 18 months ago [he means on 10 September 2007]
 4 I, Les Hinton of News International and Murdoch McLellan
 5 of the Telegraph, had dinner with the Prime Minister
 6 Gordon Brown. On the agenda was our deep concern that
 7 the newspaper industry was facing a number of very
 8 serious threats to its freedoms."

9 Then he said:

10 "The fourth issue we raised with Gordon Brown was
 11 a truly frightening amendment to the Data Protection
 12 Act."

13 This is the amendment --

14 A. I don't think there's any disagreement in these
 15 accounts. He had it on his agenda for the meeting.
 16 They raised it, but I told them as they raised it:
 17 "Look, this is my view." I didn't say, "I'm waiting to
 18 hear your view"; I told them: "This is my view."
 19 I remember this distinctly. I had already made up my
 20 mind before I went into the meeting, and I told Jack and
 21 Michael that there should be a public interest defence
 22 and that we should probably postpone the implementation
 23 of this clause.

24 Look, at that time, of course, we didn't have all
 25 the information we now have about the abuse of this --
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1 of data by the media. At that time, there was no
 2 suggestion that there was anything other than what was
 3 called the rogue hacker. But again, my instinct is
 4 still the same, that there ought to be a public interest
 5 defence. I know it's uncomfortable, because you are
 6 balancing off two freedoms, as we said at the beginning.
 7 You have this right that I would defend for people to
 8 have privacy, and you have this right of the media,
 9 I would say the individual, to express themselves and
 10 for the media to do this through a freedom of speech and
 11 therefore a willingness or ability to investigate things
 12 that are wrong, and you are balancing off these two
 13 freedoms.

14 It seemed to me that we may end up with the
 15 custodial sentences, and that was an option that was
 16 left to us. We said we'd come back to this, but at that
 17 time we thought that -- let us look at whether a public
 18 interest defence can be introduced into this
 19 legislation, which is what we did.

20 Now, these are very, very difficult issues, and
 21 I thought about them at the time, I've thought about
 22 them since. I would still hold to the idea of a public
 23 interest defence, but I think we're now on a course
 24 where there will almost certainly be custodial
 25 sentences. But I think as the government of the day has
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1 said, they want to rely on your final judgment on this
 2 as well, before they make a decision.
 3 LORD JUSTICE LEVESON: Yes, it's quite important to be quite
 4 careful about this. What the data protection amendment
 5 did was to introduce a public interest defence to data
 6 protection offences.
 7 A. Yes.
 8 LORD JUSTICE LEVESON: But it wasn't for a moment suggesting
 9 in relation to other breaches of the criminal law that
 10 there should be a public interest defence.
 11 A. No, it was in relation to Data Protection Act; you're
 12 absolutely right.
 13 LORD JUSTICE LEVESON: Correct.
 14 A. I hope I'm not overelaborating on the argument, but it
 15 seemed in that instance there was a case for a public
 16 interest defence.
 17 LORD JUSTICE LEVESON: I understand. But you're not
 18 suggesting -- or are you suggesting, an open question --
 19 that there should be a public interest defence in
 20 relation to any crime?
 21 A. No, I'm not saying that, but what I am saying is that
 22 I do think that the press -- you're looking again at the
 23 Press Complaints Council guidelines and one of these
 24 guidelines -- I think it's the editors' rules --
 25 LORD JUSTICE LEVESON: Code.
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1 would suggest going further than that. Of course, the
 2 fact that the defence can't be made out doesn't mean
 3 that everybody who is convicted then goes directly to
 4 jail. There are an enormous number of variations that
 5 will always be taken into account.
 6 A. Yes. I think maybe I've been misunderstood. My
 7 position was in relation to the Data Protection Act, but
 8 I was conscious that there was a public interest set of
 9 issues raised in the Editors' Code and it seemed to me
 10 this was reasonable.
 11 MR JAY: Mr Dacre's account is that you were hugely
 12 sympathetic to the industry's case and promised to do
 13 what you could to help. It sounds as if the industry,
 14 through Mr Dacre, Mr Hinton and Mr McLellan, were
 15 allowed to put their case and you were persuaded by it;
 16 is that fair or not?
 17 A. I distinctly remember this conversation and I think
 18 Mr Dacre, if you asked him under cross-examination,
 19 would confirm that at the beginning of that discussion,
 20 I said, "Look, I am persuaded that we need this public
 21 interest defence and we've been talking about how we can
 22 do this."
 23 I'd also, I think, either before or after, made a
 24 speech on liberty. I think I've sent you an extract
 25 from it. I felt that the debate in Britain had become
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1 A. -- suggests that there is a public interest at stake
 2 where three things are in issue that have to be taken
 3 into account when judgments are made.
 4 LORD JUSTICE LEVESON: That's --
 5 A. Yes, of course.
 6 LORD JUSTICE LEVESON: -- entirely right.
 7 A. And I bore that in mind as well when I was looking at
 8 this issue.
 9 LORD JUSTICE LEVESON: That's a defence to an allegation of
 10 breach of the code.
 11 A. Yes.
 12 LORD JUSTICE LEVESON: Let me ask you this, again in an
 13 entirely open way. Of course, in relation to any
 14 criminal offence, if a journalist is acting in the
 15 public interest or reasonably believes that he or she is
 16 acting in the public interest, then that must be an
 17 important feature. It's why I asked the
 18 Director of Public Prosecutions whether he would be
 19 prepared to consider publishing a policy on his approach
 20 to the public interest in relation to prosecution of
 21 journalists for a crime where there is no statutory
 22 defence, and as you know, he's done so and he's
 23 consulted on it.
 24 A. Yes.
 25 LORD JUSTICE LEVESON: I'm just keen to know whether you
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1 coloured by what we'd had to do in relation to
 2 terrorism, and you know that it was very controversial,
 3 that we wanted to have, for example, a longer period of
 4 potential detention for people who were terrorist
 5 suspects. But I felt, on a whole range of other areas
 6 where liberty was an issue, we could do better. We
 7 could do better about the freedom of assembly, we could
 8 do better about the freedom of speech, we could do
 9 better about the freedom of the press. So I made
 10 a speech on liberty.
 11 Now, these were my views. These were not the
 12 media's views. These were not Mr Dacre's views. These
 13 were not anybody else's views. These were my views. It
 14 was an issue that I felt strongly about. I felt that
 15 America branded itself to the world as a country of
 16 liberty and was able to persuade people that liberty was
 17 invented in America. In fact, the ideas of liberties
 18 that lay behind the British constitution and some of the
 19 things that we valued greatly had originated in Britain
 20 and I wanted to make that clear.
 21 So these were my views and I think any suggestion
 22 that I was under pressure from the industry and yielded
 23 to it is quite ridiculous. I was prepared to say that
 24 this is my view and I'm still prepared to say that it's
 25 my view.
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1 Q. Were you aware that there already was a public interest
 2 defence in Section 55 of the Data Protection Act?
 3 A. Yes.
 4 Q. The speech you referred to, 25 October 2007 under
 5 tab 3 -- this obviously postdates the dinner we're
 6 referring to by about six weeks.
 7 A. Yes.
 8 Q. Arguably, if you look at the second paragraph of the
 9 speech --
 10 A. What tab is that?
 11 Q. It's tab 3, page 14235.
 12 A. I think I remember what I said.
 13 Q. You're still referring there to taking into account --
 14 LORD JUSTICE LEVESON: I think it is behind tab 3 of
 15 volume 1.
 16 A. I have the wrong volume. That's a fundamental mistake.
 17 MR JAY: Confusingly, Mr Brown, although it's the second
 18 page of the speech, it bears the number 6 on the top
 19 right.
 20 LORD JUSTICE LEVESON: I think it's an extract from the
 21 speech.
 22 A. It's not the full speech. I wouldn't want to bore you
 23 with all the detail.
 24 Q. Towards the bottom you say:
 25 "But Jack Straw has asked the Information
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1 Commissioner to produce guidance in consultation with
 2 the PCC to make sure we take into account concerns about
 3 the new rules which allow for a prison sentence of up to
 4 two years."
 5 So at that point, was your thinking still that will
 6 a custodial sentence was appropriate?
 7 A. Yes, I think the issue was whether we would trigger the
 8 two-year sentence at a later stage, while leaving it in
 9 the legislation.
 10 Q. That didn't come as an idea until March of 2008 --
 11 A. Yes.
 12 Q. -- from documents we have at tab 28.
 13 A. Yes.
 14 LORD JUSTICE LEVESON: What you're saying here is that clear
 15 guidance will make sure legitimate investigative
 16 journalism is not impeded. So you're very keen to
 17 protect legitimate investigative journalism, but where
 18 that is not triggered, then there should be a sanction
 19 to protect individual privacy?
 20 A. Yes.
 21 LORD JUSTICE LEVESON: That's precisely what you're saying.
 22 A. I say:
 23 "... but the sanctions provide a strong deterrent to
 24 protect individual privacy."
 25 Yes.
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1 MR JAY: It's also noteworthy in this speech that you said,
 2 towards the top of this same page:
 3 "No case for statutory regulation of the press.
 4 Self-regulation of the press should be maintained."
 5 A. Yes.
 6 Q. In other words, the status quo is adequate. Is that
 7 correct?
 8 A. We had no mandate for that. We had never proposed that
 9 that should happen. I think Tony Blair explained in his
 10 own evidence that we had decided that this was not
 11 a priority for us, so it was not part of our mandate and
 12 therefore it was obvious that that was not what we were
 13 doing.
 14 Q. So is your evidence that you didn't respond to the
 15 lobbying of you at dinner on 10 September 2007 and
 16 modify the government's existing proposals to take into
 17 account of a powerful press view?
 18 A. I felt strongly about this myself. I'm not sure that
 19 every other minister felt as strongly as I did, but I've
 20 explained the background to my own views. So I really
 21 didn't need persuading by Mr Dacre about this. This
 22 was -- or by Mr Hinton or who else was there, I don't
 23 know.
 24 Q. But is it your evidence that you had a conversation with
 25 Mr Straw before 10 September 2007 in which your
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1 scepticism was communicated?
 2 A. I think we were having conversations quite a lot about
 3 some of these things. I mean, these are things that
 4 arise from time to time. I don't think there was any
 5 formal meeting about it, but I think we were having
 6 conversations.
 7 Q. But his evidence was along the lines that, owing to time
 8 pressures with the criminal justice and immigration
 9 bill -- it had could come in before 7 or 8 May 2008 --
 10 a rapid compromise was carved up, as it were, and that
 11 process started in March 2008. Do you recall that?
 12 A. I recall conversations with Mr Michael Wills, who was
 13 the minister, and Jack Straw, who was the minister, and
 14 I had this view that we could find a way forward and
 15 I think in the end we did.
 16 Q. We turn now to the issue of special advisers.
 17 A. Yes.
 18 Q. I'm asked to put to you a number of questions about
 19 them. Mr Campbell, in his second witness statement at
 20 paragraph 64, suggested there was a real problem with
 21 a Treasury special adviser, and by that he means
 22 Mr Whelan, who was one of your appointments. Do you
 23 agree with his analysis?
 24 A. Look, there was tittle tattle, rumour, gossip.
 25 Political advisers, there's lots of them around, they're
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1 having debates and arguments.
 2 The one thing I insisted upon – and I think this
 3 deals with this point about Mr Campbell – is our
 4 political advisers worked through the head of
 5 communications, who was a civil servant, so anything
 6 that they did in relation to the press they had to
 7 report to and through the head of the civil – the civil
 8 servant head of our communications, and that's how we
 9 dealt with these issues.
 10 Q. But were not Messrs Whelan and McBride systematic
 11 perpetrators of selective anonymous briefings, either at
 12 your instigation or with your knowledge?
 13 A. No, I wouldn't say that at all. I mean, I operated or
 14 asked them to operate under these rules, that they would
 15 work to their head of communications, who was a civil
 16 servant, and he would have to report to me if things
 17 were wrong.
 18 Q. So if they did indulge in this behaviour, that would be,
 19 by definition, without your knowledge; is that correct?
 20 A. It would be without my knowledge and without my
 21 sanction.
 22 Q. Okay, we'll come back to that.
 23 Mrs Brooks, in her witness statement, paragraph 61,
 24 states that Tony Blair and his aides were convinced that
 25 Gordon Brown and his aides had conspired together in
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1 order to force his early resignation. Do you agree with
 2 that analysis?
 3 A. I don't think that's Tony Blair's view and it's
 4 certainly not my view. This is – again, you're relying
 5 on second-hand conversations that are reported by people
 6 who are not participants in the events, so I don't take
 7 that as a serious comment about what happened.
 8 Q. But were your aides involved in using the media to force
 9 or attempt to force Mr Blair's resignation? This was in
 10 2006.
 11 A. I would hope not.
 12 Q. But were they involved?
 13 A. Well, I would hope not. I have no evidence of that.
 14 Q. Mr Blair said that he didn't know whether you,
 15 Mr Whelan, Mr McBride and Mr Balls were briefing against
 16 him in the media. Did you authorise your aides to brief
 17 against Mr Blair?
 18 A. No.
 19 Q. Do you think they may have done so without your explicit
 20 approval, even with your knowledge?
 21 A. If they did so, it was without my authorisation.
 22 Q. But it's the role of an aide or special adviser only to
 23 act with your express or implied authority; would you
 24 agree?
 25 A. No, I made it clear – I mean, I'm trying to explain why
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1 we changed the system when we went to Number 10 and why
 2 I thought it was better to have – political advisers
 3 were a new development from the 1970s onwards. You had
 4 always worked with civil servants without political
 5 advisers. You bring in political advisers and they're
 6 obviously party people with their own views about what
 7 should happen. They had to find a way of working with
 8 the Civil Service, and my insistence was that the
 9 political advisers, who were doing a job, had to work
 10 under the auspices of the Civil Service head. This is
 11 what we tried to enact in the Treasury, and this is why,
 12 when I went to Downing Street, I removed the order in
 13 council, I said that we would not have a political
 14 appointee as head of communications, I appointed
 15 a traditional – a conventional civil servant as the
 16 head of communications and then, when he retired and
 17 went back to the Treasury – and incidentally went back
 18 to perform a policy job which he now does for the new
 19 government, which is of a different political colour –
 20 I appointed the person who had been previously head of
 21 communications at Buckingham Palace, who was not, in
 22 a sense, a career civil servant, but one who was trusted
 23 absolutely for both his discretion and his propriety.
 24 So I wanted to send a message that we wanted to work
 25 within these traditional channels and political advisers
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1 were instructed to do exactly that. Now, if they
 2 failed, as happened in a terrible instance where
 3 Mr McBride had to resign, then they had to go.
 4 Q. Did you instruct your special advisers at the Treasury
 5 and at Number 10, while you were Prime Minister, to
 6 conduct off-the-record briefings with the press?
 7 A. No, but if the Civil Service head of communications was
 8 informed, then that was the way that anything would have
 9 to be done in relation to briefings. So there would
 10 have to be some communication between him and any
 11 political advisor if the press was being talked to.
 12 It's unrealistic to expect that a political adviser is
 13 never going to talk to the press. I think they had to
 14 go through the Civil Service head.
 15 Q. Lord Mandelson's book, page 461, states, describing
 16 Mr McBride as your attack dog:
 17 "... had developed a reputation for briefing against
 18 anyone who was perceived to threaten his boss'
 19 interests, not only the Tory opposition but those of the
 20 Blairite persuasion."
 21 Is Lord Mandelson correct or incorrect about that?
 22 A. This is what I mean about tittle-tattle. You know, you
 23 have gossip, rumour, innuendo. You have people saying
 24 something about someone else. I don't know the truth of
 25 all these things, but what I can say is that the people
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<p>1 that worked for me were under specific guidance about 2 what they had to do, and I think that's an important 3 point in this. Were the rules there? And there were 4 rules. Were they observed? In one very bad case, they 5 were not observed and the person had to go.</p> <p>6 Q. He also notes a conversation he says he had with you in 7 October 2008, when you invited him back into government, 8 when he specifically raised the issue of Damian McBride 9 with you and reached what he thought was a clear 10 understanding that he would be transferred to the 11 Cabinet Office as a stepping stone to departing 12 altogether. Is Lord Mandelson's recollection correct 13 about that or not?</p> <p>14 A. I think Peter was -- did not like Mr McBride. I don't 15 think there's any doubt about that from -- this is the 16 first time I've read this, by the way. This appears to 17 be in his memoirs.</p> <p>18 But I can't remember -- Mr McBride was pushed back 19 from a front line role and he was given a new role, but 20 unfortunately in this new role he made a very bad 21 mistake and he had to go. That's, I think, what 22 happened. He wasn't doing his original role; he'd been 23 pushed back to another role. I don't think it was in 24 the Cabinet Office, I think it was still at Number 10, 25 but he had to go.</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. You were also warned by Ed Miliband and Douglas 2 Alexander about Mr McBride?</p> <p>3 A. When I say there was a general view, I'm not excluding 4 the fact that one or two people might have talked about 5 it to me, but the fact is he was moved from his original 6 role and he was moved back and then we had this incident 7 where he had to go.</p> <p>8 I may say that Mr McBride was a career civil 9 servant. He had worked his way up through Customs and 10 Excise and the Treasury. He only became a political 11 adviser in 2005. He was originally a fast-track civil 12 servant.</p> <p>13 Q. There's also evidence that Jacqui Smith warned you about 14 him as well. Do you remember that?</p> <p>15 A. Oh, I can't remember all these things.</p> <p>16 Q. It sounds as if a lot of peopling warning you about 17 Mr McBride, but did you heed their warnings?</p> <p>18 A. What is material to this, I suspect, is you're wanting 19 to understand what the relationship between political 20 advisers and ministers is and how it worked itself 21 through. I can only say this: that I was aware that we 22 had to move Mr McBride from his original role to a new 23 role. He had been moved into that new role and then we 24 had this incident and he had to go. That's how it 25 worked.</p> <p style="text-align: center;">Page 91</p>
<p>1 Q. But I'm back on October 2008 and I was just wondering 2 whether you agree or disagree with Lord Mandelson's 3 recollection in his memoirs of what he says --</p> <p>4 A. I don't think there's any doubt that Mr Mandelson didn't 5 want Mr McBride, but I don't think there was any talk 6 about Cabinet Office. I think we probably talked about 7 how Mr McBride was moving back from what you might call 8 the front line and he had a different role, but in the 9 end it was only a few months later that he had to go.</p> <p>10 Q. Did either or both of Gus O'Donnell and Jeremy Hayward 11 warn you specifically about Mr McBride?</p> <p>12 A. I don't remember in specific documentation or letters. 13 They may have said something in conversations.</p> <p>14 Q. But did they, in the course of conversation, warn you 15 about Mr McBride?</p> <p>16 A. I don't know whether you're talking about what happened 17 in the leaking of these emails. They certainly would 18 have talked to me about that when it happened, but I was 19 very clearly of my own mind that he had to go.</p> <p>20 Q. No, I'm talking about an earlier warning --</p> <p>21 A. I don't recall other conversations. Perhaps you have 22 better information from these people than I have, but 23 I don't recall any conversations about that. There was 24 a general view that some of them had that Mr McBride had 25 to change his role.</p> <p style="text-align: center;">Page 90</p>	<p>1 Q. Did you instruct Mr Whelan to brief specifically against 2 Mr Darling when he was Chancellor of the Exchequer?</p> <p>3 A. Not at all. Not under any circumstances.</p> <p>4 Q. You've seen the extract from Mr Darling's memoirs called 5 "Back from the Brink", in which he's convinced that you 6 did. Are you aware of that?</p> <p>7 A. Yes, but I didn't. I think this issue about "Back from 8 the Brink", which again, I only read for the first time 9 yesterday, this extract, is about an interview that 10 Alastair gave to the Guardian, and I think the issue was 11 he had been quoted as saying that he thought this was 12 the worst crisis for the British economy for 60 years, 13 when actually what he wanted to say or had said was that 14 this was the worst global crisis for 60 years, and he 15 told me that he wanted to go out and tell the media that 16 that was the case. I mean, that's the incident. 17 I don't think there was any disagreement about the 18 interpretation.</p> <p>19 Q. Do you remember a conversation that you had with 20 Mr Darling, which is noted in his book at page 108, 21 where he told you specifically that he knew where the 22 anonymous briefings were coming from and that they had 23 to stop?</p> <p>24 A. I don't know. There may have been a conversation like 25 that. I -- you know, this conversation within</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

1 government, everybody worries about who is saying what
 2 about whom and so on and so forth. The one thing I can
 3 say to you, which is absolutely clear -- and I'm not
 4 sure how relevant this is to your conclusions, but the
 5 one thing I can say to you definitely is that nobody in
 6 my position would have instructed any briefing against
 7 a senior minister, and Alastair Darling was a friend of
 8 mine as well as a colleague.

9 Q. There's reference as well -- it's not clear that these
 10 were the words he uttered to you -- to Henry II's
 11 utterings about Thomas Becket: "Will no one rid me of
 12 this meddlesome priest?"

13 Then he says:
 14 "He didn't order his knights to go and kill Becket
 15 but they believed that they had his blessing to do so."
 16 Is that near the mark or not?

17 A. These sound very dramatic comments. No, they're not
 18 near the mark at all. Quite wrong and quite the
 19 opposite of what actually happened.

20 I think, if I may say, on the incident that you're
 21 referring to, there was an interview given to the
 22 Guardian and it was about the economic crisis and
 23 Alastair was sure that he'd talked about the global
 24 economic crisis and the Guardian had reported it as
 25 being about the British economic crisis, and of course

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1 the distinction was important but there was no tape of
 2 the interview, the Treasury had no tape of the
 3 interview, and that was the source of the problem, that
 4 we couldn't get to the bottom of it because the Treasury
 5 had not taken a tape, and I think that was the source of
 6 the issue.

7 Q. I've also shown you a letter from Sir John Major, who of
 8 course is giving evidence tomorrow. It's dated 30 June
 9 2008. He will, of course, give evidence about it but it
 10 relates to the withdrawal of the Mugabe knighthood. He
 11 makes the specific allegation that you briefed or you
 12 instructed either Mr Whelan or Mr McBride -- he isn't
 13 named specifically -- to brief against Sir John Major.
 14 Is that correct or not?

15 A. Mr Whelan was not, working for us at that time at all,
 16 and Mr McBride -- I don't know which year you're
 17 referring to.

18 Q. This was June 2008.

19 A. This was before he had gone. I don't know anything
 20 about this, because I don't think, despite the fact that
 21 my name is mentioned in this letter, Gus O'Donnell and
 22 I talked about this in any detail, and I don't really
 23 know much about this incident. I mean, I know that
 24 Mugabe lost his knighthood. I doubt that when
 25 Sir Fred Goodwin lost his knighthood, I was the person

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1 who was blamed for giving him it. These things happen
 2 in politics. People say things and do things and the
 3 press says things. I don't recall anything about this
 4 at all and I've never sort of been involved in
 5 a briefing operation against John Major.

6 Q. Is the position this, Mr Brown: that a sort of mythology
 7 has built up around these special advisers, described in
 8 certain quarters as paranoid attack dogs, or whatever,
 9 but there's no evidential basis for it? Or is it the
 10 position that if they did act in this way, it was
 11 without your authority and instructions?

12 A. Look, you have special advisers. They're part of the
 13 government machine now. They're a new innovation. They
 14 have a role to play in defending the minister and
 15 defending the policy. You have competition between
 16 special advisers in different departments because that's
 17 the nature of politics. You have competition,
 18 unfortunately, between ministers and departments, and
 19 that's the nature of politics. The question is what you
 20 read into this, as whether there's an abuse of the
 21 constitution.

22 I asked my political advisers to operate under very
 23 distinct rules, and I actually had tougher rules than
 24 was the general rule that was applied to political
 25 advisers. After Mr McBride left, we toughened up the

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1 rules even more about the use of equipment and
 2 everything for personal purposes, and I was determined
 3 that we could integrate the political advisers into the
 4 Civil Service system.

5 If it didn't work on occasion and if people behaved
 6 badly on occasion, then that is not because there were
 7 not rules that were there and instructions that were
 8 given by me that should be followed, but I think we now
 9 know enough about the nature of politics to know that
 10 there's rumour, there's gossip, there's innuendo,
 11 there's gossip and so on and so forth.

12 The question is what you conclude from this. My
 13 conclusion is that you need tough rules that people have
 14 to follow, and if people don't obey the rules, then then
 15 have to go. I'm not sure if gives us a general insight
 16 into the way the media was behaving.

17 Q. Well, the focus of this Inquiry is rightly, under its
 18 terms of reference, the culture, practices and ethics of
 19 the press.

20 A. Yes.

21 Q. But we're also looking at the conduct of each and
 22 therefore the culture of the political class.

23 A. Yes.

24 Q. Are there any lessons to be learnt at all, if one looks
 25 at the period 1997 to 2010, which is a 13-year period,

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1 as to the culture of the political class?
 2 A. Yes. As I said right at the beginning – and I don't
 3 know if you picked me up in the way that I might have
 4 expected. I said that we should have changed the lobby
 5 system and changed the system where people relied on
 6 exclusive briefings and had a far more open and
 7 transparent system of addressing the country through the
 8 press than we have even today, and I obviously have to
 9 take some responsibility for this. My only defence in
 10 this is that I tried after 2007 to change the rules.
 11 We actually have a consultation, by the way –
 12 I didn't mention this – about the future of the lobby,
 13 which Simon Lewis, who is a very honourable man, led,
 14 but we could find no consensus amongst the media about
 15 what could be done, and of course it was getting very
 16 near a General Election. But I would have preferred to
 17 have open briefings that were given by ministers to
 18 inform the press day by day. I'd looked at the White
 19 House system, I'd looked at other systems.
 20 So yes, there needed to be more openness. We
 21 inherited a system that was based on, if you like,
 22 exclusivity. It was also based on insiders winning over
 23 outsiders, so a lot of people were excluded from that
 24 system. The political advisers ought to and had to work
 25 under specific guidance and I believe they should have

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1 worked under Civil Service leadership and we changed
 2 that when we went into Number 10 as well. So these are
 3 the lessons I learned about what some people call the
 4 spin culture.
 5 I come back to the point that it assumes a great
 6 deal of success in dealings with the media that I don't
 7 feel that I had. You know, in the 1970s, when I was
 8 a student, I read once that it was said the Shah of
 9 Persia, when he was still the Shah of Iran, had the
 10 worst press relations in the business and a British
 11 politician had raised an objection because his were
 12 somewhat worse than that, and I felt that if that had
 13 been said in the 1990s and up to 2010, I would have
 14 raised that objection.
 15 I did not have, unfortunately, good relations with
 16 the press, and I used to say myself about spinning –
 17 when people said, you know: "You guys are got good at
 18 getting your message across", I used to quote Shelley
 19 when Shelley was talking about a relative of his. He
 20 said he had lost the art of communication but not, alas,
 21 the gift of speech. I felt that I had got myself into a
 22 position like that before I finished office.
 23 Q. Did you, incidentally, issue any guidelines to your
 24 special advisers, either at the Treasury or at
 25 Number 10, or were they just left to get on with it?

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1 A. The guidelines were, as I said, that they had to go
 2 through the official head of communications, who was
 3 a civil servant, and this is an issue that will have to
 4 be resolved at some stage because we've had political
 5 appointees as press offices and you cannot say that it's
 6 worked in its entirety. We've had civil servant
 7 appointees and it hasn't been wholly satisfactory
 8 because of what the press expects of the head of
 9 communications. I don't think we have an answer yet to
 10 what is a real problem about how you deal with the press
 11 on a day-to-day basis, but I would prefer a more open
 12 system, and I think that we will get to that at some
 13 point, and if your Inquiry, sir, can take us further on
 14 these roads and call for greater openness and
 15 transparency, I would welcome that.
 16 LORD JUSTICE LEVESON: Have you thought about how that might
 17 manifest itself?
 18 A. I would have thought that you move away from the daily
 19 briefings that is to what's called the lobby – this
 20 will be very unpopular with people who are now in the
 21 gallery listening to me, some of whom are in the
 22 lobby – that you would have someone who was briefing
 23 with the television cameras there, so it would be
 24 completely open. You would have to allow in press that
 25 are not part of the lobby system at the moment – and

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1 that includes, of course, the new Internet media that is
 2 developing – and I think the Civil Service and the
 3 politicians have to work out a better relationship so –
 4 the danger is you have a Civil Service head that people
 5 think does not speak to behalf of the Prime Minister or
 6 the minister because he's not close enough, but the
 7 danger is you have an overpoliticised head who looks as
 8 if he or she is pushing the Civil Service in
 9 a particular direction.
 10 So I think you have this dilemma about how you
 11 organise the management of information, but I think the
 12 openness of it is much to be welcomed, and as I say to
 13 you, we did try to return to a situation where when you
 14 made an announcement in the House of Commons it was new
 15 information, and we did try to return to a situation
 16 where you made a speech and you were giving the
 17 information for the first time. But I'm afraid that the
 18 way things worked, these things were not reported. They
 19 were not seen as news in this highly competitive
 20 business in the media unless someone either had an
 21 exclusive or a group of people had an exclusive to these
 22 stories and felt that that was something that was news.
 23 So this competition between the different media
 24 outlets is intensifying, obviously. 24-hour news is
 25 a reality. Newspapers are in danger of being left

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<p>1 behind because they publish at a certain time, whereas 2 the Internet is going all the time, and this will only 3 intensify. Therefore I think more openness is an 4 essential element of it, but of course the 5 trustworthiness of participants is important to this as 6 well.</p> <p>7 MR JAY: May I just touch on Mr Watson now, a different 8 topic.</p> <p>9 A. Yes.</p> <p>10 Q. You address this at page 16 of your statement, our 11 page 14222. Can I just be clear what your evidence is 12 about this. You say that you can recall telling 13 Mr Watson that the government had been under pressure 14 from News International to sack him. Are we, back here, 15 in 2006 in relation to the plot to dethrone Mr Blair, or 16 are we --</p> <p>17 A. I think we're talking about a conversation that you've 18 asked me about that Mr Watson had with me in 2010 19 Mr Watson has phoned me up and he's asking me what's 20 happening, and I remind him of what happened in the 21 past. I'm not giving him new information, as far as I'm 22 concerned, about something that happened in the last 23 week. I'm telling him: "Look, you know when you were in 24 government that News International had editorials, that 25 they wanted you sacked, but you also know" -- and I did</p> <p style="text-align: center;">Page 101</p>	<p>1 News International had made it clear that they wanted-- 2 they didn't like him, of course, and I think they had 3 editorials saying that Tom Watson had to go. I can't 4 remember the detail of this.</p> <p>5 Q. Can you remember what the text says or is it still 6 available?</p> <p>7 A. Well, they're not my texts. They're my wife's texts. 8 I think you would have to ask her --</p> <p>9 Q. She might have communicated this to you.</p> <p>10 A. -- if you thought it was important. I think it 11 communicated, if I'm right -- and this is all 12 I remember, and I haven't asked for a text to be 13 disclosed but it's your right to ask for them if you 14 need them -- but I think it communicated a feeling about 15 Mr Watson and that was it.</p> <p>16 Q. I don't think the issue is so important we're going to 17 ask to see the text. Anyway, it's on your wife's phone. 18 I have been asked to put to you this other question 19 in relation to Mr Watson. In 2006, the media reported 20 that he visited you at your house in Scotland before his 21 resignation. Did you discuss any political matters at 22 all with Mr Watson on that occasion?</p> <p>23 A. No. Our baby had just been born. He was bringing 24 a present for our baby with his wife and his family, and 25 we were talking about children. I mean, if I had known</p> <p style="text-align: center;">Page 103</p>
<p>1 say that Mrs Brooks had made her feelings about 2 Mr Watson pretty well-known to my wife. That's all the 3 new information I think I brought to this.</p> <p>4 Q. Yes. There may be a misunderstanding. That's why I was 5 trying to tease this out. Did the text message you 6 refer to relate to earlier events or did it relate to 7 phone hacking? Can you remember?</p> <p>8 A. No, this was -- look, News International had taken the 9 view that Tom Watson was to be held culpable for 10 anything that had happened in 2006, I think, and this 11 was still the line that they wanted to pursue.</p> <p>12 I don't want to get involved in this because I don't 13 understand everything that happened. There was a legal 14 case taken about defamation by Mr Watson and for all 15 I know, there are still proceedings -- I don't know, but 16 there was an animosity between News International and 17 Mr Watson, and I was merely reporting to him, when he 18 asked me about these things, that I was well aware that 19 News International had wanted to get rid of him when he 20 was a minister.</p> <p>21 Q. This was because of alleged machinations against 22 Mr Blair, not because of his persistent pursuit of the 23 phone hacking issue; was that correct?</p> <p>24 A. But you are putting words into News International's 25 mouth. I don't know. All I reported to him was that</p> <p style="text-align: center;">Page 102</p>	<p>1 that he was planning any political initiative, I would 2 have told him not to do it, but I knew nothing about it.</p> <p>3 Q. And the follow-up question was: did you discuss 4 Mr Watson's subsequently published round-robin letter 5 calling for Mr Blair's resignation --</p> <p>6 A. I think I've already answered that. If I'd known that 7 he was planning anything like that, I would have told 8 him to desist from this. This was a bad mistake, it was 9 a wrong thing to do, and I told him so once I found out 10 about it, but I didn't find out about it from 11 a conversation with him.</p> <p>12 Q. So your evidence is this was entirely a social call to 13 deliver a present for your baby; is that right?</p> <p>14 A. Entirely, because he had his family with him and they 15 were talking to Sarah and they were talking about -- we 16 were all talking about our children.</p> <p>17 Q. Mr Brown, you called for a judicial inquiry in September 18 2010, in the sense that I think you wrote a letter to 19 Lord O'Donnell. We have it at tab 35.</p> <p>20 A. Yes, I remember.</p> <p>21 Q. Sorry, he was Sir Gus then. Obviously, the context was, 22 although you don't refer to it, the piece in the 23 New York Times which was published on 1 September 2010; 24 is that correct?</p> <p>25 A. Yes, and the report that was being done by the culture</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

1 and media committee. That was the prompting for --
 2 asking whether something had to be done.
 3 Look, we did not know about -- as I said in my
 4 speech in the House of Commons about this matter, we did
 5 not know about the extent of this phone hacking, and it
 6 only gradually became known to me that it could be
 7 considerably more than what had been reported and that
 8 this rogue hacker or rogue reporter was not a proper
 9 defence, but as the information became available and as
 10 I realised that this was a bigger issue than people had
 11 imagined, it seemed to me we had to look at what needed
 12 to be done.
 13 Now, the Home Secretary had looked at whether the
 14 police investigation should be extended to -- or be
 15 carried out by another body. I had to look, given that
 16 there was some media speculation at this time that there
 17 was a case for a public inquiry, as to whether there was
 18 a case for a judicial inquiry.
 19 Unfortunately, when I asked Sir Gus O'Donnell to
 20 look at this, he did not look at other evidence than
 21 simply the report of the Culture Select Committee --
 22 I think that probably was an unfortunate decision -- and
 23 therefore we had a report back that basically reflected
 24 the minimum amount of information that was available to
 25 the Select Committee and said nothing about any further

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1 information that was actually known within government at
 2 the time, including the Home Secretary's examination of
 3 this on his own bat.
 4 Q. To be fair to Sir Gus, the letter he wrote back to you
 5 on 10 September 2010 simply stated that the issue is now
 6 under review by the Metropolitan Police and also subject
 7 to an inquiry by the standards and prejudicial
 8 committee.
 9 A. You're talking about the second letter. My first
 10 request to him was before we left office.
 11 Q. Yes.
 12 A. And that was a request that he answer with a memo that
 13 I think you now have about the various pros and cons of
 14 taking action. It's at that point that I think we might
 15 have looked at the other evidence available within
 16 government and that's the point I'm making.
 17 When I wrote to him in September 2010, it was
 18 because further knowledge was available and that is the
 19 New York Times --
 20 Q. I'm focusing on the September 2010 issue because, as you
 21 rightly say, we've looked carefully with Lord O'Donnell
 22 at the March 2010 consideration.
 23 Can I ask you this: we know that Mr Miliband was not
 24 elected leader of the opposition until I think
 25 25 September 2010. Did you discuss these issues with

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1 him at any stage, either before or after his election?
 2 A. This letter was independently done by me. I didn't
 3 consult anybody before I sent that letter.
 4 Q. No, I'm not suggesting that you needed to consult.
 5 A. Yes.
 6 Q. Did you discuss your concerns about the issue with
 7 Mr Miliband?
 8 A. I had expressed my concern to a number of people about
 9 what was happening, but I can't remember a specific
 10 conversation with Mr Miliband. Perhaps there was one,
 11 perhaps there wasn't. I did raise it with Mr Clegg,
 12 I remember, at one point.
 13 Q. Okay. Now may we look to the future, Mr Brown, and
 14 recommendations.
 15 A. Yes.
 16 Q. We know what you said in 2007 and we've seen that
 17 speech, the extracts of which you've kindly provided us
 18 with. In your witness statement, at page 14212, you set
 19 out some ideas for the future.
 20 A. Yes.
 21 Q. On the internal numbering, it's page 6, which we've
 22 carefully considered but can I just pick up some themes
 23 on where we are.
 24 Statutory backstop. Could you elaborate on that and
 25 differentiate between that and state regulation of the

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1 press?
 2 A. Can I just say, by way of introduction to this section,
 3 that I would make a distinction between two roles that
 4 this Inquiry might have, and indeed the way that further
 5 self-regulation or regulation may go. I think there is
 6 the issue of dealing with wrongs that have to be
 7 righted, redressed for individuals who have a complaint
 8 to make, and I've said, I think, pretty clearly in my
 9 evidence that I don't think the present system, much as
 10 it may be the better part of the complaint commission,
 11 the dealing with complaints is satisfactory.
 12 The second aspect, however, that I would urge you to
 13 look at is not just how we can deter the bad, but how
 14 far we can incentivise the good. If I'm right, there is
 15 a problem developing in this but also in every advanced
 16 country in the world about the quality of journalism and
 17 the commercial basis on which it can proceed, and if, in
 18 the 19th century, you had big proprietors and if, in the
 19 20th century, you had advertising that managed to
 20 finance quality journalism, there is a big issue now
 21 about what can incentivise or give support to quality
 22 journalism in the future.
 23 So I would just want to make, by way of
 24 introduction, if you're dealing with this, that yes, we
 25 can look at a better complaints system -- and you have,

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1 sir, put on the website I think very, very good
 2 guidelines for how we might proceed in sorting that
 3 issue out, and I believe there will be all-party support
 4 for doing so, and I know that that is important to you,
 5 that there is all-party support – but I think we have
 6 to look at a second issue, about the quality and
 7 standards of journalism and how that can be improved,
 8 and what we can do to help good journalists actually be
 9 able to survive, based on their ability to sell their
 10 content across the media and not just across newspapers.
 11 That may demand quite radical thinking about how we
 12 incentivise this for the future, including what happens
 13 to the BBC licence fee, what happens to spectrum
 14 auctions and the fees that come from that, and I think
 15 these are all issues. There is going to be a real
 16 problem in the next 20 years about how quality
 17 journalism can flourish.

18 LORD JUSTICE LEVESON: Yes. When you made that comment at
 19 the very beginning of your evidence, I wrote in the
 20 margin: "How?" If you can answer that question, even
 21 with some ideas, I will be very interested to hear them.

22 A. I have tried to give some thought to this. When the BBC
 23 was set up in the 1920s and then developed its licence
 24 fee system in the 1940s, it was clear that there was
 25 a market failure. In other words, the finance that was

1 available for supporting quality broadcast journalism
 2 and quality content was simply not there. There was
 3 a market failure. So it had to be dealt with. Despite
 4 what James Murdoch says in his MacTaggart lecture, it
 5 had to be dealt with by taking action, and the action
 6 which was chosen, which was popular for at least some
 7 time, was the creation of the licence fee. And the
 8 licence fee was to support quality journalism, and of
 9 course, the argument in favour of it was that there were
 10 great extra novelties, if you are an economist – there
 11 were great benefits from high quality journalism, from
 12 the educational effect of that, from getting trusted
 13 information, and that there was a public good to be
 14 supported that the market itself would not necessarily
 15 support in broadcasting. Then, of course, there were
 16 further benefits, because once you put it on
 17 a broadcaster network, the marginal cost of delivering
 18 it to millions of people as against thousands of people
 19 was minimal.

20 Now, some of these arguments, in my view, now apply
 21 to the Internet. There is a problem about the lack of
 22 quality journalism. Most internal journalism has not
 23 got the resources to be as, if you like, persuasive or
 24 to be as trusted information as you would like it to be.
 25 There is a problem now developing in the newspapers

1 because their advertising model has collapsed,
 2 basically, and therefore they're finding it more and
 3 more difficult. I mean, every week, I see a local
 4 newspaper going under.

5 So we have a problem about how we finance quality
 6 journalism for the future and there are journalists who
 7 are sitting here today who are in employment today, but
 8 I think the quality journalism that we need and that
 9 they represent for the future will have to find new ways
 10 of financing it.

11 Is the BBC model of any use to us? I think we ought
 12 to look at that. It certainly deals with this issue
 13 that there is a public good that the market cannot
 14 supply, and it certainly deals with the issue about how
 15 you might apply this to the Internet, as well as to
 16 broadcasting, because there is a zero cost in getting to
 17 millions of people once you get to the first thousand of
 18 people, and I would think that if we are genuine in
 19 trying to root out the bad but also trying to encourage
 20 the good, I think we to have to say something about how
 21 quality journalism in this country can be financed,
 22 supported and really sponsored in the future.

23 This is a problem which is even greater in America,
 24 and there's a huge debate now in America about how
 25 quality journalism can survive, and there's some very

1 good people joining that debate, but all I'm saying,
 2 sir, if you forgive me for doing so, is that you can
 3 deal with this issue about what I think was a terrible
 4 injustice done to the Dowler family, innocent people who
 5 had their rights trampled over, and we need to have
 6 a complaints system that deals with that and we need to
 7 have proper penalties and proper fines for dealing with
 8 that, but we also have to look at how we not just
 9 discourage the bad but encourage the good. And that's
 10 not making a judgment about what's good and bad in
 11 journalism; it's making a judgment that you will need
 12 trained journalist and you will need medias like the
 13 internet to be able to support that in future.

14 LORD JUSTICE LEVESON: But one needn't just look at the
 15 journalism of the national newspapers. You've
 16 commented -- and indeed it's been the subject of
 17 evidence -- that local journalism is very much suffering
 18 from the lack of advertising --

19 A. Absolutely.

20 LORD JUSTICE LEVESON: -- and the consequence is that local
 21 issues therefore aren't reported as once they were, and
 22 as more newspapers find it difficult to survive, the
 23 loss of local information will be a very serious blow to
 24 the development of local politics, the development of
 25 holding local health boards, local countries to

1 account --
 2 A. Absolutely.
 3 LORD JUSTICE LEVESON: -- because nobody else will report
 4 it.
 5 A. This is why I defend the freedom of the press and the
 6 right of the press to have the powers that they have,
 7 because without shining the light on potential
 8 corruption or maladministration or the abuse of power --
 9 and that's true at a local level as well as at
 10 a national level -- people get away with doing things in
 11 an unaccountable manner that are completely
 12 unacceptable, and that's why you need a local press.
 13 I mean, there was a study done in America about what
 14 happened to a town where they were faced with -- I think
 15 it was a flooding or something, and because there was no
 16 local journalism in place and because the information
 17 could not flow properly, then citizens were being
 18 deprived of the means by which they could deal with this
 19 particular difficulty. This will continue to happen.
 20 LORD JUSTICE LEVESON: At least one of the witnesses who has
 21 given evidence has brought my attention to the
 22 development of the concept of free local authority
 23 newspapers, which then deprive the independent
 24 journalists of an opportunity to investigate their
 25 product.

1 that's a good thing -- when you don't have the research
 2 that is being done and the investigation that is being
 3 done to bring quality journalism.
 4 My point to you is that we can deal with the issue
 5 of complaints, and I think you have got excellent
 6 suggestions and I do applaud what you are trying to move
 7 to there, and I would emphasise, when I talk about the
 8 Press Complaints Commission, that without an
 9 investigative arm, it cannot be successful. The one
 10 thing you go to the Press Complaints Commission to get
 11 is a judgment on whether something is accurate or not,
 12 and when they reply to you, they say, "We cannot make
 13 a judgment on the accuracy of these statements", and
 14 therefore the one thing you ask them for, they cannot do
 15 because they have no investigative arm.
 16 That's one thing, but encouraging quality journalism
 17 is, I think, something that I hope that in your next set
 18 of evidence you might be able to consider.
 19 LORD JUSTICE LEVESON: I'll take that point very, very much
 20 on board.
 21 A. I may say I think there's quite a lot to learn from
 22 America, where this is a live debate.
 23 Sorry, I moved from the initial point of your
 24 question about self-regulation.
 25 MR JAY: Not at all. Mr Brown, the Prime Minister, as you

1 A. As you know, there's a debate about whether the BBC
 2 should be in local radio, whether it should simply be
 3 commercial radio, and how the integration of local
 4 newspapers with local broadcasting, with local
 5 television and local radio should happen.
 6 It's clear to me, however, that without some
 7 underpinning -- and it may be financial -- then there is
 8 a market failure here. There is not enough resources
 9 now to support the quality journalism that you are
 10 talking about. My own local newspaper has just had its
 11 editorial staff merged with the next door newspaper.
 12 They're running down the numbers of staff that are
 13 providing this local service and I think you would find
 14 this in every part of the country that you go into, and
 15 more than that, you're finding it all across the world
 16 now, because an internet journalist, who is someone
 17 who's sort of doing their own, if you like,
 18 self-journalism, can put their views up on a screen and
 19 put their views across the world, but if they're not
 20 resourced and they're not doing proper research and
 21 there's no investigative journalism, then we're
 22 diminishing the quality of the output that is available
 23 to us.
 24 So it's not a strict answer to this problem that
 25 there's more people communicating on the internet --

1 know, has said that the relationship between press and
 2 politicians needs to be reset. What, if anything, would
 3 you recommend in that regard?
 4 A. There has to be greater openness and transparency, as
 5 I've said, and I just repeat that.
 6 I don't think -- I do want to answer you previous
 7 question about regulation because I think it's
 8 important. I've never been one -- and this may sound
 9 surprising to people. Despite my discomfort with the
 10 press, I've never been one that has favoured heavy
 11 regulation or even regulation of the press. I've always
 12 looked for solutions that would avoid the idea that
 13 there was some form of interference in the press by
 14 politicians and I've always been very careful when we've
 15 talked about the BBC to make sure that we safeguard the
 16 independence of the BBC. So I start from this -- I said
 17 before it was a religious upbringing but the idea that
 18 people should be able to speak truth to power and the
 19 idea that the individual conscience is respected, free
 20 from state power, is very important to me.
 21 Now, what do you do in circumstances where you have
 22 a recalcitrant newspaper which will not join the Press
 23 Complaints Commission? This is a problem which I know,
 24 sir, you face. What do you do in circumstances where
 25 you have a Press Complaints Commission that actually is

<p>1 not able to deal and has proved itself unable to deal 2 with these big issues? 3 In Ireland and Australia and New Zealand, they have 4 found a way to do – I think in one case they call it 5 statutory underpinning, is recognised in legislation but 6 not – 7 LORD JUSTICE LEVESON: That's the Irish method. 8 A. – not decreed by legislation, so I think there is a way 9 but I think we have less to fear from the proposals that 10 you're talking about, about a statutory underpinning, 11 than people think, and certainly if there are 12 recalcitrant members of the press who are not prepared 13 to join, I think your case is strengthened. 14 But I share your views that this has to be 15 independent of the politicians, it has to be independent 16 of – but it also has to be independent of the newspaper 17 editors. It has to be independent of both and it has to 18 be genuinely looked to and trusted as a source of fair 19 and balanced investigations and judgments. 20 MR JAY: Mr Brown, those are all the questions I had. 21 LORD JUSTICE LEVESON: Mr Brown, thank you very much. It's 22 all very easy to say; rather more difficult to seek to 23 achieve it, but thank you very much indeed for your 24 assistance. 25 A. I don't envy your job, but I know you're doing a great Page 117</p>	<p>1 what's coming, I don't think this is going to take you 2 by surprise. 3 A. I don't know what's coming but I'm happy to take the 4 question. 5 Questions by MR DAVIES 6 Q. Mr Brown, my name is Rhodri Davies. I appear for News 7 International. 8 A. Yes, I understood that. 9 Q. I think you're probably familiar with this. It's behind 10 tab 8 of your bundle. If you'd like to go to it, 11 it's ... 12 A. Tab 8 of my bundle? 13 Q. Yes. 14 A. The new bundle or the old one? 15 Q. That's a transcript of the evidence that Lord Mandelson 16 gave. 17 A. What day is it referring to, please? 18 Q. It's 21 May. 19 A. What day? 20 Q. Day 74. 21 A. No, what day is Mr Mandelson referring to? He was 22 referring to a call that took place when? 23 Q. He was. He was asked about whether or not there was 24 a call between you and Mr Murdoch shortly after the Sun 25 had announced that it was no longer going to support the Page 119</p>
<p>1 job. 2 LORD JUSTICE LEVESON: Thank you. 3 Oh, one moment, Mr Brown. Yes? 4 MR DAVIES: It relates, I'm afraid, to the disputed call 5 between Mr Brown and Mr Murdoch. 6 LORD JUSTICE LEVESON: Yes? 7 MR DAVIES: The position is you may recall that 8 Lord Mandelson gave some evidence about that. Mr Brown 9 hasn't addressed that and I think he ought to be given 10 the opportunity to deal with it, or at least, we would 11 like to know what he says about it. 12 LORD JUSTICE LEVESON: Do you want to put what 13 Lord Mandelson said? Do you have it to hand? 14 MR DAVIES: Yes, I have. 15 LORD JUSTICE LEVESON: Then by all means, let Mr Brown 16 respond. 17 A. Anybody else who wants to put questions as well, I don't 18 know. 19 LORD JUSTICE LEVESON: No, no. The position is, Mr Brown, 20 that the system permits core participants to put 21 questions through counsel and Mr Jay, I think, several 22 times has said, "I've been asked to ask this question", 23 and that's how he's done it, but if he declines to put 24 a question, then the core participants are entitled to 25 ask me for permission to ask the question. As I know Page 118</p>	<p>1 Labour Party on 30 September 2009, I think it was. 2 A. Mm. 3 Q. This is Day 74 in the afternoon. 4 A. I find this very difficult to read because of the light 5 type here. Perhaps you can just read out the section 6 that's relevant. 7 Q. I will do that. 8 A. I'm grateful. 9 Q. The questions are from Mr Jay: 10 "Question: "The allegation is, or rather the 11 evidence was from Mr Murdoch that Mr Brown said or 12 uttered the words 'declare war on News International' or 13 words to that effect. From your own knowledge, 14 Lord Mandelson, can you assist us as to whether there 15 was such a call? 16 "Answer: Well, I wasn't on the call. I hadn't been 17 patched into the call. 18 "Question: No, of course not. 19 "Answer: I assumed that there was the call because 20 I seem to remember the Prime Minister telling me that 21 Rupert Murdoch was not at all happy with the method and 22 timing of James and Rebekah's action. 23 "Question: What did the Prime Minister tell you, 24 Lord Mandelson, about the call? Did he communicate to 25 you that's what he told Mr Murdoch? Page 120</p>

30 (Pages 117 to 120)

1 "Answer: No, he didn't say that. He told me what
 2 Mr Murdoch had said to him.
 3 "Question: So there was nothing about what Mr Brown
 4 said to Mr Murdoch; is that your evidence?
 5 "Answer: Yes, it is. I cannot remember being told
 6 by Mr Brown what he said, and I have no way of knowing,
 7 but I know – but I know what he said to me about
 8 Rupert Murdoch's reaction, which was to say, basically:
 9 'I don't like how it's been done and I think it's a bad
 10 day to do it and I wouldn't have done it this way
 11 myself, but that's life and we have to get on with it.'
 12 "Question: Mr Murdoch's reaction to what, though,
 13 Lord Mandelson?
 14 "Answer: The decision of the Sun to switch support
 15 from New Labour to the Conservative Party, which he has
 16 said, if I recall correctly, was James and Rebekah's
 17 decision, not the editor's, incidentally."
 18 **A. First of all, there was only one call with Mr Murdoch,**
 19 **and it was on November 10, and that was a call that was**
 20 **related to Afghanistan and you have five letters that**
 21 **are affidavits from people who were on that call – four**
 22 **of them on that call, one of whom had to report to**
 23 **the press what happened afterwards – and they make it**
 24 **absolutely clear that that call was about Afghanistan.**
 25 **Whatever you're reading out, and whether you are**
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1 he said that you had in the evidence I've just read to
 2 you?
 3 **A. I don't remember a conversation with Mr Mandelson about**
 4 **this specifically, but if a conversation took place, it**
 5 **would have been about a call on November 10, and it was**
 6 **nothing to do with the support of the Conservative**
 7 **Party; it was about support for Afghanistan. There was**
 8 **no call on September 30. You're allowing me the chance**
 9 **to make this absolutely clear, and News International**
 10 **have produced not one shred of evidence that a call took**
 11 **place, not one date for the call or time for the call.**
 12 **You're not able to tell us what happened, except you**
 13 **have these statements from Mr Murdoch that this**
 14 **happened, and I do find it very strange that we're being**
 15 **asked to debate a call that never took place, for which**
 16 **you have no information about when it took place and**
 17 **where Mr Murdoch was at the time and who was also on the**
 18 **call.**
 19 MR DAVIES: Thank you very much, Mr Brown.
 20 LORD JUSTICE LEVESON: Thank you. Thank you.
 21 Mr Brown, thank you very much indeed.
 22 (1.09 pm)
 23 (The luncheon adjournment)
 24
 25
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1 referring to that call I don't know, but the November 10
 2 call is the only call I had in a year with Mr Murdoch.
 3 I don't know if you're in a position to confirm that
 4 that is the case on behalf of News International or not.
 5 As for what happened on September 30, when the
 6 Conservative Party was given the imprimatur, if you
 7 like, of the Sun, there was no call. There was no
 8 discussion, there was no text, there was no conversation
 9 with Mr Murdoch at all, and I don't know how – I notice
 10 that questions have come in from core participants, and
 11 the suggestion is that somehow there was a mobile call
 12 that hasn't been registered in Downing Street. I really
 13 think News International is doing itself a great deal of
 14 harm by trying to suggest that a telephone call took
 15 place which never happened, and trying to suggest that
 16 comments were made on that call that never were made,
 17 and trying to suggest also that the attitude of the
 18 person on the call was unbalanced when there was no call
 19 at all.
 20 So you must tell me whether you want to refer to
 21 a call that was made on November 10, or a call that you
 22 are claiming was made after September 30 which never
 23 happened.
 24 Q. Mr Brown, the only question I want to ask you is this:
 25 did you have the conversation with Lord Mandelson that
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EXHIBIT Q

1
2 (2.00 pm)
3 MR JAY: Mrs Brooks, may we move to what a couple of Labour
4 politicians would say. Do you recall an occasion at the
5 time of the Labour Party Conference in Brighton
6 in September 2004 where Mr Chris Bryant MP had been
7 speaking at a fringe meeting and argued that
8 Rupert Murdoch should not be allowed a monopoly in the
9 UK? Do you recall that?
10 A. I don't, I'm afraid. No, I'm sorry. What year was it?
11 Q. 2004. As he arrived at a News International reception,
12 you approached Mr Bryant. Do you recall that?
13 A. I think I know what anecdote you're referring to.
14 Q. It's not an anecdote. It's in a witness statement I've
15 seen. You said, "Ah, Mr Bryant, it's dark, isn't it?
16 Shouldn't you be out of Clapham Common by now", or
17 something like that. Did you say that?
18 A. I don't remember saying that, no.
19 Q. Do you remember what your then husband said?
20 A. I remember what Mr Bryant said my then husband said.
21 Q. He was extremely rude, wasn't he?
22 A. Mr Bryant?
23 Q. No, Mr Kemp, your then husband.
24 A. I don't think he said that.
25 Q. Mr Watson. You had it in for Mr Watson, Mr Watson would

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1 say -- indeed, will say -- following Mr Watson's
2 resignation in 2006. Is that true?
3 A. That that's what Mr Watson would say?
4 Q. No, not merely that that's what he's going to say but
5 there's the underlying truth to it. You had it in for
6 him and you have encouraged the Sun to write adverse
7 material about him. Is that true?
8 A. No. Well, sorry, the Sun has covered -- has written
9 adverse things about Mr Watson. I think Mr Watson is
10 referring to an incident -- and I can't remember when it
11 is, I think 2006 -- when he galvanised the troops, as in
12 backbench rebellion, in order to force Mr Blair to
13 resign. It was called the curry house coup at the time
14 and there was a situation where the night before
15 Mr Watson published the letter, which Mr Bryant was also
16 on, I believe, calling for Tony Blair to step down, he'd
17 driven halfway across Scotland to see Mr Brown, and when
18 the newspapers confronted Mr Watson and said, "You
19 clearly did tell Mr Brown", he famously said, "No, I was
20 just delivering a Thomas the Tank DVD." And I think the
21 subsequent coverage, not just in the Sun but the Times
22 and lots of newspapers, were very critical of Mr Watson.
23 I think that's where it originates from.
24 Q. Did you force Mr Passcoe-Watson, or another Sun
25 journalist, to write stories about Mr Watson that he

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1 knew were completely untrue?
2 A. No.
3 Q. Did you tell Mr Nick Robinson -- of course, the
4 political editor of the BBC -- in August 2011 -- or
5 rather, did you speak to him at a Labour Party
6 Conference 2009, along the lines: "What am I going to do
7 about this Tom Watson?"
8 A. May have done, yes, but I can't remember saying that
9 exactly.
10 Q. Do you feel that you might have used the Sun as perhaps
11 an unfair means of disparaging politicians you did not
12 particularly like?
13 A. No, I don't think that.
14 Q. I go back to the BSKyB issue and paragraphs 90 to 92 of
15 your witness statement, please, Mrs Brooks.
16 A. Yes.
17 Q. Paragraph 90. This is our page 02587. You say in the
18 fourth line or third line:
19 "As might be expected, many people sought to raise
20 the issue with me and I became involved in defending the
21 bid to them."
22 So you're suggesting there you were always adopting
23 a defensive position; is that right?
24 A. I include lots of people who were members of the
25 anti-Sky bid as well, so not necessarily just

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1 politicians. The fact is that it was a common
2 misconception and often reported that News International
3 was trying to buy the remainder of the shares in BSKyB
4 rather than News Corp, and that subtle distinction,
5 therefore, because it was in the UK territory was --
6 perhaps understandably got confused. And so, yes, there
7 were occasions when I defended the bid.
8 Q. You do say in paragraph 90, on the next page:
9 "When the matter arose in conversation, I am sure
10 that I would have expressed my views forcefully,
11 particularly given the vocal opposition."
12 So it might be said the stronger the opposition, in
13 your eyes, the more forceful you needed to be. Would
14 you agree?
15 A. I think the anti-Sky bid alliance had so many different
16 members from all over the media and lots of other
17 commercial rivals of Sky that -- and that they, I knew,
18 were seeing politicians and I think Dr Cable had
19 a dinner with them in -- early on in 2010.
20 So, I think, yes, I did. When I met people, if
21 I had the chance to put our side of the story, so to
22 speak, I would.
23 Q. And those people included Mr Cameron and Mr Osborne,
24 didn't they?
25 A. Not Mr Cameron. I did have a conversation with

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1 Mr Osborne. I may have mentioned it to Mr Cameron, but
 2 it's not to be dwelled on because it wasn't
 3 a particularly long conversation. But I did have
 4 a conversation with Mr Osborne about it, I think some
 5 time in 2010, where I put my views that were contrary to
 6 the ones that he had heard from everyone else in the --
 7 Q. We'll come back to that in a short time. In
 8 paragraph 92 of your statement, you say:
 9 "With regard to the suggestion that I had
 10 'discussions' [and you put that term in inverted commas]
 11 with David Cameron and George Osborne, I am sure I did
 12 refer to the issue generally."
 13 So is that statement relevant to both Mr Cameron and
 14 Mr Osborne?
 15 A. Yes, but -- in general discussion in terms of -- always
 16 in relation to the -- usually in relation to something
 17 I'd heard that the anti-Sky bid had put forward, but
 18 I remember better conversation with George Osborne some
 19 time in 2010, but obviously as discussed, the BSKyB bid
 20 was mentioned at dinner at our home in December, but
 21 I don't remember having a particularly forceful
 22 conversation with Mr Cameron will about it, although our
 23 views on the BSKyB bid -- News Corp views and the
 24 News International views and my views -- were pretty
 25 clear.

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1 Q. Were they shared by Mr Cameron?
 2 A. Mr Cameron always made it very clear that it was -- that
 3 he turned it into or it was a quasi-judicial decision
 4 and it wasn't him and it was off his remit and he,
 5 I think, had been lobbied by lots of other people, so it
 6 wasn't -- I would say no, it wasn't particularly shared.
 7 He was always very even-handed about it.
 8 Q. Was Mr Cameron supportive of the BSKyB bid, to your
 9 knowledge?
 10 A. Not particularly, no.
 11 Q. Was he at all supportive of it?
 12 A. No, but I think it would be fair to say that he
 13 understood why we wanted to present our view in relation
 14 to the other lobbying he was getting.
 15 Q. Was Mr Osborne supportive of the BSKyB bid?
 16 A. I think -- he never said so. He never said explicitly
 17 that. However, I think one of the points that we were
 18 trying to make about the bid was if that kind of level
 19 of investment was coming into the UK, that contrary to
 20 what the anti-Sky bid alliance were saying, in that it
 21 would be a bad thing, that actually we thought in the
 22 call centres around the country, the creation of jobs,
 23 that it would -- that we would try and put those
 24 arguments to Mr Osborne. But again, they would all say
 25 the same thing: "It's not my decision."

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1 Q. I think my question was only: was he supportive of the
 2 bid or not?
 3 A. And as I say, he never explicitly said so.
 4 Q. But could you infer whether he was supportive or not?
 5 A. No. He was interested in our arguments. I think that's
 6 probably at its best.
 7 Q. Were you aware of the role Mr Fred Michel was occupying
 8 in relation to the bid?
 9 A. Well, I was aware at the time, but not to the extent
 10 that I've now seen. But I was aware, yes.
 11 Q. So when you say to the extent that you have now seen,
 12 are you referring to the 163-odd emails?
 13 A. Yes. I hadn't realised there were that many emails, but
 14 yes, I was aware of his role in the BSKyB bid.
 15 Q. When did you read those emails?
 16 A. I actually still haven't read them all.
 17 Q. You've sampled them?
 18 A. I saw some during the evidence given by James Murdoch.
 19 Q. And when they were drawn to your attention in that way,
 20 did they surprise you in any way?
 21 A. I think the truth is at the time -- at the time of the
 22 BSKyB bid, I suppose, like most journalists, I viewed
 23 public affairs and lobbyists with slight scepticism, and
 24 I often thought that Mr Michel perhaps overegged his
 25 position. However, he was doing his job. He was

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1 passing on information as lobbyists do.
 2 Q. How do you know he was overegging his position?
 3 A. I always thought -- I suppose because, as journalists,
 4 we would have quite direct contact with ministers and
 5 prime ministers and -- you know, in the course of our
 6 work, but I always thought it was slightly strange that
 7 he had that level -- not slightly strange, actually.
 8 That's not fair. Fred was very good at his job.
 9 I always thought the level of access that seemed to come
 10 out was -- was pretty good, really.
 11 Q. Okay. A couple of documents in these 163 emails feature
 12 you. Only a couple. This is KRM18. We've got one of
 13 them under tab 17 in the bundle.
 14 A. Tab 17, okay.
 15 Q. We can probably put it up on the screen. I'm not sure
 16 it's going to be available to anybody else. From the
 17 PROP file, 100001657. You may have it as a separate
 18 piece of paper, Mrs Brooks. I don't know.
 19 A. I do. Thank you, Mr Jay.
 20 Q. It relates to 12 October 2010. You were copied in on an
 21 email from Mr Michel to Mr Anderson.
 22 A. Mm.
 23 Q. Are you with me? Mr Anderson we heard with
 24 Mr James Murdoch, but I've clean forgotten who he is.
 25 Could you remind me?

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1 A. He it is -- so Fred Michel is public affairs for
 2 News Corp Europe and Asia, and Matthew Anderson is
 3 corporate communications for News Corp.
 4 Q. The general gist of this email is that -- the bid is
 5 still with Dr Cable. This is before 21 December --
 6 A. Right, okay.
 7 Q. "It's necessary to keep briefing senior Lib Dems and key
 8 cabinet ministers."
 9 Why do you think you were copied into this email?
 10 A. I'm not sure, because I wasn't copied in to many of
 11 them.
 12 Q. No.
 13 A. So I don't know. There would be regular meetings
 14 between the News Corp people who were in charge of the
 15 bid and occasionally -- maybe I was in that meeting?
 16 I don't know why I'm copied in to this one particularly,
 17 but --
 18 Q. You were copied into the next one, which is the same
 19 part file, PROP100001679 --
 20 LORD JUSTICE LEVESON: Hang on, just before -- sorry, are
 21 you going to 1679?
 22 MR JAY: Yes. Sir, that's probably the only one you have in
 23 that file.
 24 LORD JUSTICE LEVESON: It is, yes. All three emails are on
 25 the same sheet.

1 MR JAY: Yes, I'd found an earlier one, ploughing through
 2 KRM18 as I did a few days ago so, just to see if there
 3 was anything else relevant. The most relevant one is
 4 1679, which you'll have, Mrs Brooks, in tab 17.
 5 A. Right, the one that starts:
 6 "Very good debrief with Hunt"?
 7 Q. That's right.
 8 A. Yeah.
 9 Q. It's dated 14 December 2010. It's sent from Mr Michel
 10 to Mr James Murdoch and you're copied in. Are you with
 11 me?
 12 A. Yes, I am.
 13 Q. The issues letter, I think, was the Ofcom issues letter,
 14 wasn't it?
 15 A. Was that the time? I mean, you obviously have the
 16 chronology, but I accept that.
 17 Q. Scan up the page, though. Three minutes later, you
 18 reply to Mr Michel, don't you:
 19 "Same from GO -- total bafflement at response."
 20 The reason why you were able to reply so quickly,
 21 I think, is that you had had dinner with Mr Osborne the
 22 night before, hadn't you?
 23 A. That's correct.
 24 Q. So you had discussed the issues letter with Mr Osborne
 25 the night before, hadn't you?

1 A. I must have done, yes.
 2 Q. Yes, otherwise you wouldn't have been able to reply so
 3 quickly?
 4 A. Quite rightly.
 5 Q. And the reference to "GO" is not including his special
 6 advisor; it is to GO personally, isn't it?
 7 A. It is, yes.
 8 Q. Why were you discussing the issues letter with
 9 Mr Osborne at all?
 10 A. Well, I don't -- you're telling me now that it was at
 11 the time of the issues letter so I accept that. My
 12 memory from the dinner was that it was with my husband
 13 and I, Mr Osborne and his wife, and Mr Lewis and his
 14 wife. So it was the six of us. It was in a restaurant,
 15 more of a social occasion, but like I said in my witness
 16 statement, I -- I probably brought it up, but I can't
 17 remember, but there would have been a part of the dinner
 18 I would have discussed our frustration, perhaps, at the
 19 time, of what was going on. So I don't know whether
 20 I brought it up or George, but we did discuss it at that
 21 dinner. Not at any great length, because --
 22 Q. It's a point of detail, this, isn't it, what's in an
 23 Ofcom issues letter? You'd agree with me?
 24 A. Yes, but that wouldn't have been -- I mean, that
 25 wouldn't have been my stance on it, because I probably

1 wasn't all over the complexities of an Ofcom issues
 2 letter, as chief executive of News International.
 3 Literally, my main focus of -- my main involvement in
 4 the BSkyB bid, if you like, was informal, as in nothing
 5 to do with the transaction, but was generally in
 6 response to the huge amount of opposition and lobbying
 7 that was going on by the anti-Sky bid alliance.
 8 Q. You told us that already.
 9 A. Yes, but --
 10 Q. What this dinner must have encompassed was a discussion
 11 about the issues letter, because the email makes that
 12 clear. Would you agree?
 13 A. I agree with you. That's exactly what the email says.
 14 But I don't remember a detailed conversation at a social
 15 dinner about the complexities of an issues letter at
 16 Ofcom. It may have been precisely three minutes of me
 17 saying, "Can you believe that that has happened?" and
 18 George Osborne looking slightly perplexed and me
 19 responding to Fred Michel the next day. I mean, it was
 20 a very brief conversation, but it did happen.
 21 Q. Plainly it did happen, but it's not Mr Osborne looking
 22 slightly perplexed. He's "totally baffled" according to
 23 you.
 24 A. "Totally baffled", then, was my interpretation of his --
 25 Q. The conversation must have been initiated by you,

1 Mrs Brooks. You don't hold back on these occasions, do
 2 you?
 3 **A. I just can't remember whether I brought it up or not.**
 4 **That's at all.**
 5 Q. There are two possibilities: either Mr Osborne did or
 6 you did.
 7 **A. Let's say I brought it up then.**
 8 Q. Yes.
 9 LORD JUSTICE LEVESON: I don't want you to guess.
 10 **A. I'm being forced to guess, sir, I'm sorry.**
 11 LORD JUSTICE LEVESON: No, I promise you, you're not being
 12 forced to guess.
 13 **A. Well, I can't remember who brought it up, but I'm happy,**
 14 **for argument's sake, Mr Jay, to accept that I did. But**
 15 **I'm not sure that's the case.**
 16 MR JAY: Do you think it's an appropriate conversation with
 17 Mr Osborne?
 18 **A. I think it --**
 19 Q. Or not?
 20 **A. I think it was an entirely appropriate conversation.**
 21 **I was reflecting the opposite view to the view that he**
 22 **had had by that stage from pretty much every member of**
 23 **the anti-Sky bid alliance on many occasions. So I think**
 24 **for one three-minute conversation at the beginning of**
 25 **dinner, I got the opportunity to give our view. I don't**

1 **see why that's inappropriate.**
 2 Q. If you remember the length of the conversation, you
 3 might be able to assist us as to who initiated it.
 4 Couldn't you agree?
 5 **A. Accepting for the sake of argument that I brought it up,**
 6 **I just can't remember if this is absolutely true.**
 7 Q. Another reason you're diffident about it: it's obvious
 8 from your one-line email that we know what Mr Osborne's
 9 thinking is about the bid generally, don't we?
 10 **A. Well, I obviously remembered from the conversation,**
 11 **which -- I can't remember exactly how long it took, but**
 12 **from the limited conversation that we'd had the night**
 13 **before, that he was baffled at the response. That's**
 14 **what I say. I'm not -- I'm agreeing with you on the**
 15 **email.**
 16 Q. Yes, but it's also obvious that he was supportive of
 17 your bid, wasn't he?
 18 **A. No. Bafflement. Or he was perplexed at the --**
 19 **whatever -- you're telling me it was the issues letter.**
 20 **I'm -- fine. He was baffled at the response.**
 21 LORD JUSTICE LEVESON: Hang on, Mr Jay isn't quite telling
 22 you that. Paragraph 92 of your statement proceeds on
 23 that premise.
 24 **A. That it was the issues letter?**
 25 LORD JUSTICE LEVESON: Yes.

1 **A. Yes, well, he was baffled at the response. It's**
 2 **still -- I'm not sure what the question is, Mr Jay.**
 3 MR JAY: At this stage, of course, Mrs Brooks, you knew
 4 where everybody in the cabinet and this Coalition
 5 government stood in relation to support or otherwise for
 6 the BSKyB bid, didn't you?
 7 **A. No, I didn't. I particularly didn't know Mr Cable's**
 8 **view -- personal view.**
 9 Q. You didn't have any suspicions at all as to what his
 10 view was?
 11 **A. No. In fact, I'd assumed Mr Cable would carry out that**
 12 **responsibility as any minister would, you know, as --**
 13 **properly, without personal prejudice.**
 14 Q. By the time you'd read the email, the first in the
 15 chain, if not before, you were well aware what Mr Hunt's
 16 view was about the merits of the BSKyB bid vis-a-vis
 17 News Corp, weren't you?
 18 **A. I said to you earlier: I don't remember hearing anything**
 19 **from Mr Hunt directly on the bid particularly, but**
 20 **I have a recollection that he put something on his**
 21 **website. I think it came up in this Inquiry. So --**
 22 **that he put something positive on his website, wasn't**
 23 **it, or --**
 24 Q. Didn't you have conversations with Mr James and
 25 Mr Rupert Murdoch about how the bid was getting on and

1 who was supporting it?
 2 **A. I think my conversations with Mr James Murdoch and**
 3 **Mr Rupert Murdoch about the bid were in essence probably**
 4 **discussing the latest move of the anti-Sky bid alliance.**
 5 **So I remember having to call Mr James Murdoch when the**
 6 **anti-Sky bid alliance commissioned a poll through their**
 7 **PR agency they'd hired -- I think Webber Shandwick --**
 8 **and their poll had discovered that 80 per cent of people**
 9 **didn't want us to buy the rest of Sky shares. So**
 10 **I would probably update -- because the anti-Sky bid**
 11 **alliance was, of course, working in the UK territory, so**
 12 **there would be occasions when I would update Rupert or**
 13 **James Murdoch and there were internal meetings that went**
 14 **on inside News International that occasionally I would**
 15 **attend too.**
 16 Q. News Corp or News International regarded it as important
 17 to lobby government generally in relation to this bid.
 18 Are we agreed?
 19 **A. I don't think that was a strategy. I think it was**
 20 **a response.**
 21 Q. Regardless of what originated it, it is what happened in
 22 the event, isn't it?
 23 **A. Certainly from what we've seen from Fred Michel's**
 24 **emails, there was a lot of lobbying going on from our**
 25 **side, yes.**

1 Q. You could assist the Murdochs to this extent: that you
 2 knew the personalities involved at least as well as them
 3 and you could advise them in relation to Mr Osborne,
 4 Mr Cameron and Mr Hunt in a way in which perhaps they
 5 couldn't. Isn't that what you brought to the table
 6 here?
 7 A. No, I don't think so. I think this was a very --
 8 I mean, first of all the strategy behind the bid was set
 9 by News Corp and I had nothing to do with that and had,
 10 again, no formal role. And secondly, this was
 11 a quasi-judicial decision, which is nothing to do with
 12 the personalities and preferences of particular -- of
 13 the Prime Minister or the Chancellor of the Exchequer in
 14 this case, or Mr Hunt before he took over from Dr Cable.
 15 Q. But you weren't so naive, were you, to believe that this
 16 quasi-judicial decision would be carried out necessarily
 17 wholly properly? You would naturally fear that personal
 18 prejudices might intrude. You knew that, didn't you?
 19 A. No, actually, I -- maybe it was naive of me to think
 20 that, you know, the procedure would be dealt with
 21 properly, but I did believe that. I had no reason not
 22 to until Dr Cable's comments came out in the December.
 23 Q. Okay. We do have one email, don't we, which you have
 24 found. It's RMB2, under tab 4. You kindly disclosed
 25 this one to us.

1 A. Yes, this email, yes. Tab 4, isn't it?
 2 Q. It's under tab 4.
 3 A. I have got it.
 4 Q. Before we look at it, I think people would be interested
 5 to know how it is that this one email has survived and
 6 others might not have done. Can you assist us?
 7 A. Well, in the period of between beginning of June
 8 and July 17, when my BlackBerry was imaged, there were
 9 certain emails on there and some text messages, and for
 10 the purpose of the Section 21 notice for this Inquiry,
 11 my legal team went through all those in order to
 12 disclose anything that fell into the Inquiry, and this
 13 was the only email that I had in that period that was
 14 relevant to the BSkyB questions I'd been asked in my
 15 witness statement.
 16 Q. Go first -- because we have to look at it in this
 17 order -- to the bottom of page 02606, which is going to
 18 be the first page of this document. We can see, at
 19 16.29 hours on 27 June 2011 -- are you with me?
 20 A. I am, so sorry, yes. It came on the screen --
 21 Q. Frederic Michel sends an email and it goes to just you,
 22 I think, although it's not altogether clear. Is that
 23 your understanding?
 24 A. I would be surprised if it just came to me. As you've
 25 seen from the previous emails, they were always copied

1 in to the same -- almost the same group of people, but
 2 perhaps it was directly to me.
 3 Q. The text of the email is on the next page, 02607:
 4 "Hunt will be making references to phone hacking in
 5 his statement on Rubicon this week. He will be
 6 repeating the same narrative as the one he gave in
 7 Parliament a few weeks ago. This is based on his belief
 8 that the police are pursuing things thoroughly and phone
 9 hacking has nothing to do with the media plurality
 10 issue."
 11 There's something gone wrong with the printing
 12 there.
 13 A. That's a corruption there.
 14 Q. It's corrupted.
 15 "It's extremely helpful."
 16 So you are being told what the Secretary of State is
 17 going to be saying in his Rubicon statement -- not, of
 18 course, that the Secretary of State would have used that
 19 code name, no doubt -- in his statement to Parliament.
 20 Is that it?
 21 A. Yes.
 22 Q. That bit speaks for itself.
 23 "On the issue of privacy committee, he supports
 24 the widening of its remit to the future of the press and
 25 evidence from all newspaper groups on the regulatory

1 regime. He wants to prevent a public enquiry. For
 2 this, the committee will need to come up with a strong
 3 report in the autumn and put enough pressure on the PCC
 4 to strengthen itself and take recommendations forward."
 5 Was any of this news to you, Mrs Brooks?
 6 A. Yes, I think it was.
 7 Q. Was any of it surprising to you?
 8 A. I think -- I think it was -- it was -- it was news to me
 9 and therefore could be surprising, yes. Probably.
 10 Q. The next paragraph:
 11 "JH is now starting to look into phone
 12 hacking/practices more thoroughly and has asked me [the
 13 pronoun 'me' is Mr Michel] to advise him privately in
 14 the coming weeks and guide his and Number 10's
 15 positioning."
 16 Do you know what that was about?
 17 A. Well, I think it speaks for itself.
 18 Q. Does that surprise you?
 19 A. Well, at the time -- the date of this email I think
 20 is --
 21 Q. 27 June.
 22 A. -- 27 June, and at the time at News International, it
 23 was a particularly -- I had a lot of my own concerns.
 24 We'd just handed over the Harbottle & Lewis file to the
 25 MPS. It was probably my focus, more than anything else.

1 I obviously got this email in a million others.
 2 I obviously read it at the time and I responded,
 3 I think, to find out when the Rubicon statement was. So
 4 I think the email and my response speak for themselves,
 5 really.
 6 Q. Your response was, at 17.20 hours -- we have to go back
 7 to the previous page:
 8 "When is the Rubicon statement?"
 9 A. Yes.
 10 Q. And then the answer came back:
 11 "Probably Wednesday."
 12 A. Mm-hm.
 13 Q. Can you assist us further from your memory as to
 14 Mr Michel's dealings with Mr Hunt and/or Number 10 at
 15 this time?
 16 A. Probably not any further than the evidence that
 17 James Murdoch gave, really. I mean, Fred Michel worked
 18 for News Corp and not News International. So he didn't
 19 work for me. So my interactions with him were not as
 20 frequent, so I'm not sure I can add anything
 21 particularly.
 22 I know Fred Michel's own statement was that
 23 sometimes he overstated his case, but for all I know,
 24 this could be directly from Jeremy Hunt or, as he says,
 25 Number 10 here. So I just don't know.

1 Q. You say in paragraph 28 of your statement, talking
 2 generally of your time as CEO of News International,
 3 that your time became increasingly occupied with the
 4 phone hacking issue. Do you remember saying that?
 5 A. I do remember. Sorry, where am I going to now?
 6 Q. Paragraph 28 of your statement, page 02576. I'm
 7 (inaudible) concerned with the detail of your
 8 investigation or your knowledge, Mrs Brooks. Were
 9 relations between Murdoch father and son increasingly
 10 fraught as this issue developed?
 11 A. I -- I don't think it was between father and son. It
 12 was -- I mean, the situation was fraught.
 13 Q. Because you've been described in one article --
 14 Vanity Fair, this time -- as being the go-between in an
 15 increasingly fraught father/son relationship. Is that
 16 true?
 17 A. Well, Vanity Fair spend a lot of time covering the
 18 Murdoch family dynamics and they're just like any normal
 19 family. They have dynamics and they change. I wouldn't
 20 put any store by Vanity Fair.
 21 Q. Maybe one shouldn't, but just listen to the question.
 22 Were you the go-between in an increasingly fraught
 23 father/son relationship?
 24 A. No, they could speak to each other.
 25 Q. I didn't hear that.

1 A. I said no, they were very happy to speak to each other.
 2 Q. It's also suggested that James was passing blame on to
 3 subordinates. Is that what was happening?
 4 A. No.
 5 Q. He wasn't?
 6 A. What is the context of the Vanity Fair piece? I'm
 7 sorry, I don't --
 8 Q. You've seen the piece. It alleges that you were now
 9 under pressure to please and protect not only Rupert but
 10 also James, who had both taken the position they had no
 11 idea what was going on inside their company, and
 12 particularly James, passing blame on to subordinates.
 13 Is that what was happening?
 14 A. No.
 15 Q. So you can't throw any light on the truth or otherwise
 16 of the -- well, you are throwing light on the truth of
 17 this piece. You say it's untrue?
 18 A. It's saying that I'm the go-between between father and
 19 son in an increasingly fraught situation, I think the
 20 paragraph was.
 21 Q. Relationship?
 22 A. Relationship. So what I'm saying to you is that
 23 I reported both to James and Rupert Murdoch and I would
 24 talk to them both about the issues unfolding at
 25 News International. James and I had offices next door

1 to each other. I would be talking to Mr Murdoch every
 2 day. So if Vanity Fair want to couch that as
 3 a go-between, then fine, but I don't accept the premise
 4 of what they're insinuating.
 5 Secondly, the Vanity Fair piece, whenever it came
 6 out, is saying that James tried to -- started to pass
 7 blame onto subordinates and I'm not sure if that Vanity
 8 Fair piece is -- is it referring to James Murdoch's
 9 testimony at the Select Committee or his testimony here?
 10 I just don't even know when the Vanity Fair piece ran,
 11 so it's difficult for me to answer the question without
 12 some context.
 13 Q. Can I ask about the police and your meetings with senior
 14 police officers.
 15 A. Yes.
 16 Q. RMB1 again, this schedule you've prepared. It's towards
 17 the back of it, I think. You've kindly provided
 18 a schedule of meetings with senior police officers in
 19 the Metropolitan Police Service.
 20 A. Yes. Got it.
 21 Q. The second page of that, it appears that you did not
 22 meet with John Yates, Assistant Commissioner,
 23 after December 2006. Is that, to the best of your
 24 recollection, correct?
 25 A. I -- I'm -- I don't think that's correct. I think I did

<p>1 meet him, but I -- I mean, we hosted the -- we hosted 2 the Police Bravery Awards every year, for a start, and 3 I was always in attendance, and so I'm sure that he 4 would have been there, so I really do not think these 5 diary entries are the full picture.</p> <p>6 Q. There's likely to be a difference, Mrs Brooks, between 7 a large function in which you might bump into people and 8 any conversation might be snatched, and a dinner in 9 a restaurant where they may only be a few of you and the 10 conversation would be expansive.</p> <p>11 A. No, I do -- I do remember having a meeting with 12 John Yates in Wapping, a lunch, around -- I think around 13 the time of the cash for honours situation.</p> <p>14 Q. We're back in 2005 --</p> <p>15 A. Is that 2006? Oh right, okay. Well, then this diary 16 may be correct then. I didn't see much of John Yates.</p> <p>17 Q. Are you able to say whether or not you discussed phone 18 hacking issues with him?</p> <p>19 A. Because I don't remember a one-to-one meeting. I'm 20 pretty sure, though, I attended the Police Bravery 21 Awards right up until -- as you can imagine, right up 22 until 2011, and he was always there. And I can't 23 remember when the Guardian first -- I think the Guardian 24 broke their story in July 2009, and there was a Police 25 Bravery Awards -- it's usually in July. So I don't want Page 25</p>	<p>1 and, if you like, a well-oiled machine, there was always 2 quite a lot of organisation for the Police Bravery 3 Awards because the process continued for many months -- 4 sorry, started many months before, and he would have 5 been involved in that, as I would.</p> <p>6 But mainly the issues of the day or introducing 7 a new Commissioner or coming along with an update with 8 a Commissioner.</p> <p>9 Q. Did you ever obtain information from him which formed 10 the basis of a story in the Sun?</p> <p>11 A. No.</p> <p>12 Q. Did he put you in contact with police officers who could 13 provide the basis and did provide the basis of a story?</p> <p>14 A. Well, I think most crime journalists would -- you know, 15 I wasn't a crime journalist or a crime editor, but 16 I think the process was that we would often ring 17 Dick Fedorcio if we had a story that we'd got from our 18 own sources that involved the Metropolitan Police and he 19 was in a position to steer us away from it or give us 20 a comment if we'd got it right. So there was a sort of, 21 if you like, exchange of information, but it was -- in 22 the way you put it, it sounded like he'd come into me in 23 these meetings and give me a story. Sadly not.</p> <p>24 Q. Mr Wallis, of course, was an employee of 25 News International until 2009. Were you aware of the Page 27</p>
<p>1 to absolutely rule out the fact that I may have 2 mentioned it to him, because he was often around, but 3 I don't remember a sitdown conversation where we 4 discussed it at any length.</p> <p>5 Q. So you're admitting of the possibility --</p> <p>6 A. I'm saying that it might quite probably have happened, 7 if those sequence of events -- if my memory serves me 8 well and those are the sequence of events, that the 9 Guardian story broke in July 2009, but I can't remember 10 what date, and the Police Bravery Awards was afterwards. 11 It could have been the other way around.</p> <p>12 LORD JUSTICE LEVESON: I think the Guardian story was 5th or 13 6th, wasn't it?</p> <p>14 MR JAY: 8 July in the evening, and then into the print 15 edition on the 9th.</p> <p>16 A. Right.</p> <p>17 Q. The meetings with Mr Fedorcio which were more frequent, 18 what was the purpose of those meetings in your own 19 words, Mrs Brooks?</p> <p>20 A. They would often be attended -- usually he would 21 accompany a Commissioner or a senior officer, or if he 22 came in on his own, it would be to discuss things with 23 me and my crime editor and senior team and it could be 24 a variety of issues.</p> <p>25 There was also -- although it was an annual event Page 26</p>	<p>1 nature of his relationship with police officers?</p> <p>2 A. No, only -- only insofar as -- I never worked directly 3 with Mr Wallis, but when I took over his position as 4 deputy editor of the Sun in 1998, I then assumed his 5 responsibilities in owning, if you like, the Police 6 Bravery Awards. So I was aware that he had started 7 those in the previous year.</p> <p>8 Q. Okay, one general question about the nature of 9 hospitality. It has to be a very general question. In 10 terms of the nature of the hospitality you were 11 offering -- I'm talking about lunches, dinners -- did 12 you regard police officers really in the same way as 13 politicians -- in other words, it was appropriate to 14 take them to a restaurant of a certain stature or 15 distinction -- or did you see there to be any difference 16 between police officers and politicians?</p> <p>17 A. Well, there are definitely distinctions between the two. 18 I think it would be fair to say that senior police 19 officers were more inclined to want to go to a neutral 20 venue like a restaurant, whereas a lot of meetings with 21 politicians took place either in Wapping HQ or at party 22 conferences or at Downing Street or various ministries. 23 So that was in my experience.</p> <p>24 Q. Okay. The Inquiry has very little interest in the 25 retired police horse, you understand -- that's September Page 28</p>

7 (Pages 25 to 28)

<p>1 2007 -- but I should ask you this question so we're 2 clear about it: was there any exchange, as it were, 3 between the work experience offered for Mr Fedorcio's 4 son, which was also in the autumn of 2007, and the 5 acquisition by you of this horse? 6 A. Absolutely not. 7 Q. I move on to a different issue now. 8 LORD JUSTICE LEVESON: Are you moving away from police 9 officers, Mr Jay? 10 MR JAY: Yes. 11 LORD JUSTICE LEVESON: There's a balance here as well, isn't 12 there? On the one hand, the need to keep an eye on the 13 stories that are coming out, but on the other, an 14 appropriate professional distance. Do you think there's 15 a risk there? 16 A. I think it's always up to individual conduct in these 17 matters, and so I felt that the contact I had with 18 police officers, particularly commissioners and senior 19 police officers, in that kind of context was always 20 appropriate. I never saw any of my dealings with the 21 police -- I never saw any inappropriate either 22 conversations or -- take place. 23 So my experience of it was relatively good and 24 particularly at the Police Bravery Awards, where we 25 would come into -- the Sun journalism team would come Page 29</p>	<p>1 Q. I don't have the exact date of this article -- 2 LORD JUSTICE LEVESON: Published 13 July 2011, according to 3 what's on the screen now. 4 A. Then no, sorry, I was still there. 5 MR JAY: Do you know where the "shattered dad" that is 6 referred to there got his information from? 7 A. I think we do, yes. Yes. 8 Q. Where did he get his information from? 9 A. He got it from the fact that he -- his own child had 10 cystic fibrosis and he was given this information when 11 information was sought about cystic fibrosis. I'm being 12 very careful to try and not reveal his identity, that's 13 all, hence the hesitation, but I think we sort of -- we 14 know what happened. 15 Q. That's all very vague, Mrs Brooks. 16 A. It is vague, but purposely so because I think when we 17 wrote this article -- I mean, although, like I say, 18 I was chief executive at the time, I remember the Sun 19 absolutely putting this together to refute 20 Gordon Brown's allegations, and we were incredibly clear 21 on it. We have an affidavit from the father where he 22 explains the story but I don't think that affidavit is 23 public, so I'm just being slightly hesitant not to 24 reveal his identity. 25 Q. We're not concerned with his identity. That wasn't my Page 31</p>
<p>1 into contact with police officers not just from the 2 Metropolitan Police but from all over the country, and 3 I always thought they were very useful for both sides 4 rather than inappropriate. But there is always a risk 5 that that is not the case. 6 Q. The Gordon Brown cystic fibrosis story. You did have 7 some involvement there, didn't you? 8 A. Yes, I did. 9 Q. The piece in the Sun is under tab 29. It's part of the 10 narrative, as it were. This is an article in 2006, 11 I believe. 12 "The Sun today exposes the allegation that we hacked 13 into Gordon Brown's family medical records as false and 14 a smear. We discovered the ex-PM's four-year-old son 15 Fraser had cystic fibrosis months after his birth. We 16 can reveal the source of our information was a shattered 17 dad whose own son also has the crippling disease and he 18 wanted to highlight the plight of sufferers." 19 Is that true? 20 A. Yes. I think, Mr Jay, you said 2006? The article came 21 out in 2006 but this was written in 2011. 22 Q. Yes, I think you're right there. The article 23 is November 2006. Did you have any involvement in this 24 article, although you were, of course, no longer editor? 25 A. No, I didn't. I think I may have even left the company. Page 30</p>	<p>1 question. The father's version is -- and we can see 2 this in the article: 3 "I have not had access to the medical records of the 4 child at any time. All of which is the truth as I shall 5 answer to God." 6 Apparently is what his affidavit says, is it? 7 A. I think it's longer than that, but that will be part of 8 it, yes. 9 Q. So how did the father get the information? 10 A. If I sort of put that back to reassure you -- we, at the 11 time, and again in July 2012, were absolutely satisfied 12 that the father had got the information from legitimate 13 means and we were very sure about that. 14 Q. How had he got the information? 15 A. He'd got the information because his own child had 16 cystic fibrosis and he'd got the information, I should 17 say, through a very small -- it's not a small charity, 18 but there is a charity aspect to the Cystic Fibrosis 19 Society, and he got it slightly by involvement through 20 there. 21 Q. What sort of involvement? 22 A. Mr Jay, I'm not going to tell you any more about the 23 source because I don't want to reveal his identity. 24 Q. But you're not. 25 A. Well, I feel uncomfortable answering that because Page 32</p>

8 (Pages 29 to 32)

1 I think it could lead to his identity. You're asking me
 2 where information came from and the source, and I think
 3 they are matters that I have to respect in a source
 4 coming to the newspaper. The main point of this issue
 5 is Mr Brown accused the Sun of hacking into his son's
 6 medical records to get this story and that wasn't true.
 7 LORD JUSTICE LEVESON: It wasn't accurate?
 8 A. No, sorry, it wasn't accurate.
 9 LORD JUSTICE LEVESON: But actually that's quite important,
 10 because it plays into something else that is concerning
 11 me, which I am just going to dwell upon. If I've taken
 12 a question from Mr Jay, it's just too bad.
 13 Mr Brown was concerned that information which he
 14 thought was private had entered the public domain, and
 15 he felt that the way that that must have happened is
 16 that the Sun had got hold of his records in some way.
 17 That's what he was saying; is that right?
 18 A. That's what he said in July 2011.
 19 LORD JUSTICE LEVESON: Yes. Now, you knew that -- well, go
 20 back one step. First of all, if you don't know anything
 21 of how you got the story, it's not unreasonable, is it,
 22 to believe that if private details of your child's
 23 condition are being put into the public domain, they can
 24 only have come from medical records? Because it's
 25 diagnosis, it's medical detail. So it's not an
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1 unreasonable view for him to form?
 2 A. He formed that view or came to that assumption in 2011.
 3 In 2006 -- in November 2006, way before the Sun
 4 published the story, we discussed the story directly
 5 with the Browns before publication, and the first time
 6 I'd heard that he had a concern of that nature was when
 7 he gave an interview to the BBC in 2011.
 8 LORD JUSTICE LEVESON: All right.
 9 A. So it wasn't something that he felt at the time.
 10 LORD JUSTICE LEVESON: Well, it may be, but until it went
 11 into the public domain -- I'm not I'm not actually
 12 focusing so much on that point. I'll come to the point
 13 I want to make. You didn't explain to him, presumably
 14 because you wanted to protect your source: "No, no, no,
 15 we got all this from somebody whose son also has the
 16 same condition, whose child has the same condition."
 17 You just didn't discuss the source; is that right?
 18 A. That is right, at the time.
 19 LORD JUSTICE LEVESON: Now, my question. Would you look,
 20 please, at the first line of the Sun article:
 21 "The Sun today exposes the allegation that we hacked
 22 into Gordon Brown's family medical records as false and
 23 a smear."
 24 My concern is whether it's fair to describe that
 25 as -- it may be incorrect, but as "false and a smear".
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1 A. In the general point, I can absolutely see what you're
 2 saying, sir, is correct, but this was not -- this was
 3 a particular journey that the Sun had been involved in
 4 since the beginning of the information coming into the
 5 Sun newsroom and what happened after that and subsequent
 6 to that.
 7 LORD JUSTICE LEVESON: But if he never knew how you got it,
 8 all you can say -- and you're entitled to say, "He's
 9 just got it wrong."
 10 A. He came to the wrong assumption in 2011.
 11 LORD JUSTICE LEVESON: And that's absolutely fair. So the
 12 issue is whether it's part of the culture of the press
 13 that actually attack is the best form of defence. So
 14 people don't just get it wrong; it's "false", in
 15 capitals, and "a smear". Do you see the point I'm
 16 making?
 17 A. I do see the point you're making, but, sir, the context
 18 of that article was written after Gordon Brown had --
 19 first of all, I think his first appearance in Parliament
 20 since he stepped down as Prime Minister was to come to
 21 the House and speak incredibly critically and, in some
 22 cases, made wrong assumptions through his testimony to
 23 the House, and then the second thing he did, he then
 24 went on, I think, the BBC -- I can't remember -- to do
 25 an interview with another wrong assumption that the Sun
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1 had got the story from Fraser Brown's medical records,
 2 and I think combining the two, if you like, attacks from
 3 Mr Brown that had never ever been raised by him in any
 4 shape or form with any of us at News International or
 5 Mr Murdoch -- he never once mentioned press ethics or
 6 practices in his -- in our entire relationship -- that
 7 the Sun felt that it was a smear, that he was doing it
 8 five years later for a particular reason, and I think
 9 that's why they wrote the story that they did.
 10 Now, I was chief executive at the time. I didn't
 11 write the story but I'm defending their right to write
 12 the story like that.
 13 LORD JUSTICE LEVESON: All right. You've provided an
 14 answer, but actually what you've demonstrated is that
 15 the Sun believed -- and they may be right or wrong,
 16 I don't know -- that Mr Brown had added two and two and
 17 two and got 27, whereas in fact, if you took each one of
 18 the incidents on their own, it may have been he may have
 19 made a mistake, he may be wrong to reach the
 20 conclusion -- that's all fair enough, entirely proper,
 21 but it goes a bit further than that.
 22 A. I accept that this story does, but if you imagine for
 23 the Sun, the Sun -- and I know I keep mentioning this,
 24 but the Sun has a trust with its readership.
 25 LORD JUSTICE LEVESON: Yes.
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1 A. And it's a very important trust and if that trust is
 2 broken, then -- and a former Prime Minister had claimed,
 3 I think harshly -- he'd come to the misconception that
 4 we had got the story from Fraser's medical records. He
 5 accepted -- and I think whoever broke the story --
 6 I can't remember who it was -- the Guardian, probably --
 7 that that was false, and there was a correction
 8 subsequently published in the Guardian and I think the
 9 Sun felt on that that they had to stand up -- because it
 10 is a terrible accusation for a former Prime Minister to
 11 make of a newspaper without being in possession of the
 12 facts, that we had hacked into his medical records, and
 13 I think that's why you are seeing the strong tone of the
 14 rebuttal in the paper.

15 LORD JUSTICE LEVESON: Well, I've asked the question. Thank
 16 you.

17 MR JAY: You're suffusing the Sun with virtue, Mrs Brooks.
 18 Let's see how far I can get with this. Where did the
 19 father's information come from?

20 A. I'm not going to say, Mr Jay.
 21 Q. But why not, Mrs Brooks?
 22 A. Because if you knew where the father's information came
 23 from, it would identify the source, and I'm not going to
 24 do that.
 25 Q. Are you saying that the information came from a charity?

1 A. No, I'm not. I'm saying that because the source also
 2 had a child with cystic fibrosis, he was aware and in
 3 the -- it was the fact that he had a child with cystic
 4 fibrosis is how he came to know.

5 Q. That would indicate that the father might, at some
 6 point, have been quite close to the Browns, perhaps in
 7 a particular hospital, but it wouldn't, without more,
 8 demonstrate how the father got hold of the relevant
 9 information. Do you understand me?

10 A. I understand your point.
 11 Q. Did he gain the information by subterfuge?
 12 A. No, he didn't.
 13 Q. Did he gain the information directly from the Browns?
 14 A. No, he didn't.
 15 Q. Did he gain the information from a third party?
 16 A. I suppose you could describe it as that.
 17 Q. Was that third party an employee of the NHS?
 18 A. No, it wasn't.

19 LORD JUSTICE LEVESON: Well, did the third party have a duty
 20 of confidence to hold the information? Let's just go as
 21 simple as that.
 22 A. No, I don't think so. I'm sorry, without revealing the
 23 source, the Sun was satisfied that the information came
 24 from legitimate means and I felt that that covered all
 25 those questions, but --

1 MR JAY: Was the father paid for his time?
 2 A. I think there was a donation made, but I can't be sure.
 3 Q. To a charity, then?
 4 A. I think he asked for it to be given to the cystic
 5 fibrosis charity, which is why I have the charity in my
 6 head, but I can't be sure. We can check with the Sun.
 7 Q. How can the Inquiry assess whether or not the father's
 8 source owed a duty of confidence without knowing not the
 9 identity of the source but the nature of the duties that
 10 source was discharging? Surely you can assist us to
 11 that extent?
 12 A. I can assist you to the extent, as I think Mr Lewis did
 13 when he came here and you asked him a similar question
 14 about the source for the MPs' expenses -- I can assist
 15 you to the point that it was a legitimate source and in
 16 any case, the way we conducted ourselves after receipt
 17 of the information towards the sensitivity of that
 18 information and how we handled that with Number 10 and
 19 with the Browns was also exemplary.

20 MR JAY: Was it exemplary, Mrs Brooks? Did you have the
 21 express agreement of the Browns, freely given, to
 22 publish this story about their son?
 23 A. Absolutely.
 24 Q. And so they were entirely relaxed about it? This was
 25 personal information in relation to a four-year-old boy.

1 They were entirely satisfied that this could be placed
 2 on the front page of the Sun in November 2006? Is that
 3 your position?
 4 A. I think you used the word "relaxed", and I think, to be
 5 fair to the Browns, you have to consider how traumatic,
 6 clearly, for any parent this was.
 7 Q. What was, Mrs Brooks?
 8 A. The diagnosis.
 9 Q. And what about including it on the front page of the
 10 Sun? Is that helping or not?
 11 A. So Fraser Brown was --
 12 Q. Can you answer my question?
 13 A. The question is ...?
 14 Q. Obviously, there's the tragedy and pain of the diagnosis
 15 but emblazoning this on the front page of the Sun is not
 16 helping, is it?
 17 A. Should I put it back to you, that if the Browns had
 18 asked me not to run it, I wouldn't have done. There are
 19 many examples where -- very tragic situations in
 20 people's lives where people have asked me not to run the
 21 story and I haven't and I wouldn't have done, and not
 22 only was I -- they gave me permission to run it; it is
 23 the only way we would have put that in the public
 24 domain.
 25 Q. Mr Brown's statement was:

1 "I can't remember of any way that the medical
 2 condition of a child can be put into the public arena
 3 legitimately unless the doctor makes a statement or the
 4 family makes a statement."
 5 A. Yes.
 6 Q. Do you agree with that?
 7 A. I agree with that, yes.
 8 Q. Was the conversation you had with Mrs Brown or Mr Brown
 9 regarding consent for this story?
 10 A. I think in the period of time of receiving the
 11 information and publishing the information, which is --
 12 which, by the way, went to all newspapers -- all
 13 newspapers published it around the same day -- I spoke
 14 to the Browns. I will have spoken probably to people
 15 around them but I definitely had more of a communication
 16 with Sarah Brown, as she was my friend, and I probably
 17 discussed it with her more.
 18 The sequence of events were: Fraser Brown was born
 19 in July. I think the information came to the Sun in the
 20 late October. I think the Browns' position at the time
 21 was very much that they had had the tests confirmed, and
 22 as Prime Minister and his wife, they felt that there
 23 were many, many people in the UK whose children suffered
 24 with cystic fibrosis. They were absolutely committed to
 25 making this public and they were also -- one of the most

1 overwhelming memories of that time for me was the
 2 Browns' insistence that when the story was published,
 3 that we absolutely highlighted the positives in
 4 association with the cystic fibrosis association.
 5 Q. The story was published in November, when the child was
 6 four months old -- I said four years old; that's
 7 incorrect -- and before, I think, the diagnosis was
 8 confirmed. Is that true?
 9 A. No. I think -- and this is again from my conversations
 10 back in 2006 with the Browns and people who advised
 11 them -- I'm pretty sure we ran the story in the November
 12 and the tests were confirmed some time in the October.
 13 Q. When you spoke to Mrs Brown -- that's your evidence,
 14 Mrs Brooks -- was it on the basis that: "Look, we've got
 15 this story, we're going to run with it, let's see how we
 16 can run with it in a way which is least harmful to you",
 17 or something like that?
 18 A. Absolutely not, and I think that -- as you've seen in my
 19 witness statement, I was quite friendly with Sarah Brown
 20 at the time. Very friendly. She'd been through a hell
 21 of a lot already. I think my first thing I would have
 22 said to both of them was -- would have been a much more
 23 considerate and caring response to hearing the news
 24 myself. I was very -- I was very sad for them.
 25 I didn't know much about it and I wanted to find out

1 what had gone on.
 2 You have to remember that the -- this is 2006. This
 3 is only five years later that Mr Brown had ever said
 4 anything -- that he was in any way concerned about my
 5 behaviour, the behaviour of the Sun, how we handled it.
 6 Indeed, after 2006, I continued to see them both
 7 regularly. They held a 40th birthday celebration party
 8 for me. They attended my wedding. I have many letters
 9 and kind notes. Sarah and I were good friends. And so
 10 I felt -- hence the story in the Sun in 2012 was quite
 11 tough -- was that Mr Brown's recollections of that time
 12 weren't the same as my own.
 13 LORD JUSTICE LEVESON: Actually, I've been reading it in the
 14 print version, our tab 29, but if one looks at it on the
 15 screen, which everybody can do if you have a screen near
 16 you, there's an interesting comparison, isn't there? On
 17 the left-hand side, it talks about the falsity of the
 18 allegation and the fact it's a smear, but on the
 19 right-hand side, there is a statement, and that
 20 statement simply tells the facts. In other words,
 21 saying, "They've got it wrong." So you're actually
 22 there putting the side of the story that is purely
 23 defensive:
 24 "We're very sorry. You, Mr Brown, have got it
 25 wrong."

1 So you didn't need the subedited line in the first
 2 paragraph in bold on the left-hand column, did you?
 3 Anyway.
 4 A. It's difficult -- I don't have the print version.
 5 I only have the online --
 6 LORD JUSTICE LEVESON: You don't have the --
 7 A. I have the online version here.
 8 LORD JUSTICE LEVESON: Do you not have on the screen the
 9 version that has the Sun's statement?
 10 A. I see it now. Sorry, yes.
 11 MR JAY: Was there any correspondence with the Browns after
 12 you published the first story in November 2006?
 13 A. I saw them regularly after that and indeed discussed the
 14 situation with them on many occasions.
 15 Q. I move on to the Baby P story and the campaign against
 16 the social workers involved, including at the top, of
 17 course, Sharon Shoesmith, who was director of education
 18 and children's services in Haringey. You remember all
 19 of that, presumably?
 20 A. I do, yes.
 21 Q. Can I just give you the chronology so we understand the
 22 dates. Baby P was killed on 3 August 2007. Two people
 23 were convicted in relation to that crime on 11 November
 24 2008 and Sharon Shoesmith was sacked by Mr Balls, the
 25 then Secretary of State, on 1 December 2008. As it

<p>1 happens that decision was subsequently held to be 2 unlawful by the Court of Appeal but that's a detail. 3 Did the Sun launch an e-petition calling for people 4 to be sacked? 5 A. Yes. 6 Q. Was a similar e-petition launched in the Sunday Times? 7 A. I can't remember so. 8 Q. Okay. Did you telephone Mr Balls during the week 9 commencing 17 November 2008 telling him to get rid of 10 Sharon Shoemsmith or they would "turn this thing on him"? 11 A. No. 12 Q. Did you have any conversation with Mr Balls at about 13 that time? 14 A. I'm sure I did, yes. 15 Q. What was the conversation about? 16 A. Just discussing the contents, I think, of the crime 17 review, or perhaps it was the Haringey's own review into 18 what had happened to Baby P, but certainly not that 19 sentence you've just said. 20 Q. Did you say anything which came close to that? 21 A. No. 22 Q. Was it the Sun's view that Sharon Shoemsmith should be 23 got rid of? 24 A. It wasn't particularly Sharon Shoemsmith; it was 25 a variety of people. I think in the eight months that Page 45</p>	<p>1 Q. I told you that. On live television it was, on 2 1 December 2008. But I'm looking two weeks beforehand, 3 the week commencing 17 November 2008. Did you have 4 a conversation with Mr Balls about Sharon Shoemsmith? 5 A. Yes, it will have been discussed. 6 Q. It would have been or was discussed? 7 A. Yes, it was discussed. 8 Q. Was the purpose of the call specifically to discuss 9 Sharon Shoemsmith? 10 A. No, it wasn't. It was to discuss the case and also to 11 try and understand why Haringey Social Services were 12 allowed to do their own review into their own conduct 13 over Baby Peter. 14 Q. During the course of the discussion you had in relation 15 to Sharon Shoemsmith, did you indicate to Ed Balls that 16 you wanted her sacked? 17 A. Mr Jay, I didn't tell Ed Balls to fire Sharon Shoemsmith. 18 It was very obvious from the coverage in our paper that 19 we had launched a petition because the government were 20 refusing to do anything about the situation. So yes, 21 I had conversations with Ed Balls. I think I also spoke 22 to the shadow minister, who I think was Michael Gove at 23 the time, but I can't quite remember that. We were – 24 I would have spoken to anybody, basically, to try and 25 get some justice for Baby P, which was the point of the Page 47</p>
<p>1 Baby P was under Haringey Social Services – Baby Peter, 2 sorry – he was seen by Social Services and NHS 3 officials in that time where he sustained the 50 or so 4 injuries that he died of in the end, but also more 5 importantly – and I'm not sure the public were allowed 6 to know this at this time, but in the review it was 7 revealed that the Social Services had allowed the 8 boyfriend, if you like, to live with Baby Peter, even 9 though he was on a charge of raping a two-year-old. So 10 there were serious failings, but it wasn't just Sharon 11 Shoemsmith – 12 Q. We're moving well away from the subject matter of my 13 question, which was whether it was the Sun's wish to get 14 rid of Sharon Shoemsmith. "Yes" or "no"? 15 A. I think we called for her and others to resign, yes. 16 Q. So you called for her to resign. Was that call the 17 subject matter of a conversation which you had with 18 Mr Balls? 19 A. I think he was well aware we'd called for the 20 resignation. It was all over the paper. 21 Q. Yes, but did you have a conversation with Mr Balls about 22 it specifically? 23 A. I can't remember when my call was with Mr Balls. 24 I think it was after he had – I think in the end he 25 ended up firing Sharon Shoemsmith. Page 46</p>	<p>1 campaign. 2 Q. Yes, but the person who could deliver justice for Baby P 3 in this way was the person who could make the relevant 4 decision. That was Mr Balls, wasn't it? 5 A. Ed Balls obviously had influence on that decision and – 6 but the paper was the main form of lobbying – 7 Q. No, he was the decision maker, wasn't he? He was the 8 person who could effect the sacking by direct 9 instruction to Haringey. That's the correct position, 10 isn't it? 11 A. I'm just picking up that I think the premise of your 12 questioning is that – did I tell Ed because to sack 13 Sharon Shoemsmith? And in fact in the newspaper, from 14 the day we broke – the day we covered the Baby P story, 15 it was very clear that that was the Sun's editorial line 16 on it, so Mr Balls was under no illusion that that was 17 the point of our campaign. 18 Q. Yes, and you also -- he was also under no illusion that 19 that was the point of your telephone call as well. 20 Isn't that the case? 21 A. No, the telephone call was in part the petition. We 22 were also – we also wanted to deliver the petitions to 23 Downing Street because nothing was moving on the 24 campaign, and we ourselves at the Sun were very 25 surprised by the level – I mean, 1.5 million of Page 48</p>

12 (Pages 45 to 48)

<p>1 a percentage of a readership is a huge reaction. So it 2 will have been to feed back that. It would not just 3 be -- I don't think was -- it was a point of reference 4 because the editorial line of the Sun was very obvious 5 to Mr Balls. He only had to read the paper. 6 Q. If you were frustrated by his apparent inaction and you 7 had a mass of signatories on your petition, all the more 8 reason to bend Mr Balls' ear? Would you not agree? 9 A. Yes, but your premise of your question was: did I ring 10 up Mr Balls and say -- I can't remember how you put it, 11 but it was in a tone and a language that I wouldn't use, 12 but you said did I say, "Get rid of her or else", or 13 whatever you said, and I'm saying I did not say that. 14 The point of the campaign was pretty obvious to Ed Balls 15 because he only had to read the paper. I was actually 16 asking Mr Ed Balls for much more subtle information, 17 like the contents of the review that we weren't allowed 18 to see and the whitewash that I felt Haringey council 19 had done on their own review. 20 LORD JUSTICE LEVESON: I think we'd better give the 21 shorthand writer a break. Just five minutes. 22 (3.15 pm) 23 (A short break) 24 (3.24 pm) 25 MR JAY: Mrs Brooks, we're on to some general points now to Page 49</p>	<p>1 correct, isn't it? 2 A. I don't think sole responsibility -- 3 LORD JUSTICE LEVESON: No, the ultimate responsibility, 4 because you look to everybody else for advice and then 5 everybody looks towards you and you decide: "This is 6 what we're going to do." 7 A. Ultimately, everything that's published in the paper is 8 the editor's responsibility, yes. 9 MR JAY: Do you feel that that is a satisfactory state of 10 affairs, given that the editor is bound to be parti pris 11 in assessing the public good because the editor needs to 12 have an eye on matters such as circulation figures? 13 A. Well, that is a role of an editor. An editor's judgment 14 is part of their -- is a big part of their role. 15 Q. And holding public figures to account in your lexicon 16 would include exposing the private weaknesses of public 17 figures; is that right? 18 A. I think I was referring there more to campaigns, which 19 I discuss a lot in my witness statement. 20 Q. Yes, but I'm not discussing that. I'm discussing the 21 issue of exposing the private weaknesses of public 22 figures. You would regard that as completely within the 23 bound of the public good, wouldn't you? 24 A. Not necessarily, no. 25 Q. So when would you not expose the private weaknesses of Page 51</p>
<p>1 conclude your evidence, if that's okay. Paragraph 6, 2 please, of your second statement. You set out your 3 credo on accountability. Our page 02573: 4 "I've seen at first hand the importance of the press 5 as a means of holding politicians and other public 6 figures to account and of influencing policies for the 7 public good." 8 Would you agree that editors, subject only to any 9 review by the PCC, have sole discretion as to what 10 constitutes the public good? 11 A. No, not -- no, I don't. I think editors do have some 12 discretion. As we discussed earlier, that it is 13 a combination of reacting to the readers, understanding 14 the readers, but also putting issues and stories in 15 front of the readers for their reaction. So not sole 16 responsibility, no. There's a huge team at newspapers, 17 all of which contribute through conference, through 18 ideas. I think sole responsibility is not right. 19 Q. In terms of assessing what the public good is, that 20 resides with the newspaper and ultimate responsibility 21 resides with the editor. Are we agreed? 22 A. Yes. 23 Q. I think I was right in saying that in terms of this 24 particular assessment, subject only to review by the 25 PCC, responsibility resides with the editor. That's Page 50</p>	<p>1 public figures? 2 A. When there didn't seem to be a public interest in doing 3 so. 4 Q. And when would such circumstances arise? 5 A. Well, I think there are many stories that newspapers 6 haven't run about personal circumstances about public 7 figures. 8 Q. What are the sort of circumstances which would militate 9 against publication without, of course, giving us 10 details of individual stories which weren't published? 11 A. So if, perhaps, there had been no trust broken between 12 them and their constituents or -- where in fact, I think 13 you discussed yesterday, although that story was 14 published, maybe George Osborne could have argued that 15 it was before he became an MP. I mean, each editor's 16 judgment is their own in this. 17 Q. Which goes back to the point that it's a matter of 18 editorial discretion at the end of the day, isn't it? 19 A. You said "sole" and I just wanted to convey -- I'm sure, 20 you know, you're pretty au fait now with the workings of 21 a newsroom, but it is important to understand the 22 collective discussions that go on. 23 Q. Can I just take one particular campaign. Some would 24 say -- there are arguments both ways, but naturally no 25 view is expressed here. The murder of Sarah Payne and Page 52</p>

13 (Pages 49 to 52)

1 Sarah's Law, which featured in the News of the World for
 2 a number of years.
 3 A. Yes.
 4 Q. Is right that the News of the World published the names
 5 and photographs of sex offenders in order to "protect
 6 other children from them"?
 7 A. Correct.
 8 Q. Was that the editorial decision of someone like you?
 9 A. Yes, it was.
 10 Q. What do you say to the criticism made by the
 11 Chief Constable of Gloucestershire that this was grossly
 12 irresponsible journalism?
 13 A. Well, I disagreed with it at the time.
 14 Q. For what reason?
 15 A. Because I felt that although there were some aspects to
 16 the campaign that -- and there's always risk with any
 17 kind of public interest journalism and there's always
 18 risk with campaigns -- although there were some issues
 19 with the campaign, I was -- I think the mechanic, in
 20 a way to try and explain to the public what the point of
 21 the campaign was, was effective, and I think there were
 22 about 13 or 14 pieces of legislation brought in
 23 subsequently on the back of it.
 24 Q. Why did you need to publish the names and photographs of
 25 known sex offenders in order to bring home what was

1 otherwise a legitimate point?
 2 A. Because it was -- it was the point about information.
 3 When Sarah Payne went missing, I was surprised that the
 4 police team around the inquiry were pretty sure who they
 5 thought the perpetrator might be because he was
 6 a convicted paedophile living in the community, who had
 7 just been released, having abducted another
 8 eight-year-old girl in almost identical circumstances,
 9 and it was news to me that convicted paedophiles of that
 10 serious nature were allowed to live unchecked in the
 11 community and parents didn't have any information on
 12 that, and when I checked, back in America, after the
 13 murder of Megan Kanka in 1994, President Clinton had
 14 brought in a Megan's law, which had been working very
 15 well, and so that's why I thought the mechanic was
 16 right.
 17 Q. One can understand the argument to this extent. Let's
 18 agree that the criminal law might need to be
 19 strengthened. Why is it necessary, as part of that
 20 legitimate campaign, to publish the names and
 21 photographs of known sex offenders?
 22 A. Because in 2000 when we did it -- and I think it was
 23 over a period of just two weeks -- it was a way of
 24 highlighting the central issue of the campaign to try
 25 and explain to the readers the huge gap between what

1 they thought was the situation and what was the
 2 situation.
 3 Q. Why couldn't you just explain it to your readers in
 4 clear and simple language? Why sensationalise it and
 5 create the obvious risk of reprisals?
 6 A. Well, actually before we did it, having looked at
 7 Megan's law, there was very, very limited -- there is
 8 very limited vigilanteism. I wasn't predicting those
 9 reprisals and I felt it was the best way to highlight
 10 the central point of the campaign.
 11 Q. Were there any reprisals?
 12 A. There were two that are written about.
 13 LORD JUSTICE LEVESON: Does that include the paediatrician?
 14 A. It does, sir, yes.
 15 MR JAY: The natural and foreseeable consequence of
 16 a sensationalised campaign, wouldn't you agree,
 17 Mrs Brooks?
 18 A. No, I think the -- I don't think anyone could have
 19 predicted the paediatrician situation. And secondly,
 20 I think on Paul's Grove estate, I think the residents
 21 were quite shocked to discover that Victor Burnett had
 22 been living there unchecked when his last words in
 23 prison were: "I'm going to offend again", although
 24 again, I didn't predict the outcome.
 25 Q. It's been a recurring theme in the questioning over the

1 course of the day that I put to you a proposition which
 2 might seem obvious as a matter of common sense and you
 3 reject it each time. I'm going to try again with this
 4 one. Is it not evidently inflammatory to publish in the
 5 News of the World the names and photographs of known sex
 6 offenders, with the foreseeable consequence that there
 7 might be physical violence?
 8 A. Well, if you published it on the basis that you knew
 9 that that would happen, yes. But it was not the
 10 intention. The incidents I can explain, as I've tried
 11 to. The fact is that it was a very serious -- there
 12 were very serious loopholes that needed to be closed and
 13 it was a bold -- some people disagreed with it, some
 14 people agreed with it in terms of press, but 98 per cent
 15 of the British public continue to agree with the
 16 campaign probably up until this day.
 17 Q. It might not have been your motive, Mrs Brooks, but it
 18 was the natural and probable consequence of your
 19 actions, wasn't it?
 20 A. No.
 21 Q. If it wasn't, it means that you banished from your mind,
 22 I would suggest to you, that which would be patently
 23 obvious to anyone else and which ought to have been
 24 obvious to an editor exercising your position, role and
 25 power. Would you not agree?

1 A. No, I won't agree because I did not predict there was
 2 going to be a riot in Paul's Grove and I didn't
 3 predict that somebody, a member of the public, would
 4 mistake a paedophile for a paediatrician. I don't think
 5 anybody could have predicted that.
 6 Q. In many things, though, Mrs Brooks, one can't predict
 7 the exact sequence of events which would lead to an
 8 outcome, but you could certainly predict the outcome in
 9 general terms. What I'm suggesting to you is that it's
 10 plain as a pikestaff that this sort of outcome would or
 11 at least might arise. Would you not agree?
 12 A. No, and you have the benefit of hindsight, which
 13 I didn't have at the time. I was merely constructing a
 14 very bold campaign in order to change the sex offenders
 15 act of 1997.
 16 Q. Not just bold, Mrs Brooks, but sensationalised, designed
 17 to inflame and designed to improve the standing of you
 18 and the standing of the News of the World with those
 19 crude objectives in mind. Is that not true?
 20 A. Mr Jay, you seem to have taken the opinion of -- the
 21 Guardian, I think, had that at the time. I disagree
 22 with you. It is not my opinion, and I'm not going to
 23 agree with you.
 24 Q. Okay.
 25 LORD JUSTICE LEVESON: Let me make it clear that I have
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1 absolutely no concern about the policy objectives of
 2 a campaign that News of the World or anybody else wishes
 3 to run. That's what freedom in our society means.
 4 I have no problem about that at all. The only question
 5 I might ask, following up on Mr Jay's question, is: if
 6 you had appreciated that the public might react in the
 7 way in which it did in the two incidents, do you think
 8 you would have rethought whether that aspect of the
 9 campaign should be run?
 10 A. I do have some regrets about the campaign, particularly
 11 the list of convicted paedophiles that we put into the
 12 paper, because I felt that we'd made some mistakes by
 13 just going on an appearance on the Sex Offenders Act,
 14 which wasn't necessarily the right criteria. However,
 15 I still thought that the mechanic that we used was the
 16 right thing to do.
 17 LORD JUSTICE LEVESON: Right.
 18 MR JAY: Paragraphs 99 and 100 of your second statement,
 19 02589, when you refer to a wider point. Do you remember
 20 that?
 21 A. What paragraph, sorry?
 22 Q. Paragraph 99.
 23 A. Yes.
 24 Q. You moved off the Andy Coulson issue and you have
 25 scotched the myth there, do you follow me, and then
 Page 58

1 you're moving on to your wider point.
 2 A. Yes.
 3 Q. You say in the second line:
 4 "It is one thing to be a passionate advocate of
 5 a free press but if you seek to defend an inaccurate
 6 free press, you lose the moral high ground."
 7 Are you intending to say there that there are some
 8 aspects of our free press which might give rise to
 9 criticism because our free press can be inaccurate?
 10 A. I think that -- and you've discussed this in the first
 11 module of the Inquiry -- that when a newspaper gets it
 12 wrong -- one of the biggest complaints I used to get,
 13 not necessarily about my own newspaper but about the
 14 press in general, was the prominence of apologies when
 15 an inaccuracy had taken place, and that's what I'm
 16 referring to. The page 37, one paragraph type thing.
 17 Q. In some respects -- and this is perhaps an ironical
 18 aspect of your evidence. In the course of the day, I've
 19 put to you stories which are said to be reliably
 20 sourced, whether they are in the Times or Vanity Fair or
 21 elsewhere, and very often you've said, "It's untrue",
 22 but that, in a funny sort of way, is the sort of debate
 23 we've been having at this Inquiry. If your evidence is
 24 right, that is, so often sources don't stand up, based
 25 on myth or half truth or a garbled version of the truth.
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1 Do you see the irony there?
 2 A. Yes, I do.
 3 Q. What do you think the reason for it all is?
 4 A. Well, Mr Jay, today you've put to me quite a few, shall
 5 we say, gossipy items, for want of a better word --
 6 Q. Same sort of stuff one reads or did read in the News of
 7 the World --
 8 A. And the Sun.
 9 Q. -- and continues to read in the Sun. Isn't that true?
 10 A. Yes, but we're not in a tabloid newsroom now, are we?
 11 Q. No, we're not.
 12 A. We're in an Inquiry. So you put a personal few
 13 things -- my personal alchemy, my -- did Rupert Murdoch
 14 and I swim? Where did I get the horse from? Did
 15 Mr Murdoch buy me a suit? The list is endless and I've
 16 had to refute a lot of those allegations because --
 17 "allegations" is overstating the case -- they're wrong.
 18 But I do feel that that is merely a systematic issue
 19 that -- you know, I think a lot of it's gender-based.
 20 I think that my relationship with Mr Murdoch -- if I was
 21 a grumpy old man of Fleet Street, no one would write the
 22 first thing about it, but perhaps otherwise I get a lot
 23 of this criticism and gossip. But I wasn't complaining
 24 and I wasn't making -- it would be the height of
 25 hypocrisy for that last paragraph to mean that. All
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15 (Pages 57 to 60)

1 I was saying is that in my experience as a journalist,
 2 it is one of the biggest complaints I get where people
 3 say that the apology never matches the inaccuracy.
 4 Q. The systematic issue you referred to may not relate to
 5 you, although I understand naturally you would have
 6 particular concerns in relation to yourself. The
 7 systematic issue as regards inaccuracy may be a function
 8 of the commercial pressures the press is under, its
 9 reliance on sources which do not always stand up, its
 10 tendency to rely on stories which ring true but which
 11 don't happen to be true, and finally the story itself
 12 being more important than the truth. In microcosm
 13 today, we have seen demonstrated the sort of phenomenon
 14 which has occupied the life of the press for decades in
 15 this country. Is that fair or not?
 16 A. I don't think it's fair and I don't think any journalist
 17 in the room would agree with the final summing up of
 18 that statement, where you say the story's more important
 19 than the truth.
 20 Q. Are there other aspects of the culture, practice and
 21 ethics of the press which you're looking at in
 22 paragraph 99, such as harassment and intrusion, or are
 23 these issues which you would either prefer not to
 24 address or don't think are particularly important?
 25 A. Well, no. Of course I think they're important. I mean,
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1 I'm happy to discuss them, but just for the purposes of
 2 this module, which was meant to be about the discussion
 3 of the appropriate relationship between press and
 4 politicians, I haven't gone into them in my witness
 5 statement.
 6 Q. Okay.
 7 LORD JUSTICE LEVESON: I understand that, Mrs Brooks, but
 8 one couldn't have listened for the day -- and indeed
 9 read the material that has been published and written
 10 about you that forms this lever-arch file -- without
 11 wondering a little bit about the extent to which the
 12 press have intruded rather beyond your public position
 13 into your private life, and I wonder whether you have a
 14 comment, speaking with all the experience that you have
 15 as an editor of the News of the World and the Sun, as to
 16 the extent to which the press does now get further and
 17 further into issues of privacy?
 18 A. Well, look, for a start, I consider myself to be
 19 a journalist and therefore I -- as I said to Mr Jay, it
 20 would be, I think the height of hypocrisy for me to
 21 complain. However, I have had those complaints from
 22 people in my career as journalism and I've always tried
 23 to understand and always tried to use my judgment to
 24 where that line fell.
 25 As to my own situation, well, you know, it's been
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1 a difficult year and -- but a lot of the questions that
 2 I've had from Mr Jay I felt concentrated on quite
 3 a trivial side. I was happy to discuss them, but it was
 4 all -- you know, I'm not sure it helps this Inquiry
 5 whether Mr Murdoch bought me a suit or not, or I went
 6 swimming with him.
 7 LORD JUSTICE LEVESON: What might help is the nature of the
 8 relationship and the influence that it generates, and
 9 they're all bits and pieces. I wasn't asking you to
 10 complain, because you've said in terms that it would be
 11 hypocritical of you to do so in the light of your past
 12 experience, but because I'm trying to find the way
 13 through the various modules, including the political
 14 one, I wanted to give you the opportunity of saying
 15 anything you wanted to say on the subject.
 16 A. Well, I think -- I think on the -- on the politicians,
 17 I do think much has been made of cosy relationships and
 18 informal contact, and I believe that if journalists meet
 19 politicians, the -- it's going to be incredibly hard to
 20 be -- the journalist to be transparent about that or be
 21 forced to be transparent because often they are exactly
 22 the ways that we get information. So if you see an MP
 23 for a drink and then have to print your schedules the
 24 next day, that's quite difficult.
 25 On the other hand, I understand from this government
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1 that they have improved their transparency from their
 2 part, and so I suppose it was to urge you that actually
 3 there really shouldn't be -- there shouldn't be, if
 4 everyone's individual contact is correct -- I have
 5 a never compromised my position as a journalist by
 6 having a friendly relationship with a politician. I've
 7 never known a politician compromise their position
 8 particularly with their friendship with me or with
 9 another executive.
 10 So I'm not saying the system is perfect, far from
 11 it, but a review and understanding of the current laws
 12 might be a start, or enforcing of the current laws,
 13 before we put any more restrictions into it.
 14 LORD JUSTICE LEVESON: In relation to a press and the
 15 politicians, I don't know that it's a question of law.
 16 A. I'm talking about the Ministerial Code, which is
 17 changing all the time, and it changed in July last year.
 18 LORD JUSTICE LEVESON: But you said to me before lunch --
 19 when I asked you: can you understand why it might be
 20 a matter of public concern that the very close
 21 relationship between journalists and politicians might
 22 create subtle pressures on the press, who have
 23 a megaphone on the politicians who have the policy
 24 decision, you agreed that you could understand that.
 25 A. I could understand your point very clearly, sir, because
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1 I think in every walk of life and every kind of
 2 relationship you have, there are subtle pressures.
 3 I think that's human nature. And it is up to
 4 individuals' conduct and how you respond to those
 5 pressures. So I accept what you're saying as a fact,
 6 but I do think that both the press and politicians need
 7 to make sure that they have their professional life in
 8 front of anything else so they don't compromise.
 9 I mean, the big point about sort of
 10 a prime minister -- if a prime minister ever had put
 11 a friendship or a relationship or a cosiness with
 12 a media group before their duties to the electorate,
 13 then that would be a terrible failing.
 14 LORD JUSTICE LEVESON: Of course. But it might be that
 15 they're convinced that it is consistent with their
 16 duties to the electorate. In other words, the nature of
 17 the relationship is such that they become honestly and
 18 completely convinced, because of the respect they hold
 19 the people that they're dealing with, who may be their
 20 friends -- and therefore they're not doing anything that
 21 is improper but they are slightly, perhaps, less guarded
 22 with people in the press, particularly those who may be
 23 their friends, than they will be when they know there's
 24 a lobby group coming. The example I gave to Mr Coulson
 25 yesterday was from the coal industry, and then there's
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1 a lobby industry from Greenpeace to talk about a new
 2 colliery. That's a part of our process that different
 3 interest groups get the opportunity to make their point.
 4 But I don't suppose many colliery owners get the
 5 opportunity to make as many points as the most senior
 6 journalists get to make, and the colliery owners don't
 7 quite have the same ability to provide -- if I use the
 8 word "something in return", I don't want you to
 9 misunderstand me. I'm not saying there's a Faustian
 10 bargain necessarily, but it is, as I think has been said
 11 at this Inquiry before, rather more subtle than that.
 12 It's just a recognition that actually, if two people --
 13 a journalist on the one hand and a politician on the
 14 other -- are on the same page and therefore support each
 15 other, they might generally support each other. Not
 16 improperly, not because they've made a deal, not because
 17 they've been given cash or anything like that, but
 18 because people can be persuaded.
 19 Now, that may be fair enough, but the question is
 20 how one can ensure there is sufficient openness and
 21 transparency about that so that everybody is satisfied,
 22 in this day of mass media communication, that all
 23 decisions are being made openly and transparently,
 24 without influence that people don't know about. That's
 25 my point.
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1 A. And that would be -- that's correct in terms of business
 2 and commercial interests, which is, I think, where the
 3 coal manufacturing comes in. All I would say -- I'm not
 4 disagreeing with that point -- is that from
 5 a journalist's perspective, you're not trying to get to
 6 see a politician for your own personal or even your
 7 company's commercial interests; you're trying to gather
 8 information -- to put it, you know, at its lowest,
 9 you're trying to get a good story.
 10 LORD JUSTICE LEVESON: But you might be doing it for your
 11 commercial considerations. We've talked enough about
 12 the BskyB bid or the anti-bSkyB bid. It doesn't really
 13 matter which. That's where the whole thing gets just
 14 a little bit fuzzy, doesn't it?
 15 A. I have never known anything like the anti-Sky bid
 16 alliance and indeed our natural reaction to it -- but
 17 I've never heard of every media group in the country and
 18 British Telecom and the BBC getting together against one
 19 commercial bid.
 20 LORD JUSTICE LEVESON: You could take another example. You
 21 could take the example of the meeting in 19 -- I have to
 22 get the year right.
 23 A. '80?
 24 LORD JUSTICE LEVESON: The meeting between Rupert Murdoch
 25 and Mrs Thatcher, thank you, about the takeover of the
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1 Times. I'm not suggesting that that's improper. I'm
 2 not reaching any conclusion about any of it, but it is
 3 another example. The anti-bSkyB bid alliance not merely
 4 had the ability to lobby; it had the ability to use its
 5 press interests. News International had the ability to
 6 use its press interests.
 7 A. Well, we didn't, actually, but yes.
 8 LORD JUSTICE LEVESON: Whether you did or you didn't is not
 9 my point, as you understand.
 10 A. Yes, I do.
 11 LORD JUSTICE LEVESON: So it's a question of ensuring for
 12 the public that that pressure, the megaphone on the one
 13 hand and the policy decisions on the other, does not get
 14 out of hand.
 15 A. That's correct, but I really do believe -- I know I keep
 16 going on about it, but it's the ordinary people's views
 17 that make a newspaper powerful, and if I can just give
 18 you one example, where the Daily Mirror ran a very good
 19 campaign that chimed with the readership at the
 20 beginning, anti the war in Iraq. I think it was called
 21 "Not in our name". And the Sun, being pro-military,
 22 always kept a very sort of supportive -- you know,
 23 backing our troops on the ground. Once the war started,
 24 the Mirror continued with the campaign, and I think ran
 25 a headline saying, "Why Mirror readers are wrong", and I
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1 think it's in Piers Morgan's book that I was asked to
 2 read again for this inquiry -- he talks about how the
 3 circulation of the Mirror plummeted because in fact he'd
 4 continued to drive an editorial line in the paper which
 5 was against the readership, and they reacted pretty
 6 swiftly.
 7 I accept that's an extreme example and you were
 8 asking me about subtleties in these kind of pressures --
 9 LORD JUSTICE LEVESON: And that's why we spoke earlier
 10 before about: is it responsiveness or leadership? And
 11 there's a bit of both.
 12 A. There is absolutely both. I mean, on Sarah's law, for
 13 example, although many people questioned the mechanic --
 14 and I completely understand that, it was
 15 controversial -- the fact is that it was again -- I put
 16 a piece of information in front of the readers that
 17 I found astonishing when I heard it, was that, for
 18 whatever reason in the system, that convicted
 19 paedophiles could live in the community unchecked, and
 20 that was something I just didn't know and I presented it
 21 to the readers in the way I did, and so that was
 22 a situation of me putting something in front of them.
 23 However, I did know that they were incredibly moved by
 24 what happened to the Payne family from their reactions
 25 earlier on, so I knew they would be responsive to it.

1 would expect, widely reported, and we would be very
 2 grateful indeed for the opportunity to make a short
 3 opening statement.
 4 LORD JUSTICE LEVESON: Yes. In principle, I have no
 5 objection to that, Mr White, except I'd need to know
 6 where it was going to get me to. I mean, I did ask some
 7 weeks ago whether anybody wanted to make opening
 8 statements and indeed I think at one stage the Guardian
 9 wanted to, and then decided that it wasn't necessary.
 10 I'm just a little bit troubled that once I open the door
 11 again, then everybody will decide that it's about time
 12 they marched through. In one sense, I don't mind that
 13 either, except that I have a timetable to deliver and
 14 I'm going to deliver it.
 15 Have you discussed that with any of your fellow core
 16 participants?
 17 MR WHITE: I haven't, but may I make this observation: that
 18 there was little attention on anybody else and their
 19 interaction with politicians in Mr Jay's opening, and
 20 therefore I suspect that our desire to say something in
 21 response may be somewhat more pressing than other
 22 parties'.
 23 LORD JUSTICE LEVESON: I understand the point. All right,
 24 briefly you have that opportunity.
 25 MR WHITE: Thank you very much.

1 LORD JUSTICE LEVESON: It's all a bit like that, isn't it?
 2 A. It is. It makes it very difficult.
 3 LORD JUSTICE LEVESON: Yes. Thank you. Is there anything
 4 else that you want to add on the subject?
 5 A. No, that's fine. Thank you.
 6 LORD JUSTICE LEVESON: Right. All right, thank you.
 7 A. Thank you.
 8 LORD JUSTICE LEVESON: Right. There's something else we
 9 have to deal with, but I'll let Mrs Brooks and anybody
 10 who wants to leave. (Pause).
 11 Right. Well, we have a little time to continue the
 12 issues that were raised by Mr Sherborne. I appreciate
 13 he's not here, but he will have the opportunity of
 14 reading what everybody says and replying shortly when we
 15 next get an opportunity. As long as we're working hard
 16 and keeping to the timetable, I don't mind.
 17 Right, Mr White, do you want to start?
 18 Response to Mr Sherborne's Application
 19 MR WHITE: May I? May I also raise one other matter that
 20 Mr Jay's mentioned to you, which is on behalf of
 21 News International. We would greatly appreciate an
 22 opportunity to make a short opening statement on
 23 Module 3 on Monday morning. Mr Jay's opening of this
 24 module was focused to a very large extent on
 25 News International and its conduct and that was, as one

1 May I then turn to Mr Sherborne's application on
 2 Wednesday afternoon? Transcript pages 74 to 5,
 3 Mr Sherborne sought a direction. It was be a
 4 application of which there had been no advance warning.
 5 LORD JUSTICE LEVESON: Yes, I know. That's one of the
 6 reasons why I was very happy to give everybody the
 7 chance to think about it. I'm the only one that should
 8 get things thrown at them without knowledge. You should
 9 at least have some forewarning. It's one of the perils
 10 of judicial life. Yes?
 11 MR WHITE: It's a very minor grumble. The application was,
 12 as I understand it, for a direction that the newspaper
 13 core participants should answer two questions in
 14 relation to the Operation Motorman data, if I can use
 15 that compendious term. The first we question was what
 16 happened to the journalists who used Mr Whittamore's
 17 services, in terms of whether they were disciplined or
 18 any other action. The second was what steps had been
 19 taken to identify whether any information from that data
 20 is still being retained or used, and the closing words
 21 Mr Sherborne used were: "If it is still being used, this
 22 must stop."
 23 May I say first of all we were surprised that that
 24 application was made more than five months after
 25 News International filed its very detailed evidence in

1 relation to the Operation Motorman data. That was in
 2 the second witness statement of Pia Sarma, the editorial
 3 legal director of the Times, which was read into the
 4 record of the Inquiry without objection or response from
 5 Mr Sherborne's clients, I think five months and two days
 6 ago.
 7 The first question, what happens to the journalist,
 8 seems to us to break down logically into two questions
 9 in fact. Firstly, what happened to them back in 2006,
 10 when the report "What price privacy now?" was published,
 11 and secondly, what might have happened to them at any
 12 later stage.
 13 Sir, the first question or the first part that,
 14 namely what happened in 2006, proceeds, I think it's
 15 necessary to remind the Inquiry, on a false premise.
 16 The false premise is that the individual journalists in
 17 question were either identified or identifiable from
 18 "What price privacy now?". In fact, that report, when
 19 published in December 2006, simply contained a table
 20 which set out names of publications --
 21 LORD JUSTICE LEVESON: Yes, I have the point.
 22 MR WHITE: Yes.
 23 LORD JUSTICE LEVESON: So they couldn't do anything then and
 24 indeed they contended that they were wrongly identified
 25 anyway. At least certain of the entries in relation to

1 MR WHITE: All of what I'm saying is essentially by way much
 2 reminder. Ms Sarma also explained why the unidentified
 3 journalists may well have not have been aware of
 4 any illegality and what I did want to remind you of was
 5 that the vast majority of the Operation Motorman data in
 6 relation to my clients consisted simply of ex-directory
 7 telephone numbers and our evidence was that those were
 8 obtainable through legitimate sources. Indeed, we
 9 exhibited some websites providing exactly that service
 10 which continue to operate, and one of them claims with
 11 the approval of the ICO.
 12 So that's one point about whether there was any
 13 actual wrongdoing disclosed even against the
 14 unidentified journalists but Ms Sarma went further and
 15 explained that without knowing the particular
 16 transaction, it is was impossible to see whether there
 17 was a public interest defence -- an apparent offence or
 18 prima facie offence -- under section 55. She did so not
 19 in the abstract but by exhibiting at PS6 certain stories
 20 which we linked to particular lines in the data, where
 21 we said there was a public interest. It's
 22 a confidential exhibit but it's in evidence. We didn't
 23 do the exercise for every line but doing it for some was
 24 an indication of how difficult it is to oversimplify the
 25 problem and suggest that any journalist using the

1 clients of yours were challenged.
 2 MR WHITE: Yes.
 3 LORD JUSTICE LEVESON: So I understand that. Yes?
 4 MR WHITE: You have in mind the Sunday Times was said to
 5 have 52 transactions involving seven journalists. When
 6 we asked who those were and what they were, it was
 7 "corrected" to four transactions involving one
 8 journalist.
 9 But we also expressly asked for the information to
 10 enable us to investigate it and were refused it, and all
 11 that is set out in detail in Pia Sarma's witness
 12 statement. The MOD reference is MOD10049133,
 13 particularly at paragraph 12. I don't think we need to
 14 get it up on the screen. But we couldn't do anything in
 15 2006.
 16 Ms Sarma's witness statement also addresses whether
 17 we could have done anything from our own records to try
 18 and see whether we could match the table and she
 19 explains later in the witness statement, I think at
 20 paragraph 16, why, given the age of the data -- which,
 21 as you may recall, by December 2006 was between about
 22 four and seven years old already -- that simply wasn't
 23 practical.
 24 LORD JUSTICE LEVESON: I remember. I had forgotten, but
 25 I remember now, yes.

1 services should have been disciplined.
 2 Then one asks: should we have done something at
 3 a later date? I suppose the first question is when, but
 4 let us take the example of you when all the participants
 5 obtained, through the Inquiry, the relevant data. The
 6 position at that stage, sir, is the transactions were by
 7 then at least nine years old and since some of them were
 8 probably much older, it would have been difficult at
 9 that stage to look into them. More difficult.
 10 More importantly, I think we had only one or perhaps
 11 two journalists named in the data still in employment at
 12 any of our titles. But we also took the view that to
 13 take disciplinary action against employees for
 14 transactions more than nine years old would have been
 15 completely indefensible in employment law terms and they
 16 were far too stale to start disciplining people.
 17 There's a further point that we wanted to emphasise
 18 which is that both the former Information Commissioner,
 19 Mr Thomas, and the present one, Mr Graham, confirmed at
 20 your seminar on 12 October last year, and again in their
 21 evidence, that they didn't perceive any problem of the
 22 press purchasing illegally obtained information had
 23 persisted after 2006. So the problem those gentlemen
 24 both identified and the earlier one brought out in the
 25 report they saw as historical.

1 In those circumstances, we suggest that disciplinary
 2 action, either in 2006 or in 2011, wasn't actually
 3 realistic against individual journalists and exploring
 4 the issue of why it did or didn't happen won't assist
 5 your Inquiry at all.

6 As far as the second question is concerned --
 7 namely, the retention and possible current processing of
 8 the data -- the first point is similar to the one I have
 9 been putting forward, namely that in 2006 we couldn't do
 10 anything because we didn't know what the data was. By
 11 2011, the data is very old. It's got to be at least
 12 nine years old. It would be a huge effort,
 13 a disproportionate effort, to try and identify what in
 14 most cases is this low grade personal information,
 15 ex-directory numbers, see if they're on the systems
 16 separately from their presence on the systems through
 17 other avenues, and again, we question how much you'll be
 18 assisted by exploring that issue, certainly now that
 19 we're well downstream from Module 1.

20 There's a final point I wanted to make, which is
 21 a harder edged point. You have a lot on your plate in
 22 this Inquiry, as you say from time to time, and
 23 I certainly recognise it myself. There are other
 24 officials under the Data Protection Act who have the
 25 duty of seeing whether our current processing is lawful,

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1 fair, appropriate. Any individual who is concerned can
 2 make a complaint under the Data Processing Act. The
 3 High Court as jurisdiction to rule. The ICO has
 4 jurisdiction to rule. Fortunately, you may think, you
 5 don't.

6 If our current processing, such as it is, is lawful
 7 under the Data Processing Act, the press can't be
 8 criticised for any retention and continuing processing
 9 and I'd respectfully invite you to put aside this
 10 invitation to add yet more to your workload, largely
 11 because it won't take you anywhere but also for the
 12 reasons I've given.

13 LORD JUSTICE LEVESON: Yes, I understand. Thank you very
 14 much. Right.

15 MR BROWNE: In cricket I'd be called the nightwatchman.

16 LORD JUSTICE LEVESON: I would never describe you in that
 17 way, Mr Browne. Other ways, yes, but not that way.

18 MR BROWNE: The first point I want to make -- and I have
 19 five -- is the issue, as Mr White says, is now
 20 historical. The search warrant which seized the
 21 Whittamore documents was executed as long ago as 8 March
 22 2003. Subsequently, as we heard from Mr Gilmour, the
 23 seven journalists are interviewed under caution. None
 24 of them were ever arrested. Within a matter of, weeks
 25 on 6 March 2004, the Crown Prosecution Service had

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1 concluded that there was insufficient evidence to charge
 2 any of them. Mr Gilmour explained in his oral evidence
 3 that that was because they couldn't establish guilty
 4 knowledge on the part of any one of the journalists.

5 You'll recall from exhibit RJT49 to Mr Thomas' first
 6 witness statement that when Mr Whittamore and two others
 7 appeared in front of Judge Samuels at Blackfriars Crown
 8 Court, the judge made it clear that there was no halfway
 9 house in the matter and the presumption of innocence
 10 applied in relation to each of the journalists in
 11 respect of whom a decision had been taken that there was
 12 insufficient evidence to charge them.

13 Secondly -- I can take this quickly too; it's a
 14 point made by Mr White -- such alleged misbehaviour as
 15 had taken place prior to 2006 appears to have ceased in
 16 the view of not merely the current Information
 17 Commissioner but also his predecessor, Mr Thomas, and
 18 indeed you'll recall that in your ruling at the end of
 19 last year on access to the evidence submitted by
 20 Alexander Owens, you said at paragraph 3 that there was
 21 no basis for suggesting that the conduct that had given
 22 rise to Operation Motorman had been repeated, and
 23 doubtless you derived that from two passages in
 24 Mr Thomas' first witness statement at paragraphs 44 and
 25 46, where he said that what he was getting from his team

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1 was that press misconduct of the type that had led to
 2 the two ICO reports in the second half of 2006 had
 3 largely ceased thereafter and that the allegations that
 4 had surfaced since July 2011 appeared to predate 2006.
 5 Mr Thomas confirmed all of that when cross-examine by
 6 Mr Caplan, Day 14, page 117.

7 More recently -- and we can hand up a copy of this
 8 if it is necessary -- Mr Graham, the current Information
 9 Commissioner, told the Commons Justice Committee
 10 in September last year that so far as the ICO's office
 11 was concerned, the activities of the press recently have
 12 not particularly come to their attention and the concern
 13 that he had about Section 55 was really not very much to
 14 do with the press as opposed to those in the financial
 15 services sector.

16 Thirdly, when the Inquiry comes to consider culture
 17 practices and ethics of the press in relation to my
 18 client, a relevant consideration will no doubt be that
 19 the editors of the Daily and Sunday Mirror accepted in
 20 cross-examination by Mr Barr that given the sheer volume
 21 of requests, it would be surprising if every request to
 22 Mr Whittamore by their journalists was covered by
 23 a public interest defence. That, we say, is really as
 24 far as you need to go, and when the question arose on
 25 day 37 during the evidence of Mr Dacre of much the same

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1 question, you indicated that what interested you and the
 2 Inquiry was whether it was accepted that there was
 3 a possibility that some the inquiries could not be
 4 justified. If I can just quote a sentence from what you
 5 said. At page 56 of Day 37 in the afternoon, you said
 6 this:
 7 "I'm not concerned to ask how many or who because
 8 that's a detail which, for the purposes of my Inquiry,
 9 I don't believe I need to go into."
 10 You said something very similar in response to
 11 Mr Sherborne on Wednesday afternoon at page 76 when you
 12 said that the purpose of the Inquiry cannot be to answer
 13 all the factual issues and you said this:
 14 "It would be quite impossible to look at ten years
 15 of journalistic endeavour across a wide range of titles
 16 and do balanced and fair justice to individual
 17 incidents."
 18 Fourth point --
 19 LORD JUSTICE LEVESON: Sometimes I say things which appeal
 20 to me even now.
 21 MR BROWNE: That comes as much comfort.
 22 LORD JUSTICE LEVESON: I'm not so sure, Mr Brown.
 23 MR BROWNE: I think (inaudible) is the adjective that comes
 24 into my mind.
 25 Fourthly, the requests which Mr Sherborne made,

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1 which are effectively to reopen and extend the ambit of
 2 Module 1, come far, far too late in the day. I had to
 3 ask somebody to tell me but I had to be reminded that
 4 hearings in Module 1 ended as long ago as Thursday,
 5 9 February, and I wish Mr Sherborne was here so I didn't
 6 have to say this behind his back, but it really is
 7 disingenuous to suggest, as he did when he opened this
 8 application, that it was made in the light of
 9 DCI Gilmour's evidence. The detective chief inspector
 10 had said nothing in his oral evidence or in his witness
 11 statement to suggest, for example, that offending
 12 journalists had been promoted to senior positions, a
 13 point that Mr Sherborne wishes to pursue in the first
 14 set of questions.
 15 LORD JUSTICE LEVESON: You haven't said it behind his back.
 16 He'll read it.
 17 MR BROWNE: Good. He may even be watching me live.
 18 Indeed, just reverting to DCI Gilmour, he was at
 19 pains not to mention the names of the journalists
 20 questioned, in accordance not only with your
 21 self-denying ordinance but also the stance adopted by
 22 Mr Thomas and the ICO. You'll recall that Mr Thomas, in
 23 his second witness statement, said that the ICO had
 24 always regarded the names as personal data and he
 25 emphasised the sensitive nature of that data by reason

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1 of the fact that the names had been obtained by reason
 2 of the exercise of the search warrant in March 2004, the
 3 journalists had not been prosecuted, let alone convicted
 4 and they'd had no chance to defend themselves.
 5 The other point in relation to delay is this. Back
 6 on 13 March 2012 at the beginning of Day 49 in the
 7 morning, you, sir, made a ruling declining to make
 8 public the submissions received in private on 2 December
 9 last year in relation to Mr Owens' evidence and you
 10 added to that, as one sees between pages 2 and 3 of Day
 11 49 in the morning, that if Mr Sherborne wished to argue
 12 that it was appropriate that the Inquiry should publish
 13 the documents seized in Operation Motorman in 2003, you
 14 would set aside time formally and in public to consider
 15 the issue, but in the same ruling, having emphasised yet
 16 again that the Inquiry was not concerned with individual
 17 conduct, you said it would be unfair to name the
 18 reporters identified in the Whittamore records seized
 19 during Operation Motorman.
 20 Finally on this issue, the sheer volume of
 21 information would make answering these enquiries
 22 impossibly burdensome at any time, let alone so late in
 23 the day. There are, on any footing, a large number of
 24 transactions, a large number of journalists who would
 25 have to be investigated, and there is no easy way into

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1 that process because there's no database as such of the
 2 information from the Whittamore documents.
 3 My fifth and final point, turning to the detail of
 4 the questions as applicable to Trinity Mirror --
 5 LORD JUSTICE LEVESON: I've got up to six points, Mr Browne,
 6 but never mind. Yes.
 7 I found I couldn't count yesterday, I counted the
 8 wrong number of families, as somebody was quick to
 9 correct me. Yes?
 10 MR BROWNE: First of all, the group in questions one, we
 11 already know the answers to the majority of those
 12 questions. They were covered in the evidence of the
 13 editors and of Sly Bailey, our chief executive, on
 14 16 January. No one at the Mirror was fired, no one was
 15 disciplined, and just to summarise very shortly, what
 16 Mrs Bailey said was that in 2006, following the
 17 publication of the ICO report "What price privacy?",
 18 Trinity Mirror had adopted what she described as
 19 a forward-looking approach, not declaring an amnesty and
 20 making very, very, very clear, she said, what was
 21 acceptable and what was completely and absolutely
 22 unacceptable. If, back then in January, there had been
 23 relevant additional questions to ask, they should have
 24 been submitted then.
 25 In relation to the last of the four subsidiary

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<p>1 questions in question one, namely are the journalists 2 still working for the newspaper and even being 3 appropriated to senior positions, the Inquiry's 4 consistent approach, rightly in our submission, has been 5 not to identify individual journalists.</p> <p>6 In relation to question 2, the procedure of this 7 Inquiry is, we submit, not a Trojan horse to fish for 8 disclosure which cannot be obtained by other means. 9 I think that's a terrible mixed metaphor, but I hope my 10 meaning is clear. You will doubtless be aware that the 11 ICO has established, I believe since the commencement of 12 this Inquiry, a fast-track service whereby individuals 13 can find out, by means of a subject access request under 14 the DPA, if the Whittamore notebooks contain any 15 information about them. That is route that is open, and 16 there was certainly nothing in Mr Gilmour's evidence to 17 suggest that information was still being retained, let 18 alone used, nine years after it had been seized. 19 Indeed, very much the contrary, in the light of what 20 Mr Thomas and Mr Graham have said.</p> <p>21 My final, final point is this. Following the 22 hearing on 2 December last year, the data sticks with 23 the Whittamore information on them were released to the 24 core participants, including Mr Sherborne and his 25 client. They were released precisely so that, having</p> <p style="text-align: center;">Page 85</p>	
<p>1 analysed them, they could make submissions on the 2 contents. It appears that that is an option that they 3 have declined to take. They have chosen not to do so, 4 and now, very, very late in the day, nearly six months 5 later, they adopt this procedure, which will involve 6 going back over Module 1 and involve a massive exercise 7 both for the participants, if they are ordered to 8 undertake it, but also for the Inquiry subsequently to 9 analyse it. In my submission, it is a simply hopeless 10 application.</p> <p>11 LORD JUSTICE LEVESON: Thank you.</p> <p>12 MR CAPLAN: I adopt all of that. I don't know whether I can 13 usefully add anything, but I think it's all been said, 14 if I may say so.</p> <p>15 LORD JUSTICE LEVESON: Thank you very much. I'll let 16 Mr Sherborne read it all and at some stage when we next 17 have a break and I feel we need to do some more work, 18 he'll get the chance to respond.</p> <p>19 Anybody else want to say anything else on this 20 topic?</p> <p>21 Thank you very much. 10 o'clock on Monday morning. 22 (4.22 pm)</p> <p>23 (The hearing adjourned until 10 o'clock 24 on Monday, 14 May 2012)</p> <p>25</p> <p style="text-align: center;">Page 86</p>	

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EXHIBIT R

<p>1 A. No.</p> <p>2 Q. The 2005 election, Mr Murdoch. This is the last of</p> <p>3 Blair's victories.</p> <p>4 Did you make it a condition of support for the</p> <p>5 Labour Party that the government hold a referendum on</p> <p>6 the new EU Constitution?</p> <p>7 A. No, we didn't make any conditions, but we certainly</p> <p>8 expressed the opinion strongly that the EU Constitution</p> <p>9 should be put to the people. And I don't think we were</p> <p>10 alone in that. As it happened, didn't have to be,</p> <p>11 because it depended on unanimity between all the</p> <p>12 countries and other countries, at least one, had voted</p> <p>13 against it, so it was pointless to have a referendum.</p> <p>14 Q. Yes. In the end, as you rightly say, there wasn't</p> <p>15 a referendum for the reasons you've given, but what's</p> <p>16 said in another book by a Mr Richards this time is that</p> <p>17 Mr Blair held regular talks with Irwin Stelzer,</p> <p>18 including talks on that issue, and Mr Stelzer would have</p> <p>19 been communicating your views. Is that right or not?</p> <p>20 A. No. Mr Stelzer is a distinguished economist. He had</p> <p>21 his own views.</p> <p>22 Q. But in no sense was he communicating your views then to</p> <p>23 the Prime Minister, is that --</p> <p>24 A. No.</p> <p>25 LORD JUSTICE LEVESON: Well, you don't know whether he was</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. According to Mr Blair's biography, "A Journey",</p> <p>2 page 655, it's just a couple of sentences, I do not</p> <p>3 think it's necessary to turn it up, Mr Blair's view is:</p> <p>4 "There was no contest for the leadership. John Reid</p> <p>5 could have stood, but the Murdoch papers, I fear at</p> <p>6 Rupert's instigation, just wrote him off."</p> <p>7 Do you remember doing that?</p> <p>8 A. No, that's quite untrue. I had met Mr Reid a couple of</p> <p>9 times and I liked him and admired him.</p> <p>10 Q. But you didn't write him off?</p> <p>11 A. I didn't know that he was a contender for the job. Or</p> <p>12 possible contender.</p> <p>13 Q. Okay. Your relations with Mr Brown until 30 September</p> <p>14 2009, which was when the Sun, as it were, dropped him</p> <p>15 and supported the Conservatives, were quite warm,</p> <p>16 weren't they?</p> <p>17 A. My personal relationship with Mr Brown --</p> <p>18 Q. Yes.</p> <p>19 A. -- was always warm, both before he became Prime Minister</p> <p>20 and after, and I regret that, after the Sun came out on</p> <p>21 him, that's not so true, although I only hope that that</p> <p>22 can be repaired.</p> <p>23 Q. There may have been a number of reasons why your</p> <p>24 personal relations were good, but one obvious one,</p> <p>25 perhaps, was your common Presbyterian upbringing; is</p> <p style="text-align: center;">Page 87</p>
<p>1 or he wasn't.</p> <p>2 A. He may have been. I don't know.</p> <p>3 LORD JUSTICE LEVESON: That's the point.</p> <p>4 A. It would have been a coincidence.</p> <p>5 LORD JUSTICE LEVESON: But it would be something that you</p> <p>6 would talk to him about?</p> <p>7 A. If I was seeing a lot of him.</p> <p>8 LORD JUSTICE LEVESON: That's the point. You've already</p> <p>9 spoken very, very highly of him, and therefore it's the</p> <p>10 sort of thing you might very well discuss with him?</p> <p>11 A. Yes. Yes, sir.</p> <p>12 MR JAY: Thank you.</p> <p>13 A. My only point in answering Mr Jay was that he was not</p> <p>14 there to carry a message from me.</p> <p>15 LORD JUSTICE LEVESON: (Nods head). I understand.</p> <p>16 MR JAY: I'm sure Dr Irwin Stelzer with all his intellectual</p> <p>17 abilities would have his own ideas on this and every</p> <p>18 other topic, but in one sense he would know your</p> <p>19 thinking and he would be able to discuss that with</p> <p>20 Mr Blair, wouldn't he?</p> <p>21 A. Probably, yes. He was actually closer to Mr Andrew Neil</p> <p>22 than he was to me.</p> <p>23 Q. Okay. Mr Blair leaves in 2007. Did you have a view as</p> <p>24 to who should succeed him?</p> <p>25 A. I thought the matter was settled.</p> <p style="text-align: center;">Page 86</p>	<p>1 that right?</p> <p>2 A. Yes.</p> <p>3 Q. Can we see if we can possibly explode one of the myths</p> <p>4 you've mentioned? We know that you stayed at Chequers</p> <p>5 the weekend of 6 and 7 October 2007, or were at least</p> <p>6 there on one of those days. Do you remember that?</p> <p>7 A. Was that the pyjama party weekend?</p> <p>8 Q. No. We're coming to that. That's 14 June 2008,</p> <p>9 Mr Murdoch. No, this is --</p> <p>10 A. I do remember being once, at least, but I think only</p> <p>11 once, at Chequers as the guest of Mr and Mrs Brown, and</p> <p>12 there were certainly other people there, because</p> <p>13 I remember -- the outstanding thing in my memory was it</p> <p>14 was the first time I met JK Rowling, who was a close</p> <p>15 friend of -- at least of Mrs Brown.</p> <p>16 Q. Did you have any discussions with Mr Brown about whether</p> <p>17 there should be a snap election?</p> <p>18 A. No.</p> <p>19 Q. Were you aware of the --</p> <p>20 A. Let me say I don't remember any and I'm sure he didn't</p> <p>21 ask me. No.</p> <p>22 Q. There is evidence somewhere, I think in Mr Rawnsley's --</p> <p>23 A. No, if any politician wanted my opinions on major</p> <p>24 matters, they only had to read the editorials in the</p> <p>25 Sun.</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

1 Q. Mr Rawnsley, page 507, says that the decision to call
 2 off the snap election was taken before 6 October. If
 3 he's right, you couldn't have discussed it with
 4 Mr Brown, but maybe we can't really --
 5 **A. So who says I did?**
 6 Q. Others have suggested it, but we've heard your evidence
 7 on the topic, Mr Murdoch. I'm not going to press that
 8 any further, if you forgive me.
 9 Can I move forward with Mr Brown. June 2008, if we
 10 can take just one month, the documents demonstrate that
 11 you had dinner with Mr Brown on 6 June and your
 12 respective wives were present. Would you accept that?
 13 **A. Yes.**
 14 Q. 14 June was the famous slumber party, where I don't
 15 believe you were present.
 16 **A. I think they were just a bunch of women complaining**
 17 **about their husbands, probably.**
 18 Q. 15 June, you were Mr Brown's guest at a Downing Street
 19 dinner for President Bush, do you remember that?
 20 **A. Yes. That was a large party. I mean, there was --**
 21 Q. Yes, There'd be about 30 or 40 people there, wouldn't
 22 there?
 23 **A. Yes, I'm sure there were other people there from the**
 24 **press.**
 25 Q. And then on 16 June, Mr Brown attends your annual summer
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1 party?
 2 **A. Yes. I think so. Most people did.**
 3 Q. Were you involved in any way in the timing of the
 4 decision to support the Conservative party on
 5 30 September 1989 [sic]?
 6 **A. No, I was not consulted as the exact timing. We**
 7 **certainly had had talks over a period -- my son James**
 8 **and Mrs Brooks and no doubt others -- that we felt this**
 9 **government was making a lot of mistakes and that we'd**
 10 **had a long period of Labour rule and it was time for**
 11 **a change.**
 12 Q. And you, along with many others, were working out that
 13 Mr Brown was likely to lose the next election?
 14 **A. No. I didn't know.**
 15 Q. Mr Murdoch, one can't know, because unless one can read
 16 the future, there are uncertainties --
 17 **A. I thought you were asking me to --**
 18 Q. But your best guess, Mr Murdoch, along with many others,
 19 best-informed guess, was that Mr Brown was going to
 20 lose, wasn't he?
 21 **A. The election was a long way away. I had no idea. You**
 22 **know, as many people have said, a week is a long time in**
 23 **politics.**
 24 Q. That was Mr Howard Wilson, I think, who originally said
 25 that. May I just deal with one piece of evidence the
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1 Inquiry received from Mr MacKenzie. Mr MacKenzie told
 2 us that Mr Brown spoke to you on the phone, this was on
 3 or shortly after 30 September 2009 and he, Mr Brown, is
 4 said to have roared at you for 20 minutes. Is that true
 5 or not?
 6 **A. I am afraid that -- I'm very happy to tell you about the**
 7 **conversation, but Mr MacKenzie, who I might have talked**
 8 **to about it over dinner, I occasionally see him -- that**
 9 **was a very colourful exaggeration. Mr Brown did call me**
 10 **and said, "Rupert, do you know what's going on here?"**
 11 **And I said, "What do you mean?" He said, "Well ..." the**
 12 **Sun and what it's doing and how it came out, and I said,**
 13 **"I'm not aware of the -- I was not warned of the exact**
 14 **timing, I'm not aware of what they're saying, I'm**
 15 **a long, long way away, but I'm sorry to tell you,**
 16 **Gordon, we have come to the conclusion that we will**
 17 **support a change of government when and if there's an**
 18 **election." Not "if", but "when there's an election".**
 19 **And he said -- and I must stress no voices were raised,**
 20 **we were talking more quietly than you and I are now --**
 21 **he said, "Well, your company has declared war on my**
 22 **government and we have no alternative but to make war on**
 23 **your company." And I said, "I'm sorry about that,**
 24 **Gordon, thank you for calling", end of subject.**
 25 Q. How could Mr Brown have declared war on your company?
 Page 91

1 **A. I don't know. I don't think he was in a very balanced**
 2 **state of mind. He, frankly -- he could have -- I don't**
 3 **know -- set up more commissions. God knows there's**
 4 **plenty of quangos and commissions around us now. So**
 5 **that was it.**
 6 **He later, when the hacker scandal broke, made**
 7 **a totally outrageous statement, which he had to know was**
 8 **wrong, when he called us a "criminal organisation", and**
 9 **because he said that we had hacked into his personal**
 10 **medical records when he knew very well how the Sun had**
 11 **found out about his son, the condition of his son, which**
 12 **was very sad. A father from the hospital in a similar**
 13 **position had called us, told us and said, "Shouldn't we**
 14 **get some charity or research on this?", and so on, and**
 15 **Mrs Brooks immediately snatched it from the news list**
 16 **and said, "Let me handle this", and she called Mrs Brown**
 17 **and said, "Look, this is going to be out, we should be**
 18 **careful, how would you like it handled?" And I don't**
 19 **know if it was one or several days later, we published**
 20 **the story, and four or five days later, Mr Brown wrote**
 21 **a personal letter to Mrs Brooks thanking her for her**
 22 **sensitivity and the way she handled the story.**
 23 **I believe that letter is in the hands of the police.**
 24 Q. So, Mr Murdoch, you had no knowledge of and involvement
 25 in the events you've just described. You, presumably,
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23 (Pages 89 to 92)

1 are communicating to us what Mrs Brooks has told you; is
 2 that correct?
 3 **A. On her handling of the story, and indeed I've since**
 4 **had -- some time ago -- personal contact with Mrs Brown,**
 5 **which was very friendly, and, yes, that part of the**
 6 **story -- and I'm sure there's plenty of evidence that**
 7 **she took it out of the news list and said, "Let me**
 8 **handle that", other people would have been present, and**
 9 **there would be people in the newsroom that would have**
 10 **known, that would have received the call from the**
 11 **hospital. I haven't seen the letter.**
 12 Q. Okay.
 13 **A. But I have no doubt you'll have a chance to do that.**
 14 Q. May I go back --
 15 **A. Well, we're jumping several years.**
 16 Q. It's fine, Mr Murdoch, but can I just go back to this
 17 declaration of war? Could it be said that the way
 18 Mr Brown might have carried out his threat -- perhaps
 19 the way you interpreted it -- was that as and when you
 20 would bid for the remaining publicly owned shares in
 21 BSKyB, Mr Brown might place obstacles in your way?
 22 **A. No, we never thought about it. We had taken advice on**
 23 **that. It's something that goes on, I guess, every day,**
 24 **if not every week. Somewhere in the markets of the**
 25 **world, controlling shareholders buy in the outside**
 Page 93

1 **shareholders. It's not a matter for regulation in most**
 2 **countries or any country that I'm aware of. It was**
 3 **turned into a political issue in this country by our**
 4 **newspaper enemies -- or I shouldn't say "enemies".**
 5 **Competitors. But it is possible, of course, for the**
 6 **Minister for Culture to step in, I presume, and refer**
 7 **any market move to Ofcom or the Competition Commission**
 8 **or whatever. But we'd never thought of that.**
 9 Q. Mm.
 10 **A. I mean, we thought -- to be quite honest with you --**
 11 **that we'd be held up for a couple of months in Europe**
 12 **and there was just nothing here; and, in fact, we were**
 13 **waved through in Europe in two weeks.**
 14 Q. Can I just understand the chronology, Mr Murdoch, that
 15 by 30 September 2009, had there been been internal
 16 consideration within News Corp regarding the acquisition
 17 of the remaining shares in BSKyB?
 18 **A. Oh, well, there had certainly been a desire there for**
 19 **a long time. I remember when Mr Carey returned to the**
 20 **company after many years away, the first thing he said**
 21 **to me was, "We should clean up this situation at Sky" --**
 22 **or BSKyB. It was a -- you know, we started this company**
 23 **and it was a longstanding ambition. With hindsight,**
 24 **I regret that I ever agreed to an IPO, although I admit**
 25 **that they were different times and there were probably**
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1 **monetary pressures which encouraged it.**
 2 Q. I just wonder though, Mr Murdoch, whether it entered
 3 into your thinking that Mr Brown had said, "We're going
 4 to declare war on your company", that you interpreted
 5 that as being, at the very least, the possibility of
 6 obstacles being placed in the way of your bid for the
 7 remaining shares in BSKyB?
 8 **A. No, that never occurred to me.**
 9 Q. Didn't it?
 10 **A. No.**
 11 MR JAY: Sir, would that be --
 12 LORD JUSTICE LEVESON: Yes, certainly.
 13 MR JAY: May I say --
 14 **A. Certainly not.**
 15 MR JAY: I'll say what I had in mind for the rest of --
 16 LORD JUSTICE LEVESON: Yes.
 17 No, I think Mr Jay was just suggesting we should
 18 break. Nothing more.
 19 **A. Well, I hope we can get through today.**
 20 MR JAY: Mr Murdoch, I'm concerned about the length of --
 21 **A. It's up to you.**
 22 MR JAY: I'm concerned overall about the length of this
 23 evidence and, if we plough through the afternoon, how
 24 cogent my questions will be and your answers might be.
 25 I know how much I have left. My preference would be to
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1 go just for about 45 minutes in the afternoon and then
 2 complete in about two or three hours in the morning.
 3 LORD JUSTICE LEVESON: Can I suggest that during the course
 4 of the next hour you have a word with those who are
 5 advising Mr Murdoch and he can have a word with them as
 6 well. I'm conscious that I do not want to put excessive
 7 pressure on you and I don't want to put excessive
 8 pressure on Mr Murdoch either.
 9 **A. Thank you, sir.**
 10 LORD JUSTICE LEVESON: All right. You can return to that at
 11 2 o'clock. Thank you very much.
 12 (12.59 pm)
 13 (The luncheon adjournment)
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EXHIBIT S

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James Murdoch misled MPs, say former NoW editor and lawyer

Colin Myler and Tom Crone challenge News Corp executive's statement to MPs at phone-hacking hearing

Lisa O'Carroll and Patrick Wintour
guardian.co.uk, Thursday 21 July 2011 15.02 EDT

James Murdoch has been accused of misleading the parliamentary select committee this week in relation to phone hacking, igniting yet another fire for the embattled News International boss to extinguish.

In a highly damaging broadside, two former News of the World senior executives claimed the evidence Murdoch gave to the committee on Tuesday in relation to an out-of-court settlement to Gordon Taylor, chief executive of the Professional Footballers Association, was "mistaken".

The statement came as something of a bombshell to the culture, sport and media select committee, which immediately announced it would be asking Murdoch to explain the contradiction.

Colin Myler, editor of the paper until it was shut down two weeks ago, and Tom Crone, the paper's former head of legal affairs, said they had expressly told Murdoch of an email that would have blown a hole in its defence that only one "rogue reporter" was involved in the phone-hacking scandal.

This contradicts what Murdoch told the committee when questioned on Tuesday.

The existence of the email, known as the "for Neville" email because of its link to the paper's former chief reporter Neville Thurlbeck, is thought to have been critical in News International's decision to pay out around £700,000 to Taylor in an out-of-court settlement after he threatened to sue the paper.

James Murdoch is standing by his version of events. A statement issued by News Corporation said: "James Murdoch stands by his testimony to the select committee."

In their statement, Myler and Crone challenged this: "Just by way of clarification relating to Tuesday's Culture, Media Select Committee hearing, we would like to point out that James Murdoch's recollection of what he was told when agreeing to settle the Gordon Taylor litigation was mistaken.

"In fact, we did inform him of the 'for Neville' email which had been produced to us by Gordon Taylor's lawyers."

John Whittingdale, the chairman of the culture, sport and media select committee, said: "We as a committee regarded the 'for Neville' email as one of the most critical pieces of evidence in the whole inquiry. We will be asking James Murdoch to respond and ask him to clarify."

He added that "it was seen as one of the few available pieces of evidence showing that this activity was not confined just to Clive Goodman", the only journalist on the paper to have been prosecuted – and jailed – in relation to phone hacking so far.

The email is believed to have been critical in News International's decision to pay Taylor such a large sum of money.

If it had got out in a full-blown court case brought by the Profession Footballers' Association chief executive it would have blown a hole in News International's claim that only one reporter was involved in hacking.

James Murdoch claimed to the MPs that this email had been concealed from him by two company executives, Crone and Myler, when he was persuaded to sign off the secret deal with Taylor.

Earlier this month James Murdoch acknowledged he was wrong to settle the suit, saying he did not "have a complete picture of the case" at the time.

He repeated this on Tuesday at the select committee when he was asked by Labour MP Tom Watson: "When you signed off the Taylor payment, did you see or were you made aware of the full Neville email, the transcript of the hacked voicemail messages?"

To this James Murdoch answered: "No, I was not aware of that at the time."

Watson went on to ask him why then had he paid an "astronomical sum" to Taylor.

James Murdoch replied: "There was every reason to settle the case, given the likelihood of losing the case and given the damages – we had received counsel – that would be levied."

With parliament in recess, it is unlikely but not unprecedented for a select committee to hold a special evidence session to clarify the issue.

Witnesses in the case have been given very strict instructions before giving evidence to tell the truth, although witnesses do not give evidence under a specific oath.

James Murdoch told the committee that his advisers had urged him to adopt a strategy of telling the truth when he spoke to the committee.

In its 2010 report the culture, sport and media select committee, in discussing the Gordon Taylor settlement, wrote: "The settlements were authorised by James Murdoch, executive chairman of News International, following discussions with Colin Myler and Tom Crone".

It did not specifically state whether Murdoch had been shown the "for Neville" email before making the settlement, but does state Murdoch was authorised to make the payment without bringing the issue to the News International board.

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Breaking: Mitt Romney

New report shows he didn't leave Bain Capital in 1999 as he claimed.

barackobama.com/romney-bain-record

#1 News Release Traffic

EXHIBIT T



**METROPOLITAN
POLICE**

TOTAL POLICING



Statement from Commissioner

06 July 2011



Statement from Sir Paul Stephenson, Metropolitan Police Commissioner:

In view of the widespread media coverage and public interest, I am taking the unusual step of issuing this statement.

As you know Operation Weeting - the investigation into phone hacking - commenced on 26 January. I can confirm that on 20 June 2011 the MPS was handed a number of documents by News International, through their barrister, Lord Macdonald QC.

Our initial assessment shows that these documents include information relating to alleged inappropriate payments to a small number of MPS officers.

Discussions were held with the Independent Police Complaints Commission (IPCC) at the time and they are content that this matter should continue to be investigated through Operation Elveden under the direction of DAC Sue Akers, in partnership with our Directorate of Professional Standards.

At this time we have not seen any evidence requiring a referral to the Metropolitan Police Authority (MPA) in respect of any senior officer.

Whilst I am deeply concerned by recent developments surrounding phone hacking they are a product of the meticulous and thorough work of Operation Weeting, which will continue.

Operation Elveden will be equally thorough and robust. Anyone identified of wrongdoing can expect the full weight of disciplinary measures and if appropriate action through the criminal courts.

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EXHIBIT U

1 Monday, 23 July 2012
 2 (10.00 am)
 3 LORD JUSTICE LEVESON: Yes, Mr Jay?
 4 MR JAY: Sir, first of all, we're going to have an update
 5 from DAC Akers, please.
 6 LORD JUSTICE LEVESON: Thank you very much indeed.
 7 DAC SUE AKERS (recalled)
 8 Questions by MR JAY
 9 LORD JUSTICE LEVESON: You've twice given evidence before,
 10 Deputy Assistant Commissioner, I'd be grateful if you
 11 bear in mind you're still subject to the oath you took
 12 at the beginning.
 13 A. Yes, sir.
 14 MR JAY: Deputy Assistant Commissioner, you've kindly
 15 provided the Inquiry with a further witness statement
 16 dated 20 July under the standard statement of truth; is
 17 that right?
 18 A. Yes.
 19 LORD JUSTICE LEVESON: So that it's quite clear, this
 20 statement, as indeed each of the others, has been
 21 provided following notice issued under Section 21 of the
 22 Inquiries Act.
 23 A. Yes, sir.
 24 LORD JUSTICE LEVESON: Thank you.
 25 MR JAY: Paragraph 4 of the statement, first of all. You

1 continue to lead all the operations. These, of course,
 2 are Operations Weeting, Elveden and Tuleta; is that
 3 right?
 4 A. That's correct.
 5 Q. Paragraph 5, could I ask you to speak to that, please?
 6 A. Investigating all of these investigations -- and they're
 7 numerous -- we've worked obviously closely with the CPS,
 8 and they have advised us regarding potential offences.
 9 We've sought legal advice and in respect of both
 10 individual and corporate offences, and also in relation
 11 to our police powers and our options for investigating.
 12 Q. Thank you. To date, as you explain in paragraph 6,
 13 you've primarily been seeking the co-operation of
 14 News International. Indeed the subsidiary company, NGN
 15 as well, I suppose. But your dealings with the
 16 Management Standards Committee, you explain that at the
 17 end of June of this year, a Mr Zweifach replaced
 18 Mr Klein; is that right?
 19 A. That's correct.
 20 Q. Can you help us with paragraph 8. Mr Lewis and
 21 Mr Greenberg no longer attend the regular meetings. Can
 22 you remember about when that change took place?
 23 A. It took place fairly recently. At the beginning, when
 24 we began the enquiries, all contact was through the
 25 lawyers; then these were other lawyers, Burton Copeland.

1 Then Mr Lewis and Mr Greenberg were introduced to help
 2 facilitate the co-operation, which they did. And in
 3 mid-May this year, following a development in our
 4 investigation, it caused the MSC to reconsider their
 5 position and they decided that they would prefer the
 6 meetings to be on a more formal basis with lawyers only.
 7 I should say, that hasn't affected the co-operation,
 8 which is still very good.
 9 Q. Thank you. You explain in paragraph 9 in mid-May of
 10 this year there was a development in your investigation,
 11 which appears to have caused the MSC to reconsider their
 12 relationship with you. And there was a pause for
 13 several weeks in the voluntary disclosure material to
 14 you. But a meeting took place on 1 June, Lord Grabner
 15 and other lawyers acting for the MSC, and voluntary
 16 disclosure resumed. So the pause was for two or three
 17 weeks; is that right?
 18 A. Yes. The pause was from the middle of May until --
 19 I think we then got more disclosure in the middle
 20 of June. 14 June, I think, was when we got our next
 21 disclosure. And it's continued since that date.
 22 Q. In terms of the resources, you observe in paragraph 10
 23 that the Management Standards Committee have committed
 24 significant resources to assist these investigations,
 25 continuing to co-operation and disclose documentation;

1 a professional and productive relationship and not
 2 without its challenges.
 3 Operation Weeting now, paragraph 12. You explain
 4 the background. In paragraph 13, could you sum up the
 5 position there as to the number of people who have been
 6 arrested and when the bail has to be renewed or
 7 reconsidered?
 8 A. Yes. 15 current and former journalists have been
 9 arrested and interviewed in relation to conspiracy to
 10 intercept communications. 12 of those remain on
 11 pre-charge bail, 11 of whom are due to return to various
 12 police stations tomorrow, 24 July, other than one
 13 individual who has been bailed to 2 August. One
 14 non-journalist has also been bailed to tomorrow,
 15 24 July.
 16 Files in respect of all of these individuals are
 17 currently with the CPS for advice as to potential
 18 charges.
 19 Q. Thank you. The perverting the course of justice matter,
 20 I think we all understand what that relates to and who
 21 the individuals are, but you've been careful not to name
 22 them. It's summarised in paragraph 14; is that right?
 23 A. Yes.
 24 Q. We can just note that.
 25 Paragraph 15, the non-journalist; you want to change

1 paragraph 14 to paragraph 13?
 2 **A. Yes, the re-numbering has caused us to miss that. That**
 3 **should read "the non-journalist referred to at**
 4 **paragraph 13".**
 5 **Q. You make it clear there that the alleged offence relates**
 6 **to money-laundering matters, and the bail has been**
 7 **extended to tomorrow's date.**
 8 **Paragraphs 16 and 17, I think you've already covered**
 9 **that satisfactorily?**
 10 **A. I think I have.**
 11 **Q. Unless there's anything else you'd like to add?**
 12 **A. No.**
 13 **Q. We're moving forward to Operation Elveden, which starts**
 14 **at paragraph 18 of your statement. May I invite you,**
 15 **please, to sum up the position there. It's**
 16 **paragraph 19.**
 17 **A. Yes. Elveden to date has conducted 41 arrests. Broken**
 18 **down, that's 23 current or former journalists, four**
 19 **police officers, nine current or former public officials**
 20 **and five individuals who acted as conduits for corrupt**
 21 **payments. There are currently files at the CPS for**
 22 **three police officers and one journalist. And we're**
 23 **continuing to supply the CPS with files as we get them**
 24 **ready.**
 25 **Q. The CPS are continuing to advise. There's a range of**

Page 5

1 offences there, which of course will be familiar to the
 2 Inquiry and to criminal lawyers, but the
 3 money-laundering, apart from the well-known corruption
 4 offences and new Bribery Act offences, and before the
 5 Bribery Act, it was of course the Prevention of
 6 Corruption Act.
 7 Can I ask you, please, about paragraph 21, if
 8 I could ask you to summarise that?
 9 **A. Yes. Before I do, when I go on to talk about**
 10 **developments in our investigation, I have in some cases**
 11 **used the word "alleged" but I haven't repeated it**
 12 **throughout. I think I said this on a previous occasion**
 13 **when I gave evidence. Where I talk about these**
 14 **developments, what I say is a matter of allegation and**
 15 **not established fact.**
 16 **In relation to Elveden then, our ongoing**
 17 **investigation has recently revealed that in some cases**
 18 **where we've identified a public official who's received**
 19 **payments from News International, we've also established**
 20 **that they have received payments from other newspapers.**
 21 **Q. Thank you. I'm going to ask you now to deal with**
 22 **paragraph 22 in some detail.**
 23 **A. This relates to one case where the public official was**
 24 **a prison officer at a high security prison during the**
 25 **periods when the payments were made and the related**

Page 6

1 stories were published.
 2 **In this case, the individual's former partner has**
 3 **acted as the conduit and facilitated the payments into**
 4 **their bank account. And that bank account, from the**
 5 **former partner, reveals numerous payments from**
 6 **News International, Trinity Mirror and Express**
 7 **Newspapers between April 2010 and June 2011. And those**
 8 **payments total nearly £35,000.**
 9 **There were in fact further payments after the prison**
 10 **officer retired, which he did in June last year. The**
 11 **last of which was made by Express Newspapers in February**
 12 **this year.**
 13 **Q. Thank you. And paragraph 23, you say that co-operation**
 14 **from the MSC has enabled you to identify the stories to**
 15 **which the News International payments related, and**
 16 **further investigation has enabled you to identify**
 17 **stories in the Daily Mirror, the Sunday Mirror, the**
 18 **Daily Star and the Sunday Star that are suspected to be**
 19 **linked to the payments?**
 20 **A. Yes, that's right, sir.**
 21 **Q. Again, in the same way as you carefully dealt with**
 22 **paragraph 22, can you do the same, please, for**
 23 **paragraph 24?**
 24 **A. Yes. This describes another case we're investigating,**
 25 **where again the public official is a prison officer at**

Page 7

1 **a different high security prison. And again, that**
 2 **individual's partners has facilitated the payments into**
 3 **their account. These payments are from Trinity Mirror.**
 4 **They were made between February 2006 and January 2012,**
 5 **and the total amount in this case was in excess of**
 6 **£14,000. Again, further investigation has enabled us to**
 7 **identify stories in the Daily Mirror which we think are**
 8 **linked to those payments.**
 9 **Q. Thank you. In paragraph 25, the assessments you've made**
 10 **to date, could you explain those to us, in particular**
 11 **the public interest aspect?**
 12 **A. Yes. As I say, ultimately the public interest test is**
 13 **a matter for the CPS, but we make an assessment**
 14 **ourselves as well around public interest as to whether**
 15 **the alleged criminal conduct can be justified as being**
 16 **in the public interest, as well as whether there are**
 17 **grounds to suspect offences.**
 18 **It's our assessment that there are reasonable**
 19 **grounds to suspect that offences have been committed and**
 20 **that the majority of these stories reveal very limited**
 21 **material of genuine public interest.**
 22 **Q. Thank you. On 11 July -- obviously only two weeks ago**
 23 **or slightly less -- following the arrests of one**
 24 **employee of Trinity Mirror and one employee of Express**
 25 **News Group, letters were served on the head of legal for**

Page 8

2 (Pages 5 to 8)

1 those newspapers requesting specific evidential
 2 material. Can I ask you, please, to explain what has
 3 happened and to update us as to progress and
 4 co-operation with those companies?
 5 **A. Yes. We've – we asked for a response by 18 July to our**
 6 **request for evidential material, which we think are in**
 7 **the possession and control of both Trinity Mirror and**
 8 **Express News Group. We've had those responses.**
 9 **Trinity Mirror Group have asked us to obtain**
 10 **a production order and indicated that they won't oppose**
 11 **that. Express Newspapers have taken a slightly**
 12 **different stance. They wish to proceed by way of**
 13 **voluntary protocol, which would be more akin to how**
 14 **we've co-operated with News International. And at the**
 15 **moment we're in the process of drafting that voluntary**
 16 **protocol.**
 17 **Q. Thank you. In paragraph 27, further lines of inquiry**
 18 **may result in further arrests.**
 19 **In paragraph 28 now, Deputy Assistant Commissioner,**
 20 **can you explain what's happening with Elveden and the**
 21 **MSC, in particular the Sun newspaper?**
 22 **A. Yes. These paragraphs I'm attempting to explain, as**
 23 **asked in my Section 21, how co-operation has worked.**
 24 **We opened our investigation, as we say, on the basis**
 25 **of full co-operation, and the MSC then conducted their**
 Page 9

1 **own internal review of the Sun, which was not a request**
 2 **made by us, but they did it nevertheless.**
 3 **As a result of that, they voluntary provided a lot**
 4 **of documentation, which evidenced suspected criminality**
 5 **and which led to a couple of individual arrests and then**
 6 **to very substantial arrest days, which were highly**
 7 **publicised. They were on 28 January this year and then**
 8 **again on 11 February, and involved the Sun newspaper.**
 9 **Following that, those two arrest days, there was**
 10 **considerable adverse publicity of both the MPS, the**
 11 **police and the MSC, including threats of legal action**
 12 **against the MSC.**
 13 **Following that, there was a change in the nature of**
 14 **the co-operation. We were being asked perhaps to**
 15 **justify our requests to a degree that we perhaps**
 16 **formerly hadn't been, and the material that we were**
 17 **requesting was slower in being forthcoming.**
 18 **The MSC were obviously very conscious to protect**
 19 **legitimate journalistic sources, and of course the law**
 20 **places very strict restrictions on the police obtaining**
 21 **such material.**
 22 **The comments are we started on the basis of full**
 23 **co-operation, so any change in that co-operation could**
 24 **adversely affect initial decisions that we'd made and**
 25 **arrests that were made as well. But I should stress**
 Page 10

1 **that, despite challenges, quite correct and proper**
 2 **challenges, the co-operation continues and we have**
 3 **recently received a substantial amount of material.**
 4 **Q. Thank you. In paragraph 31 you refer to an internal**
 5 **review the MSC have conducted of their own volition, but**
 6 **that has yielded no further evidence for you; is that**
 7 **right?**
 8 **A. Well, the MSC would say the result of the review was the**
 9 **material that they had disclosed to us, but we haven't**
 10 **received or – I understand there is no formal report as**
 11 **a result of their review.**
 12 **Q. Okay. May we move forward to Operation Tuleta, and**
 13 **I ask you, please, first of all in paragraph 33 to**
 14 **summarise where we are. It's paragraphs 33 and 34.**
 15 **A. Yes. "Tuleta" is a kind of over-arching name for**
 16 **a number of discrete investigations. We're conducting**
 17 **an assessment of 101 separate allegations of data**
 18 **intrusion. These include allegations of phone hacking,**
 19 **computer hacking, improper access to medical, banking**
 20 **and other personal records.**
 21 **In order to undertake this assessment, we've**
 22 **collated relevant documentation from previous inquiries**
 23 **and looked at electronic storage devices which had been**
 24 **previously seized in other inquiries. And we're**
 25 **gathered between 8 and 12 terabytes of data across 70**
 Page 11

1 **storage devices, which we're searching for evidence to**
 2 **either support or contradict the allegations that have**
 3 **been made by these 101 individuals. That's a very**
 4 **substantial amount of documentation and data.**
 5 **I know the last time I was here I was hopeless in**
 6 **answering your question as to what that might amount to,**
 7 **so I've done some homework and a terabyte, if downloaded**
 8 **in the form of a kind of normal-size paperback, which is**
 9 **then piled on top of one another, I'm told the terabyte**
 10 **amounts to three and a half times the height of Everest.**
 11 **So between 8 and 12 terabytes, whilst leaving rather**
 12 **a large margin of error, I agree, it's still**
 13 **a substantial amount of documentation.**
 14 **LORD JUSTICE LEVESON: It creates its own problems for**
 15 **analysis and research?**
 16 **A. It absolutely does, because we can't look at every piece**
 17 **of documentation. We have to be careful about how we**
 18 **search it and what criteria we put in that – in our**
 19 **questions of the data.**
 20 **LORD JUSTICE LEVESON: Yes.**
 21 **A. But continuing on, sir, to date we've made six arrests**
 22 **under the Computer Misuse Act and/or in respect of**
 23 **offences of handling stolen goods, subjects of which are**
 24 **all on police bail pending completion of the arrest**
 25 **phase and further investigation. As in the other cases,**
 Page 12

<p>1 in due course files will be submitted to the CPS for 2 charging advice.</p> <p>3 MR JAY: Thank you. The MSC have been one of the sources of 4 material for Operation Tuleta purposes. Then 5 paragraph 36, you explain what happened in April of this 6 year. Can I ask you, please, to tell us about that?</p> <p>7 A. Yes. As a result of the material that we've had 8 provided to us from the MSC, it seems that on occasions 9 we've found that material has been downloaded from and 10 is in possession of News International titles which 11 appear to have come from stolen mobile telephones.</p> <p>12 It appears from some of the documentation, and 13 that's dated around late 2010, that one of the mobile 14 phones has been examined with a view to breaking its 15 code, its security code, so that the contents can be 16 downloaded by experts. And obviously a significant and 17 important line of inquiry for us is to identify the 18 experts that have been used.</p> <p>19 Q. At the moment, as you say, their identities are unknown 20 to you but they're likely to exist in different parts of 21 the country.</p> <p>22 Paragraph 38, tell us about that, please, and then 23 lead into paragraph 39.</p> <p>24 A. We'll obviously request now further documentation from 25 the MSC as a result of what we've discovered in respect Page 13</p>	<p>1 you last gave evidence. Can I ask you, please, to 2 summarise paragraphs 42 to 46?</p> <p>3 A. Yes. I think the last time I gave evidence we were 4 still in the process of notifying victims and potential 5 victims of phone hacking. We've completed that process 6 now as far as we can insofar as we could identify the 7 victims who we think have been likely to have been 8 subjected to phone hacking. And so we've notified 9 a total of 2,615, of which 702 we think are likely to 10 have been victims.</p> <p>11 Q. Mm.</p> <p>12 A. We have a figure above 702 who we think are likely to 13 have been victims but, for one reason or another, we're 14 unable to contact those people. That's why there's 15 a discrepancy in the figures between paragraphs 44 and 16 45.</p> <p>17 MR JAY: Great, that's very clear. Thank you very much, 18 Deputy Assistant Commissioner.</p> <p>19 LORD JUSTICE LEVESON: Ms Akers, I received evidence of the 20 response which the police received when they visited 21 News International in 2006. Would it be right for me to 22 conclude at this stage that whatever might have happened 23 in the past at News International titles, the senior 24 management and corporate approach now has been to assist 25 and come clean, from which I might be able to draw the Page 15</p>
<p>1 of the stolen mobile phones, and we're hopeful that that 2 will produce further relevant information which will 3 then lead us to the expert services, and when we reach 4 them, at that point we hope to establish whether in fact 5 these are just isolated incidents or just the tip of an 6 iceberg.</p> <p>7 Q. Mm. Thank you.</p> <p>8 Paragraph 40, one mobile telephone theft took place 9 in Manchester and another in South West London, and this 10 may suggest that this is more than an isolated local 11 issue, but as you're careful to say, you're at a very 12 early stage in the investigation.</p> <p>13 A. Yes.</p> <p>14 Q. Paragraph 41, please, it's a similar pattern, I think, 15 with the co-operation of the MSC. It's now only lawyers 16 who --</p> <p>17 A. Yes. The co-operation is exactly the same in terms of 18 the make-up of the MSC team that deals with our offices, 19 and now we deal entirely through the lawyers.</p> <p>20 Q. You say that initially there was a challenge to 21 Operation Tuleta's request for information about the 22 apparent handling of the stolen phones and subsequent 23 downgrades, but now there's a willingness to assist.</p> <p>24 A. Yes, there is.</p> <p>25 Q. Victims next. You're taking the story forward from when Page 14</p>	<p>1 inference that there is a change in culture, practice 2 and approach?</p> <p>3 A. Yes, sir. I don't disagree with any of that.</p> <p>4 LORD JUSTICE LEVESON: Thank you.</p> <p>5 It is obviously very important that when I report, 6 and the exercise of this Inquiry will come to an end, as 7 I'm sure at some stage so will your operations, it has 8 the benefit of absolutely up-to-date information.</p> <p>9 Of course, I am not concerned about individuals at 10 this stage, I am merely concerned with what's gone on in 11 the past and what I might derive from that as to 12 culture, practice and ethics, and what impact that might 13 have on the future. But in order that I am absolutely 14 up-to-date as far as is possible, I would be grateful if 15 you would be prepared to return in the autumn so that 16 I know what the position is -- it's obviously 17 fast-moving -- and in that way at least can give those 18 who read my report the benefit of what that up-to-date 19 position is. I hope that won't cause you too much 20 inconvenience.</p> <p>21 A. No, sir, I'd be very happy to do so.</p> <p>22 LORD JUSTICE LEVESON: Thank you very much indeed. Thank 23 you.</p> <p>24 Right.</p> <p>25 MR JAY: Now 81 statements which we were planning to read in Page 16</p>

4 (Pages 13 to 16)

<p>1 today, but we've had a request from at least one core 2 participant that that be delayed until tomorrow on the 3 basis that they say there wasn't time to read them all. 4 LORD JUSTICE LEVESON: All right. 5 MR JAY: We can do that first thing tomorrow. 6 LORD JUSTICE LEVESON: All right. Does that prejudice 7 proceeding with the submissions that people want to make 8 at this stage? 9 MR JAY: (shakes head). 10 LORD JUSTICE LEVESON: They've all seen the statements, and 11 therefore, to such extent as they wish to, as that might 12 affect their submissions, then their submissions with be 13 tailored accordingly. 14 MR JAY: Yes. I imagine the submissions are going to be at 15 a higher level of generality. I don't know that, having 16 had no idea what topics are going to be addressed 17 orally, but I suspect it's going to make no difference 18 whatsoever. 19 LORD JUSTICE LEVESON: All right. 20 Before commencing the oral submissions that I have 21 invited at the end of this module, it is sensible if 22 I deal with the future progress of the Inquiry, and I do 23 so under three headings, that is to say: issues that 24 presently remain outstanding, the impact of Rule 13 of 25 the Inquiry Rules 2006 ("the Rules") and any further</p> <p style="text-align: center;">Page 17</p>	<p>1 present day can be established, they should do that 2 without further delay and in witness statement form. 3 Any other core participant will then be able to submit 4 a short statement in response, either from the title or 5 the journalist concerned. The purpose of this exercise 6 is necessarily limited. It would not be to require 7 titles to list when each journalist who made a request 8 to Mr Whittamore left the paper; it is only intended to 9 address the specific journalists that Mr Sherborne's 10 clients have identified who are still in their 11 employment. Nor would it be to require titles to prove 12 in general terms the history of their retention or 13 destruction of information acquired from Mr Whittamore, 14 in the absence of specific and recent evidence of use. 15 I am not in any event requiring that any of this be done 16 either by Mr Sherborne or the individual titles but 17 I will, of course, consider anything that emerges from 18 the exercise (in addition to the information which 19 Mr Dacre for Associated Newspapers Limited offered to 20 provide in writing) and it will form part of the 21 evidence." 22 As I understand it, that information has not yet 23 been provided to the Inquiry but is being pursued. It 24 only seems fair to put a deadline on it: if any other 25 core participant is able to deal with it, the evidence</p> <p style="text-align: center;">Page 19</p>
<p>1 developments. 2 Outstanding issues. 3 As I have just made clear to deputy Assistant 4 Commissioner Akers, it is important that my report is 5 based on what is then the most up-to-date information 6 about the progress of the criminal investigation. Thus, 7 without descending into who did what to whom or 8 offending the self-denying ordinance on the detail, the 9 extent of that investigation -- including how widely it 10 then ranges and what it has excluded -- may inform my 11 view about the culture, practice and ethics of at least 12 a section of the press. It is in those circumstances 13 that I make clear that I will issue another request 14 under Section 21 of the Inquiries Act 2005 ("the Act") 15 returnable on a date probably in September. Notice of 16 a hearing will be provided in good time to all core 17 participants to Modules 1 and 2, and they will have the 18 opportunity of submitting any evidence they wish to deal 19 with what is then reported. 20 There are three remaining issues in relation to 21 Operation Motorman. The first two arise from my ruling 22 on 11 June 2012, paragraph 11 of which reads: 23 "If Mr Sherborne's clients wish to provide the 24 Inquiry with such information as they have collated from 25 the Whittamore records where a continuous link to the</p> <p style="text-align: center;">Page 18</p>	<p>1 should be provided by the end of this month with 2 a response by any relevant newspaper by 10 September. 3 So as to ensure that there is no risk of work having to 4 be done twice, I also identify that date for the other 5 information that Mr Dacre offered to supply to which 6 I also refer in that ruling. 7 I do not anticipate that this evidence will require 8 oral elaboration and I anticipate that I will make it 9 part of the formal record of the Inquiry, along with 10 other statements that are being read into the record 11 when DAC Akers or whomsoever is then in charge of the 12 police inquiry provides the further update. 13 The third remaining issue arising out of Operation 14 Motorman flows from my ruling of 10 July 2012 concerning 15 the attitude of Associated Newspapers Limited to the 16 evidence revealed in the documentation seized from the 17 private detective Steve Whittamore. In short, I had 18 been concerned to learn whether any core participant 19 wished to argue that I could not use the Motorman 20 material to reach generic adverse conclusions about the 21 practice in general of the press perhaps because it was 22 be wrong to conclude, even on the balance of 23 probability, that breaches of Section 55 of the Data 24 Protection Act 1998 could have been established against 25 journalists. I then postulated three possible</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 approaches namely, first, that it is conceded that there 2 is prima facie evidence that journalists did act in 3 breach of Section 55 by seeking information which, prima 4 facie, could not be justified in the public interest. 5 The second position is that the core participant does 6 not want to advance a positive case contradicting the 7 first position. The third was that it is, in fact, 8 challenged that there is a prima facie case against 9 journalists that they acted in breach of the law. 10 Associated Newspapers Limited has now responded to that 11 ruling and made it clear that it adopts the second of 12 the three approaches: the open letter from its 13 solicitors to the Inquiry to that effect will be 14 published as part of the record. 15 Apart from the police investigations and Operation 16 Motorman, I recognise that there is real potential for 17 other evidence to be forthcoming. In a number of the 18 closing submissions, it has been suggested that one of 19 the consequences of the fast-moving nature of this 20 Inquiry has been an inability to challenge material 21 particularly where relevant witnesses have already given 22 evidence prior to new allegations being made. 23 That is to misunderstand how the Inquiry has 24 proceeded. It has always been open to core participants 25 (and others) to submit evidence to the Inquiry to answer Page 21</p>	<p>1 dealing with the position of the Metropolitan Police. 2 I did so specifically so that any challenge to that 3 approach could be tested by way of judicial review in 4 good time and without disrupting the timetable: see 5 paragraph 64 of the ruling of 1 May 2012. There has 6 been none and I intend to proceed accordingly. It is, 7 however, important to make public certain aspects of 8 this procedure. 9 First, Rule 13 provides that I may send a warning 10 letter to any person who I consider may be the subject 11 of criticism in my report and, by Rule 13(3), must not 12 include any explicit or significant criticism of 13 a person in the report unless I have sent such a letter 14 and provided the recipient with a reasonable opportunity 15 to respond. In the circumstances, I intend to send 16 letters under Rule 13 setting out criticisms which may 17 be made on the basis of what is considered to be 18 reasonably arguable on the facts and evidence canvassed 19 over the course of the Inquiry to date, the purpose 20 being to alert the recipients to the full range of 21 matters in respect of which further representations may 22 be made. What it is critical to appreciate, however, is 23 that it should not be thought by any recipient that the 24 specific criticisms which I consider to be reasonably 25 arguable will necessarily appear in that form (or, Page 23</p>
<p>1 allegations that have been made and, in appropriate 2 cases where the interests of fairness require, that 3 evidence will be published as part of the record of the 4 Inquiry. There have been a number of examples where 5 this has already happened and I am prepared for that 6 type of material to be provided to the Inquiry over the 7 weeks to come (albeit no later than the end of August 8 2012 in respect of evidence prior thereto). 9 One example will suffice. The Inquiry only learnt 10 of the existence of Matthew Sprake very recently, but 11 I am conscious that his evidence last week concerned, in 12 large part, the work which he had been employed to carry 13 out for The People. Further, it raised issues relating 14 to the responsibilities for the ethical decisions in 15 connection with its commissioning. Although I recognise 16 that it is now too late to serve a notice under Section 17 21 of the Act on the editor, Mr Lloyd Embley (who gave 18 evidence during the course of Module 1), should he wish 19 to provide his account of that relationship, dealing 20 with what Mr Sprake has said, I will, of course, 21 consider it. 22 Rule 13 of the rules. 23 On 1 May 2012, I handed down a ruling dealing with 24 my approach to Rule 13 of the rules, which 25 I supplemented three days later with a further ruling Page 22</p>	<p>1 indeed, necessarily at all) in the final report. 2 Warning letters are an inherent part of conducting 3 the Inquiry fairly and constitute the process of 4 ensuring that all those potentially subject to possible 5 criticism have the opportunity to respond. It may be 6 that it will be thought that submissions that have 7 already been made deal with the possible criticisms and 8 it will be sufficient either not to respond or simply to 9 refer to those submissions. At the other end of the 10 spectrum, representations can include the provision of 11 further evidence and I am prepared to consider the 12 possibility that I may have to reconvene oral hearings 13 to allow an appropriate response: see Beer, Public 14 Inquiries, paragraph 9.41. Having said that, however, 15 bearing in mind the approach which I have made clear 16 that I intend to adopt to the facts, it should only be 17 in the clearest of cases that the submission of further 18 evidence should be contemplated. I ought to add that 19 although further evidence might be read into the Inquiry 20 record, I anticipate that the likelihood of 21 consequential oral hearings to be comparatively remote. 22 The second point to be made about the Rule 13 23 letters is to underline that responses will only be of 24 value if they address the possible criticism. As 25 foreshadowed in my ruling, I will shortly be issuing Page 24</p>

6 (Pages 21 to 24)

<p>1 Rule 13 letters of a generic nature relating to the 2 culture, practises and ethics of the press referring 3 either to the press as a whole or to a part of or 4 section within the press. I appreciate that it will be 5 tempting for companies to respond by reference only to 6 their own practices; each, however, has read or heard 7 the evidence that has been put before the Inquiry and 8 I expect responses which address the wider issues about 9 the conclusions that I may reach generically. 10 A response that says no more than, "Not me", will be of 11 little, if any, value. Obviously, other letters may 12 address possible individual criticisms: they will 13 require an individual response. 14 Finally, I wish to say something about the 15 confidentiality of these letters. Rule 14 makes it 16 clear that the contents of a warning letter are to be 17 treated as subject to an obligation of confidence owed 18 by each member of the Inquiry Team to the recipient and 19 by both the recipient and the recipient's recognised 20 legal representative to me. The purpose is not to keep 21 the workings of the Inquiry secret: indeed, in relation 22 to the recipients of any letter, the duty of confidence 23 lapses when the Inquiry report is published. Rather, it 24 is to recognise that which is set out in paragraph 10 25 above, namely that the criticisms outlined in the letter</p> <p style="text-align: center;">Page 25</p>	<p>1 in different ways. The Inquiry has clearly attracted 2 considerable public interest which itself has generated 3 additional lines of inquiry beyond those initially 4 identified. In addition, the Inquiry has been subject 5 to a great deal of commentary. I have previously 6 directed that the press cuttings in relation to the 7 Inquiry will form part of its record. Without 8 necessarily dealing with any explicitly, I will consider 9 reports that in my view either support or undermine 10 concerns that have been expressed in evidence; I will 11 equally consider the validity of the comments that are 12 critical of the direction or approach of the Inquiry. 13 I add only that the collection of cuttings will continue 14 until the Inquiry reports. 15 Right. We were to start with Mr Sherborne, but 16 I understand that he's suffered a family bereavement and 17 in those circumstances we'll take a slightly different 18 order. Do the core participants, Mr Jay, understand the 19 order in which they are to speak and does it cause them 20 any embarrassment? 21 MR JAY: I haven't checked with all of them. 22 LORD JUSTICE LEVESON: I'll rise for a few minutes for you 23 to do that. 24 (10.45 am) 25 (A short break)</p> <p style="text-align: center;">Page 27</p>
<p>1 do not represent my concluded view. Thus to publish 2 them as my view or as "emerging thoughts" (as some of 3 the challenges which have I asked about during the 4 hearings have been reported) would be to misunderstand 5 the purpose of the exercise and misrepresent the 6 position of the Inquiry. I hope that the duty of 7 confidence will be observed by all. I will, however, 8 wait to see. 9 Further developments. 10 In the ten months during which the Inquiry has 11 received briefings, held seminars and been taking 12 evidence, much has happened which is relevant to 13 conclusions that may be reached as to the culture, 14 practices and ethics of the press, and as to many 15 aspects of the terms of reference. Events have 16 transpired which have been reported and reports have 17 given rise to complaint: a good example can be found in 18 the evidence of Giles Crown dealing with the tragic 19 death of an 11-year-old boy. In the same way that 20 I wish to be kept informed about the progress of the 21 police investigations encompassed by Operations Weeting, 22 Elveden and Tuleta, so if there are further incidents 23 that cause concern about the press that I can consider 24 before issuing my report, I shall do so. 25 Concerns have come to the attention of the Inquiry</p> <p style="text-align: center;">Page 26</p>	<p>1 (10.35 am) 2 LORD JUSTICE LEVESON: Mr Jay, I gather that arrangements 3 have been made for those core participants who were due 4 to speak this afternoon for representatives from their 5 clients to attend. I don't want to disrupt those 6 arrangements, so I'll hear Mr Garnham, who was due to 7 speak this morning, and then we'll have an early break 8 and resume this afternoon. 9 MR JAY: Yes. 10 LORD JUSTICE LEVESON: Right. Yes, Mr Garnham. 11 Closing submissions by MR GARNHAM 12 MR GARNHAM: Sir, at the beginning of this Inquiry, the MPS 13 emphasised that it came here to assist not obstruct, to 14 self-criticise and not to justify, and to try and 15 improve rather than to hide. The MPS has done 16 everything it can to be open and transparent, willing to 17 acknowledge mistakes and learn from the errors which the 18 Inquiry exposes. 19 In our written closing submissions for Module 2 of 20 11 May 2012 and our closing submissions for Module 3 of 21 17 July, the MPS attempted to summarise the evidence 22 heard by you and the Inquiry insofar as it was relevant 23 to the MPS or the relationships between the MPS and the 24 press. 25 We frankly admit that there have been incidents</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 which have led to a plain perception of cosiness between
 2 particular senior MPS officers and particular
 3 journalists. The MPS also acknowledge that the
 4 decisions in July 2009 and September 2010 not to reopen
 5 the phone hacking investigation were taken too quickly
 6 and with a defensive and closed mindset.

7 However, the MPS also submits that it's clear from
 8 the evidence you've heard that the vast majority of
 9 contact between the police and the media has been and
 10 continues to be sensible, constructive and proper.
 11 There has been nothing to suggest corruption on anything
 12 other than the rarest of occasions, and those rare
 13 occasions have been the subject of proper investigation
 14 and proper sanction.

15 The evidence received by the Inquiry unequivocally
 16 demonstrates, we submit, that there was no relationship
 17 between senior officers and journalists that was in fact
 18 corrupt. There was no cosiness or inappropriately close
 19 relationships that in fact tainted police
 20 decision-making. More specifically, we say, the
 21 evidence has demonstrated that the phone hacking
 22 investigation was not at any stage limited because of
 23 pressure from or fear of the media, whether
 24 News International or the press more broadly.

25 Similarly, we submit, the evidence has demonstrated
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1 that the decisions in 2009 and 2010 not to reopen the
 2 investigation were not in fact influenced by
 3 relationships between senior officers and
 4 News International.

5 The MPS has addressed these points in detail in its
 6 written submissions and I will not repeat those
 7 submissions here. However, we are grateful for the
 8 opportunity briefly to address orally some assertions
 9 and criticisms made by other core participants in their
 10 written submissions. In particular, sir, I want to deal
 11 today with two issues, which we say are critical to any
 12 proper analysis of the evidence.

13 First, the danger of conflating the perception of
 14 wrongdoing with its reality, and secondly, inaccuracy
 15 concerning the current work of the MPS to implement
 16 changes to its media relations, policy and practice.

17 The written submissions of the core participant
 18 victims in relation to Module 2 of 28 May cover much of
 19 the same ground as our submissions. Like us, the CPVs
 20 make a distinction between the perception that there
 21 were corrupt or inappropriate relationships between the
 22 police and the press and the reality of such
 23 relationships. However, in our submission the CPVs have
 24 at numerous points conflated or confused the two. That,
 25 we submit, is both unhelpful and potentially dangerous.

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1 At paragraph 2 of their submissions, the CPVs say
 2 that:
 3 "Perception is as important as reality."
 4 With respect, that cannot be correct. A perception
 5 that senior officers are too close to journalists is
 6 indeed a source for concern. The MPS well recognises
 7 the damage that such a perception has caused and
 8 acknowledges the importance of ensuring that it doesn't
 9 arise in the future. However, had the Inquiry uncovered
 10 evidence of actual corruption of senior police officers
 11 or of inappropriate relationships with journalists
 12 actually causing different operational decisions to be
 13 made, it would, we submit, rightly be even more
 14 concerned about this than about the perception that some
 15 relationships were unduly close.

16 Saying that, sir, is not to downplay the importance
 17 of perception. It simply recognises the obvious truth
 18 that actual corruption or relationships which actually
 19 affect police decision-making would be worse. To say
 20 that the perception of corruption and real corruption
 21 are equally important is simply not valid.

22 The CPVs say perception is so important because
 23 perception that the police are corrupt can lead to
 24 a loss of public confidence in the police and
 25 a perception that the press can act with impunity, which
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1 can lead to a worsening behaviour by the press. We
 2 agree. The same point has been made by many witnesses
 3 to this Inquiry.

4 However, asserting that there is widespread
 5 corruption in the police and that inappropriate
 6 relationships between police and press have compromised
 7 police independence when the evidence doesn't
 8 demonstrate that is unjust and simply serves to worsen
 9 the perception. In short, it creates the very problem
 10 that the CPVs are so keen to avoid.

11 That, we submit with respect, is precisely what the
 12 CPVs have done on a number of occasions in their
 13 submissions.

14 Having recognised the distinction between perception
 15 and reality, and, we say, wrongly asserted that
 16 perception is just as important, the CPVs then assert
 17 that a number of senior police officers did in fact
 18 become too close to reporters and failed as
 19 a consequence of that closeness fully to investigate or
 20 disclose evidence of media wrongdoing. In particular,
 21 they assert that in 2006, 2009 and 2010 close
 22 relationships with News International journalists and
 23 editors actually affected police decisions.

24 In doing so, the CPVs are eliding the perception of
 25 police independence being compromised with the reality
 Page 32

1 of such compromise. That's clear from phrases such as
 2 "independence or at least the appearance of independence
 3 was compromised", paragraph 32 of the CPVs' submission.
 4 They have conflated the two and asserted that
 5 because there may have been occasions when it appeared
 6 that certain senior police officers' independence was
 7 affected, it was in fact affected. That plainly doesn't
 8 follow.
 9 LORD JUSTICE LEVESON: No, the question is whether it's an
 10 inference that can be drawn.
 11 MR GARNHAM: Absolutely. Sir, you anticipate precisely the
 12 next clause of the sentence, which is: and there is
 13 nothing to support so serious an inference.
 14 The CPVs are not the only core participants to have
 15 conflated perception with reality. Guardian News and
 16 Media Limited have done the same in their Module 2
 17 submissions. They assert at paragraph 10(1) that there
 18 was "cosiness between senior MPS officers and
 19 News International executives". At paragraph 12 they
 20 state that there is "real force in the view that an
 21 excessive close relationship developed between NI
 22 executives and senior police officers such as to
 23 materially influence the MPS response to the phone
 24 hacking investigation".
 25 But the evidence they point to, primarily the Filkin
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1 report, is about a perception of inappropriate
 2 relationships, not actual compromise of independence,
 3 and that flawed analysis, we submit, needs to be
 4 exposed.
 5 I'm going to concentrate for the main part in these
 6 short oral submissions on the core participant victims'
 7 submissions, as they're the most extensive, but the
 8 points could equally be made towards the Guardian's
 9 submissions.
 10 There are several points in the CPVs' submissions
 11 where the evidence referred to may justifiably be said
 12 to demonstrate a perception or appearance of unduly
 13 close relationships, but cannot be said to show that
 14 there was compromise of police independence in reality,
 15 yet the CPVs do assert such actual compromise.
 16 I deal with it by just three examples. At
 17 paragraph 48, the CPVs refer to a dinner hosted by the
 18 News of the World, which Andy Hayman and Dick Fedorcio
 19 attended on 25 April 2006. They note that this was at
 20 a crucial time in Operation Caryatid and assert that
 21 "the possibility of inappropriate conversation cannot be
 22 excluded".
 23 But in fact the timings suggest that such
 24 hospitality could have had no effect whatsoever on
 25 operational decisions. On 18 April, a few days before
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1 this dinner, DCS Phil Williams had sought and been given
 2 additional resources for Operation Caryatid. On
 3 26 April, the day after the dinner, the decision was
 4 made to proceed with the investigation.
 5 Those actions are suggestive, we submit, of
 6 a robust, independent police force, not one whose
 7 independence was compromised.
 8 LORD JUSTICE LEVESON: But could it ever have been sensible
 9 for the police -- for particularly a very, very senior
 10 ranking officer -- to have dinner with an organisation
 11 that one of his officers was then investigating?
 12 MR GARNHAM: That, with respect, is a separate question. It
 13 may well be, sir -- I'm going to make no concession --
 14 you will decide that it was not. But that is not -- and
 15 this is the critical point -- evidence of corruption in
 16 fact.
 17 LORD JUSTICE LEVESON: No, I understand the point that
 18 you're making, but the trouble is that this is where
 19 perception does become extremely important. If, as was
 20 the event, that investigation was limited, no doubt for
 21 different reasons, it doesn't require a very suspicious
 22 mind to join the dots together.
 23 MR GARNHAM: I absolutely agree and concede that, sir. Of
 24 course that's right. And the which of such a dinner
 25 happening at such a time is plainly something which can
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1 be the subject of comment. But it's a huge jump to say
 2 that you can proceed from that to a conclusion that in
 3 fact at that dinner they got around the table and said,
 4 "Tell you what, we'll just go through the motions". And
 5 that is, in our submission, at the root of the error of
 6 the analysis that's been put forward by some.
 7 The CPVs severely criticise DCS Williams for failing
 8 to widen the scope of Caryatid in 2006. They conclude
 9 at paragraph 82 that there remains in relation to DCS
 10 Williams a strong inference that he was fearful of the
 11 influence of the powerful media friends of his
 12 superiors. There is simply not the evidence to support
 13 such an inference. I will deal with these criticisms at
 14 little length because they're more extensive and haven't
 15 been specifically covered in our written submissions.
 16 In our submission, the Inquiry has heard compelling
 17 evidence from all the officers involved in the
 18 investigation about the overwhelming pressure on the MPS
 19 from the terrorist threat in 2006 and the absolute
 20 priority that had to be given to counter-terrorist
 21 operations. As Peter Clarke said in a memorable phrase:
 22 "Invasions of privacy are odious. They can be
 23 extraordinarily distressing and at times they can be
 24 illegal, but to put it bluntly: they don't kill you."
 25 The CPVs, in their analysis, skip lightly over this
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1 crucially important factor in a single sentence at
 2 paragraph 75. They say:
 3 "Be that as it may, it doesn't explain the
 4 reluctance of DC Williams to reveal the full extent and
 5 nature of the evidence to the CPS or pursue the agreed
 6 strategy of informing victims."
 7 We submit that that is wildly to underappreciate the
 8 nature and significance of the evidence about terrorist
 9 threats.
 10 There's no need to drive that point home, I suspect,
 11 sir. We deal with it in our written submissions and I'm
 12 not going to labour it.
 13 The Inquiry has heard no evidence that DCS Williams
 14 himself had any relationship with the media which could
 15 conceivably be perceived as overly close, let alone
 16 actually corrupt. Moreover, as the CPVs acknowledge,
 17 there is no evidence that he made any conscious decision
 18 to suppress evidence. Nonetheless, the CPVs feel able
 19 to assert, paragraph 76, that he would no doubt have
 20 been aware that his superiors in the MPS hierarchy
 21 enjoyed extremely close relationships with those he was
 22 investigating and therefore that it was:
 23 "Inevitable that the relationships between very
 24 senior MPS officers and the media exerted some influence
 25 on his decision-making."
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1 With respect, that's nonsense.
 2 First, there's no evidence to suggest that DCS
 3 Williams had any knowledge at all about the
 4 relationships between other officers and particular
 5 journalists at particular newspapers, and that point was
 6 never put to him.
 7 Second, that assertion assumes what it seeks to
 8 prove, that DCS Williams was making not just incorrect
 9 decisions, but decisions motivated by improper
 10 considerations.
 11 And third, it ignores the fact that DCS Williams's
 12 superior was Peter Clarke, an officer whom, as the
 13 Inquiry has repeatedly heard, is held in the highest
 14 regard by everyone who's ever worked with him. Even the
 15 CPVs accept that Mr Clarke did not accept much
 16 hospitality at all, and what he did accept was
 17 even-handed as to his relationship with the media.
 18 The CPVs make their inference about DCS Williams on
 19 the basis that he knew there was evidence of journalists
 20 other than Clive Goodman being involved but "mised" the
 21 CPS prosecuting counsel and AC Clarke by saying there
 22 was no such evidence. We've addressed that in our
 23 submissions and I just make three short points.
 24 First, CPS and counsel were plainly aware that the
 25 evidence implicated journalists other than Goodman
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1 because of counts 15 to 20. The CPS knew about the
 2 corner names. They had a copy of the Blue Book.
 3 Second, DCS Williams was working on the
 4 understanding that the evidential requirement to prove
 5 unlawful interception of voicemail was that it had to
 6 take place before it was accessed by the intended
 7 recipient.
 8 Now, sir, you may decide he was wrong about that.
 9 You may conclude that he was taking too narrow a view of
 10 the legal requirements to make out his case. But there
 11 is nothing to support a case that DCS Williams was there
 12 actively or intentionally misleading anyone.
 13 LORD JUSTICE LEVESON: It's not just a question of my
 14 construction of the statute, is it? Because at the time
 15 charges were pursued on the basis of the wider view, and
 16 in any event, he, like any experienced detective, would
 17 well have understood the reach of the law of conspiracy.
 18 MR GARNHAM: Absolutely, absolutely. But he was guided in
 19 the decisions he made -- and it may be he got it wrong.
 20 But he was guided by the advice he'd received. And it
 21 is an enormous jump, and one which we would suggest the
 22 Inquiry would not be justified in taking, between saying
 23 he got it wrong on these points and saying, as the core
 24 participant victims do, that he was misleading in some
 25 active sense anybody, whether counsel or CPS or his
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1 superiors. We say the evidence simply doesn't support
 2 such a conclusion.
 3 It is also, in our submission, significant that it
 4 became clear from DCS Williams's evidence that he was
 5 applying a restrictive view of what constituted
 6 evidence. He appears to have believed that he had to
 7 obtain concrete, forensically irresistible proof. His
 8 whole approach, it emerged, was that it wouldn't be
 9 sufficient to rely on inference, however powerful
 10 a lawyer might think the inference to be drawn was.
 11 He might be wrong about that, but the idea that he
 12 was actively misleading anyone is, in our submission,
 13 farfetched.
 14 The CPVs also base their inference about DCS
 15 Williams on the assumption that the MPS was in
 16 possession of all the evidence in 2006 necessary to
 17 realise that phone hacking was as extensive as it's
 18 turned out to be seen to be. But that, in our
 19 submission, is to fall into the obvious trap of viewing
 20 this through the wrong end of the telescope. It wholly
 21 fails to take into account the hugely time-consuming and
 22 resource-intensive nature of the work that would have
 23 been needed to be carried out in order properly to
 24 investigate these affairs.
 25 It is, in our submission, sufficient to look at the
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<p>1 extent and nature of Operation Weeting to see the 2 quantity of work involved. DAC Akers reminded the 3 Inquiry this morning about the volume of material 4 involved in some of these operations.</p> <p>5 The CPVs point to a failure to seek a production 6 order against News International as a further reason to 7 draw inferences against DCS Williams. We've made 8 separate submissions on this issue in relation to 9 Module 4. You have written evidence from the Deputy 10 Commissioner on that topic, and we would respectfully 11 refer you to that in this context.</p> <p>12 LORD JUSTICE LEVESON: Yes. What he's saying is that 13 actually it becomes almost impossible because merely to 14 assert, "We'll co-operate", makes it extremely difficult 15 to satisfy the engagement criteria for a production 16 order.</p> <p>17 MR GARNHAM: Yes.</p> <p>18 LORD JUSTICE LEVESON: Because you can't prove that they 19 haven't co-operated. So the co-operation might be 20 a fig-leaf for doing not very much, and there's nothing 21 very much the police can do about it.</p> <p>22 MR GARNHAM: It's seen as a self-justifying, self-fulfilling 23 assertion when police are met with that sort of 24 response.</p> <p>25 LORD JUSTICE LEVESON: But on the other hand, of course, one Page 41</p>	<p>1 strategy for informing potential victims as evidence 2 from which inferences can be drawn against DCS Williams 3 that his independence was compromised. Again, we say 4 the scattergun nature of the CPVs' analysis is evident.</p> <p>5 The MPS has acknowledged that the victim strategy 6 was not properly implemented. It's done so both in its 7 submission to this Inquiry and in the judicial review 8 proceedings, but the reasons for that were various: lack 9 of resources, competing demands, failure to follow-up 10 a process that was believed to be working properly.</p> <p>11 But there's no evidence that you've heard at any 12 stage to suggest that it was fear of News International, 13 whether on the part of DCS Williams or anyone else in 14 the investigation team, which caused the failure of the 15 victim strategy.</p> <p>16 We say that for the CPVs to assert to that effect is 17 another example of conflating perception and reality.</p> <p>18 CPVs summarise their allegations at paragraph 108. 19 They say that the failures in the investigation are so 20 significant that an inference can be drawn that police 21 officers deliberately sought to downplay the evidence 22 out of fear of News International.</p> <p>23 Hindsight is a dangerous device in an Inquiry of 24 this sort. Nowhere, we say, is it capable of greater 25 mischief than here. No one concerned with this Inquiry Page 43</p>
<p>1 has to be very careful to respect journalistic sources, 2 for all the reasons that we've discussed during the 3 course of the Inquiry.</p> <p>4 MR GARNHAM: Absolutely. And that's the nature of the 5 problem that we have sought to address in Deputy 6 Commissioner Mackey's submission.</p> <p>7 LORD JUSTICE LEVESON: Yes.</p> <p>8 MR GARNHAM: But it suffices for present purposes to observe 9 that the Operation Caryatid team found 10 News International's lack of co-operation back in 2006 11 frustrating in the extreme. You'll remember in answer 12 to a question from you this morning, sir, DAC Akers drew 13 a sharp distinction between that level of co-operation 14 and what she has received in more recent months.</p> <p>15 The criticism faced by the police when journalists 16 are investigated or searched is apparent from Module 2, 17 written submissions from the NUJ, which I'll come back 18 to in a moment. But we say the CPVs' attack is 19 indiscriminating when it fails to recognise that 20 whatever criticisms might be made of the law relating to 21 production orders in cases involving newspapers, DCS 22 Williams and the rest of the Operation Caryatid team was 23 having to work with the law as it was then, not as it 24 might be at some future day.</p> <p>25 Finally, sir, the CPVs point to the failure of the Page 42</p>	<p>1 can wholly exclude from their minds knowledge of the 2 significance of the material which subsequent events 3 have demonstrated. The potential significance of first 4 names scribbled across the corner of a piece of paper is 5 now patent, but it's a long way from providing a ground 6 for criticising those who at the time regarded this not 7 as evidence of complicity in wrongdoing by journalists 8 but as no more than a potential lead, which with a great 9 deal of further work might lead to evidence, which might 10 justify the arrest of an as yet unidentified individual.</p> <p>11 Still less, we say, is it grounds for inferring that 12 operational decisions were made because of fear of 13 News International.</p> <p>14 LORD JUSTICE LEVESON: But the police certainly had got to 15 grips with the Mulcaire documentation, hadn't they?</p> <p>16 MR GARNHAM: Yes.</p> <p>17 LORD JUSTICE LEVESON: Because they sought to interview -- 18 I think it was Mr Mulcaire about these very topics, and 19 also identified other names and the material which 20 included PIN numbers and the like, which suggested, at 21 any rate, that this was very much more extensive than 22 that which eventually emerged as the prosecution case.</p> <p>23 MR GARNHAM: They had begun to get to grips with it, 24 I readily concede, and they had started to detect what 25 that evidence might suggest, yes. But it's a long way Page 44</p>

11 (Pages 41 to 44)

<p>1 from that to putting together a case that was sufficient 2 to be taken to court.</p> <p>3 LORD JUSTICE LEVESON: I understand that, but that's not the 4 charge specifically. The charge might just as easily 5 be, as I read the submission, that you never went 6 further. And another example that might be given of 7 that could be -- and I ask you to deal with it -- the 8 failure to deal with the much enunciated "rogue 9 journalist" theory, where certainly the police had the 10 very gravest concerns, it seems to me, that this wasn't 11 one rogue journalist, and yet -- I mean, normally, if 12 the police fear that there may be other criminal conduct 13 which they can't prove, I think the phrase is they "warn 14 people as to their conduct".</p> <p>15 MR GARNHAM: Yes.</p> <p>16 LORD JUSTICE LEVESON: Rather than caution them, because 17 they can only caution somebody who admits it. Because 18 it was nothing like that.</p> <p>19 MR GARNHAM: Two points in the observations you've made, 20 sir. As to the second, about the good sense of giving 21 such a warning, that was addressed by senior officers, 22 more recently-appointed senior officers, in answers to 23 questions from you, and they agreed.</p> <p>24 Mr Peter Clarke agreed that although it would be 25 difficult sometimes for him to go into the office of</p> <p style="text-align: center;">Page 45</p>	<p>1 that the evidence surrounding 2009 and 2010 could give 2 rise to a perception or suspicion of cosiness 3 influencing decision-making, but it's simply not valid, 4 I would submit, to assert that the MPS were involved in 5 a cover-up, intentionally or otherwise. Indeed, I'm not 6 entirely clear how one can unintentionally cover up 7 anything, since the verb "cover-up" in this context 8 necessarily involves some deliberate action.</p> <p>9 LORD JUSTICE LEVESON: I think I agree with that.</p> <p>10 MR GARNHAM: It's right to acknowledge that the decisions 11 were probably taken too quickly and with a defensive 12 mindset that may not have asked the right questions.</p> <p>13 That was conceded by Sir Paul Stephenson and by 14 others subsequent to him, and we respectfully urge you 15 to adopt that. But there is absolutely nothing by way 16 of hard evidence which calls into question the integrity 17 of John Yates when he made those decisions. There's 18 nothing to show that he was in fact swayed in his 19 decision-making by his friendship with Neil Wallis or 20 his relationships with News International more 21 generally. There's nothing to show that he deliberately 22 misled the Select Committee, the DPP or the victims, and 23 again we say that to confuse legitimate criticisms that 24 can be made about perception with reality is wholly 25 unwarranted.</p> <p style="text-align: center;">Page 47</p>
<p>1 a managing director of a large organisation and read the 2 riot act in the way you've suggested, there were 3 occasions when that would be sensible, and I don't 4 attempt to dissent from that.</p> <p>5 LORD JUSTICE LEVESON: I can't immediately see that an 6 officer as senior as Mr Clarke would have very much 7 difficulty in making his views very clear to whomsoever 8 he wished to make his views clear, however unhappy the 9 response he might receive.</p> <p>10 MR GARNHAM: I don't attempt to dissuade you from that view, 11 sir. That was put perfectly fairly to Mr Clarke and he 12 dealt with it. But what I do attempt to respond to is 13 the suggestion that there is in that some evidence which 14 founds an inference that DCS Williams was either 15 cowardly in his approach to police officers [sic] or was 16 positively corrupt. Those are huge jumps, which I say 17 are simply not justified on the evidence.</p> <p>18 The final example of CPVs conflating perception and 19 reality relates to the decisions in 2009 and 2010 not to 20 reopen the phone hacking investigation. Paragraph 109 21 of the CPVs' submissions read: 22 "Intentionally or not, the MPS supported and 23 participated in a cover-up of the facts, which has led 24 to suspicions of corruption." 25 Sir, in our submission it may be valid to consider</p> <p style="text-align: center;">Page 46</p>	<p>1 LORD JUSTICE LEVESON: Mr Yates certainly didn't do himself 2 any favours, did he?</p> <p>3 MR GARNHAM: And fortunately that's not the case I'm having 4 to make out, sir.</p> <p>5 LORD JUSTICE LEVESON: No.</p> <p>6 MR GARNHAM: We would urge you not to make the same mistake 7 as the CPVs and others.</p> <p>8 Some of the evidence heard over the course of the 9 last nine months could give rise to criticisms based on 10 perception, but the evidence goes nowhere near to 11 establishing that corruption or actual compromise of 12 police independence occurred. And to slide from 13 perception to fact is an easy move to make, but would 14 not be remotely justifiable on the evidence you've 15 heard.</p> <p>16 LORD JUSTICE LEVESON: What about this, Mr Garnham -- and it 17 may be that it doesn't take any matters any further, and 18 I'm not saying that I've reached this conclusion, I say 19 immediately. But in connection with the decision in 20 2009, could it be said certainly approached too 21 defensively, but also approached on the basis that very 22 senior officers knew and understood the leaders of this 23 organisation, and because of their personal knowledge of 24 them were therefore less prepared to think ill of what 25 they had been doing?</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

1 MR GARNHAM: Sir, that's somewhere between the two
 2 stances --
 3 LORD JUSTICE LEVESON: That's why I asked you about it.
 4 MR GARNHAM: -- I've identified.
 5 I understand that, sir. I would submit that even
 6 that would be going too far. You don't have the
 7 evidence even for that. But that is some way short of
 8 actual corruption or actual compromise of independence;
 9 and I say you can't go even that far on what you've
 10 heard, but plainly it is a gradation.
 11 It's instructive, we say, to observe that the very
 12 same factual context can be perceived from very
 13 different standpoints, depending on the observer.
 14 That's apparent from the NUJ's submissions on Module 2,
 15 which criticise the MPS for being "interfering" and
 16 "threatening" in its media relationship. And it does so
 17 over precisely the same period of time during which it's
 18 accused of being over-cosy by the CPVs.
 19 We submit we're trapped somewhat between a rock and
 20 a hard place in trying to get this right. On the one
 21 hand, we can be criticised by the NUJ for being
 22 draconian. On the other, we can be criticised for being
 23 overfriendly.
 24 That serves, we submit, to illustrate the difficult
 25 position the police are in when it comes to dealing with

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1 an investigation of the press, and in that circumstance
 2 it is, we would submit, remarkable that the Inquiry has
 3 heard such a substantial body of evidence that's been
 4 positive about the work of the MPS, about the
 5 relationship between the MPS and the press and about the
 6 work of the MPS and the press together.
 7 The second of my two issues, sir, you'll be glad to
 8 know, is much more straightforward and can be dealt with
 9 much more shortly.
 10 The Guardian has at paragraph 6 of their submissions
 11 suggested that the MPS has adopted the recommendations
 12 of the Filkin report, and they then go on to criticise
 13 some of those. It's simply not correct to say that the
 14 MPS has adopted the Filkin report's recommendations.
 15 As Commissioner Hogan-Howe explained, the MPS has
 16 accepted her findings and the broad thrust of her
 17 report, but needs to do more work on whether and how to
 18 implement the recommendations. The work is being done
 19 now and that's set out in our Module 2 submissions.
 20 There's an update on progress at annex 1 of our Module 3
 21 submissions.
 22 We submit that the overall picture that's emerged in
 23 the course of your Inquiry is that relations between the
 24 press and the police, whilst not perfect, have been
 25 essentially sound. We recognise that there has been

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1 some legitimate grounds for criticism of MPS conduct,
 2 primarily regarding the public perception created by the
 3 actions of some of its officers.
 4 We submit that the MPS has demonstrated through the
 5 evidence of its current senior officers an intent to
 6 address and correct the errors that this Inquiry has
 7 exposed. We remain ready to listen to and learn from
 8 your conclusions, and we do so whether or not they
 9 happen to coincide with our own analysis.
 10 LORD JUSTICE LEVESON: Mr Garnham, I'm very grateful for
 11 that, but could you help me with the present position of
 12 the ACPO responses, both to Sir Denis O'Connor's report
 13 and I think that also encompasses what Elizabeth Filkin
 14 had to say?
 15 MR GARNHAM: The honest answer to your question is: No,
 16 I don't think I can. I don't act for ACPO, but I have
 17 lines of communication to ACPO and I would have to take
 18 instructions and respond to that --
 19 LORD JUSTICE LEVESON: I wasn't necessarily asking from an
 20 ACPO perspective. Presumably your clients know where
 21 they've got to in relation to the ACPO line.
 22 MR GARNHAM: Yes.
 23 LORD JUSTICE LEVESON: I think it would be useful if you
 24 could just at some stage submit a very short note on it
 25 so that I know.

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1 MR GARNHAM: I will do so, sir.
 2 LORD JUSTICE LEVESON: Thank you very much indeed. Thank
 3 you.
 4 Right. It's not happened many times during the
 5 course of the last ten months, but in the light of the
 6 fact that we can't proceed further, we'll adjourn now
 7 until 2 o'clock.
 8 Thank you.
 9 (11.32 am)
 10 (The luncheon adjournment)

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EXHIBIT V

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theguardian

Phone hacking: six arrested under Operation Weeting

Arrests in London, Oxfordshire, Hampshire and Hertfordshire on suspicion of conspiracy to pervert the course of justice

Josh Halliday and Vikram Dodd
guardian.co.uk, Tuesday 13 March 2012 05.10 EDT



Phone hacking: six people have been arrested by Scotland Yard detectives under Operation Weeting. Photograph: Dominic Lipinski/PA

Six people have been arrested by Metropolitan police detectives investigating phone hacking.

Five men and one woman were arrested on Tuesday morning at addresses in London, Oxfordshire, Hampshire and Hertfordshire by officers from Operation Weeting.

All six were arrested on suspicion of conspiracy to pervert the course of justice.

The Met police said a 43-year-old woman was arrested at home in Oxfordshire; a 39-year-old man was held in Hampshire; a 46-year-old man was arrested in west London; a 49-year-old man was arrested in Oxfordshire; a 39-year-old man was arrested in Hampshire; a 38-year-old man was arrested in Hertfordshire, and a 48-year-old man was arrested at a business address in East London.

All six were arrested between 5am and 7am on Tuesday and are being interviewed at police stations.

Scotland Yard said in a statement: "A number of addresses connected to the arrests are being searched.

"Today's operation follows consultation with the Crown Prosecution Service."

Police said the arrests did not result from information passed to them by News Corporation's management and standards committee. A number of past arrests followed News Corp's MSC, which is reviewing internal emails and documents, passing suspicious-looking ones to the Weeting team.

The arrests form the biggest single swoop yet by the Met police in its ongoing investigation into alleged voicemail interception. So far 22 people have been held under Operation Weeting, with two people released without charge.

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EXHIBIT W

The Sun's Whitehall Editor arrested in illegal payments probe

Clodagh Hartley, the Sun's Whitehall Editor, has been arrested as part of the investigation into illegal payments to public officials, News International sources have confirmed.



She was arrested on suspicion of conspiracy to corrupt and suspicion of conspiracy to cause misconduct in a public office

By Martin Evans, Crime Correspondent

3:07PM BST 25 May 2012

The 37-year-old, who became the paper's first female lobby journalist three years ago, was arrested when she attended Bromley Police Station by appointment this morning.

She was arrested on suspicion of conspiracy to corrupt and suspicion of conspiracy to cause misconduct in a public office.

Ms Hartley is a long standing Sun reporter who has worked in Los Angeles for the paper and has also had spells as the consumer affairs correspondent and home affairs correspondent.

When she was appointed to the paper's lobby staff three years ago, the then political editor, George Pascoe-Watson described her as a "distinguished veteran news reporter with ten years experience on

the road”.

It is understood she has been on maternity leave from the paper in recent months.

She is the 30th person to be arrested as part of Operation Elveden, which was set up to investigate allegations that journalists had illegally paid police officers and public officials for information and stories.

The investigation, which is being supervised by the Independent Police Complaints Commission, is running alongside Operation Weeting which is examining phone hacking allegations at the News of the World newspaper.

A Scotland Yard spokesman said: “The 37-year-old woman attended Bromley Police Station by appointment and was arrested on suspicion of conspiracy to corrupt under the Prevention of Corruption Act 1906, suspicion of conspiracy to cause misconduct in a public office, contrary to Common Law and suspicion of bribery, contrary to the Bribery Act 2010.”

In an internal memo to staff, News International chief executive Tom Mockridge said: "I am sorry to inform you that a further News International employee has been arrested by the police in connection with Operation Elveden."

He added: "As I have said before, it is important that proper due process takes its course and we must not prejudge the outcome of the police interviews. The company is continuing to do everything it can to assist our colleague, and has provided her with legal support. I appreciate this is difficult news for everyone and I am grateful for your continued hard work."

The arrest followed information that was passed to the police by News Corporation's Management and Standards Committee, set up by Rupert Murdoch in the wake of the hacking scandal last summer.

The company is carrying out internal investigations relating to Mr Murdoch's remaining UK papers – The Sun, the Times and the Sunday Times – and is working closely with the police team investigating alleged phone-hacking and corrupt payments to police and other public officials.

Among the arrests so far are a number of senior Sun journalists as well as police officers, members of the armed forces and a worker from HM Customs and Revenue.

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EXHIBIT X



The Crown Prosecution Service. The CPS incorporates RCPO.

Operation Weeting - CPS charging decisions

24/07/2012

Statement from Alison Levitt QC, Principal Legal Advisor to the Director of Public Prosecutions (DPP):

This statement is made in the interests of transparency and accountability to explain the decisions reached in relation to Operation Weeting.

During June and July 2012, the Crown Prosecution Service received files of evidence from the Metropolitan Police Service, relating to thirteen suspects. This has followed a period of consultation and cooperation between police and prosecutors which has taken place over many months.

All the evidence has now carefully been considered. Applying the two-stage test in the Code for Crown Prosecutors I have concluded that in relation to eight of these thirteen suspects there is sufficient evidence for there to be a realistic prospect of conviction in relation to one or more offences.

I then considered the second stage of the test, applying the DPP's interim guidelines on assessing the public interest in cases involving the media, and I have concluded that a prosecution is required in the public interest in relation to each of these eight suspects.

The eight who will be charged are: **Rebekah Brooks, Andrew Coulson, Stuart Kuttner, Glenn Mulcaire, Greg Miskiw, Ian Edmondson, Neville Thurlbeck and James Weatherup.**

They will face a total of nineteen charges in all. The full wording of all the charges will be made available, which will include the names of others whom the prosecution say are victims, but for now I shall summarise them as follows.

All, with the exception of Glenn Mulcaire, will be charged with conspiring to intercept communications without lawful authority, from 3rd October 2000 to 9th August 2006. The communications in question are the voicemail messages of well-known people and/or

Decision to Charge

Once the Police have completed their investigations, they will refer the case to the Crown Prosecution Service for advice on how to proceed. We will then make a decision on whether a suspect should be charged, and what that charge should be.

[Find out more about how we decide whether to charge a suspect](#)

[Find out more about private prosecutions](#)

The Role of The Crown Prosecution Service

The Crown Prosecution Service is the government department responsible for prosecuting criminal cases investigated by the police in England and Wales.

As the principal prosecuting authority in England and Wales, we are responsible for:

- advising the police on cases for possible prosecution

those associated with them. There is a schedule containing the names of over 600 people whom the prosecution will say are the victims of this offence.

In addition, each will face a number of further charges of conspiracy unlawfully to intercept communications, as follows:

Rebekah Brooks will face two additional charges:

- the first relates to the voicemails of the late Milly Dowler
- the second to the voicemails of Andrew Gilchrist

Andrew Coulson will face four additional charges, relating to the following victims:

- Milly Dowler
- the Rt Hon David Blunkett MP
- the Rt Hon Charles Clarke, and
- Calum Best

Stuart Kuttner will face two additional charges, relating to:

- Milly Dowler and
- the Rt Hon David Blunkett MP

Greg Miskiw will face nine further charges, relating to the following victims or groups of victims:

- Milly Dowler
- Sven-Goran Eriksson
- Abigail Titmuss and John Leslie
- Andrew Gilchrist
- the Rt Hon David Blunkett MP
- Delia Smith
- the Rt Hon Charles Clarke
- Jude Law, Sadie Frost and Sienna Miller, and
- Wayne Rooney

Ian Edmondson will face a further eleven charges, relating to the following victims or groups of victims:

- the Rt Hon David Blunkett MP
- the Rt Hon Charles Clarke
- Jude Law, Sadie Frost and Sienna Miller
- Mark Oaten
- Wayne Rooney
- Calum Best

- reviewing cases submitted by the police
- determining any charges in more serious or complex cases
- preparing cases for court
- presenting cases at court

[Find out more about the role of the Crown Prosecution Service](#)

- the Rt Hon Dame Tessa Jowell MP and David Mills
- the Rt Hon Lord Prescott
- Professor John Tulloch
- Lord Frederick Windsor
- Sir Paul McCartney and Heather Mills

Neville Thurlbeck will face a further seven charges in relation to the following victims or groups of victims:

- Milly Dowler
- Sven-Goran Eriksson
- the Rt Hon David Blunkett MP
- the Rt Hon Charles Clarke
- Angelina Jolie and Brad Pitt
- Mark Oaten
- the Rt Hon Dame Tessa Jowell MP and David Mills

James Weatherup will face a further seven charges in relation to the following victims or groups of victims:

- the Rt Hon David Blunkett MP
- the Rt Hon Charles Clarke
- Jude Law, Sadie Frost and Sienna Miller
- Angelina Jolie and Brad Pitt
- Wayne Rooney
- the Rt Hon Lord Prescott
- Sir Paul McCartney and Heather Mills

For legal reasons, **Glenn Mulcaire** does not face the first of these charges. However, he will face four charges, relating to:

- Milly Dowler
- Andrew Gilchrist
- Delia Smith, and
- the Rt Hon Charles Clarke

In relation to three of the remaining suspects, I have concluded that there is insufficient evidence for there to be a realistic prospect of conviction. It follows that no further action will be taken in relation to them. Because others are now about to be charged, it would not be appropriate for me to give reasons for these decisions at this stage.

There are two suspects in relation to whom the police have asked me to defer making a decision whilst further enquiries are made. For this reason I do not intend to give their names or say anything further about them at this stage.

The eleven suspects have this morning been informed of my decision. They are all due to answer

their bail at police stations. When they do so, the eight whom I have already named will be charged. Following charge, these individuals will appear before Westminster Magistrates' Court on a date to be determined.

The police intend to contact all the victims who will then be told that their names appear on the indictment. Once all have been informed the full list of those whom the prosecution says were victims will be made available.

May I remind all concerned that these eight individuals now will be charged with criminal offences and that each has a right to a fair trial. It is very important that nothing is said, or reported, which could prejudice that trial. For these reasons it would be inappropriate for me to comment further.

Ends

Charges in full:

1. CHARGE 1: Rebekah Brooks, Andrew Coulson, Stuart Kuttner, Greg Miskiw, Ian Edmondson, Neville Thurlbeck and James Weatherup, between the 3rd day of October 2000 and the 9th day of August 2006 conspired together, and with Glenn Mulcaire and Clive Goodman and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of well-known people and those associated with them, including but not limited to those whose names appear on schedule 1.
2. CHARGE 2: Rebekah Brooks, Andrew Coulson, Stuart Kuttner, Glenn Mulcaire, Greg Miskiw and Neville Thurlbeck, between the 9th day of April 2002 and the 21st day of April 2002, conspired together and with persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Amanda Dowler, also known as Milly Dowler.
3. CHARGE 3: Greg Miskiw and Neville Thurlbeck, between 13th day of May 2002 and the 29th day of June 2006, conspired together and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Sven-Goran Eriksson and persons associated with Sven-Goran Eriksson, including Faria Alam.
4. CHARGE 4: Greg Miskiw between the 22nd day of October 2002 and the 21st day of July 2006, conspired with Glenn Mulcaire and with persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Abigail Titmuss and John Leslie and those associated with Abigail Titmuss and John Leslie, including Matthew McGuinness.
5. CHARGE 5: Rebekah Brooks, Glenn Mulcaire and Greg Miskiw, between the 3rd day of December 2002 and the 22nd day of January 2003, conspired together and with persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Andrew Gilchrist.
6. CHARGE 6: Andrew Coulson, Stuart Kuttner, Greg Miskiw, Ian Edmondson, Neville Thurlbeck and James Weatherup, between the 1st day of January 2004 and the 29th day of July 2006, conspired together and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of persons associated with The Right Honourable David Blunkett MP, including some or all of the following: Kimberley Quinn, Sally King (nee Anderson), Andrew King, John Anderson and Jason Carey.

7. CHARGE 7: Glenn Mulcaire and Greg Miskiw, between the 28th day of February 2005 and the 12th day of March 2005 conspired together and with persons unknown to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Delia Smith and of persons associated with Delia Smith, including Michael Wynn-Jones and Ian Christmas.
8. CHARGE 8: Andrew Coulson, Glenn Mulcaire, Greg Miskiw, Ian Edmondson, Neville Thurlbeck and James Weatherup, between the 6th day of April 2005 and the 22nd day of June 2005, conspired together and with persons unknown to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of persons associated with The Right Honourable Charles Clarke, who included either or both of the following: Hannah Pawlby and Lucy Pawlby.
9. CHARGE 9: Greg Miskiw, Ian Edmondson and James Weatherup between the 1st day of July 2005 and the 1st day of June 2006, conspired together, and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Jude Law and persons associated with Jude Law, Sadie Frost and Sienna Miller, who included some or all of the following: Jade Schmidt, Archie Keswick and Ben Jackson.
10. CHARGE 10: Neville Thurlbeck and James Weatherup, between the 5th day of July 2005 and the 4th day of May 2006, conspired together, and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of persons associated with Angelina Jolie and Brad Pitt, who included Eunice Huthart.
11. CHARGE 11: Ian Edmondson and Neville Thurlbeck, between the 9th day of January 2006 and the 6th day of May 2006, conspired together and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Mark Oaten.
12. CHARGE 12: Ian Edmondson and James Weatherup, between the 17th day of January 2006 and the 1st day of August 2006, conspired together, and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Wayne Rooney and persons associated with Wayne Rooney, who included either or both of the following: Laura Jane Rooney and Patricia Tierney.
13. CHARGE 13: Greg Miskiw, between the 17th day of January 2006 and 1st day of August 2006 conspired with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Wayne Rooney and persons associated with Wayne Rooney, who included either or both of the following: Laura Jane Rooney and Patricia Tierney.
14. CHARGE 14: Andrew Coulson and Ian Edmondson, between the 23 March 2006 and the 21st day of May 2006, conspired together and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Calum Best.
15. CHARGE 15: Ian Edmondson and Neville Thurlbeck between the 2nd day of March 2006 and the 26th day of July 2006, conspired with Glenn Mulcaire and with persons unknown to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of The Right Honourable Dame Tessa Jowell MP and David Mills.
16. CHARGE 16: Ian Edmondson and James Weatherup, between the 24th day of April 2006 and the 22nd day of June 2006, conspired together and with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely

the voicemail messages of persons associated with The Right Honourable Lord Prescott, who included some or all of the following: Tracey Temple, Joan Hammell and Alan Schofield.

17. CHARGE 17: Ian Edmondson, between the 25th day of April 2006 and the 15th day of May 2006, conspired with Glenn Mulcaire and with persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Professor John Tulloch and persons associated with Professor John Tulloch, who included some or all of the following: John Davies, Maire Messenger Davies and Janet Andrew.
 18. CHARGE 18: Ian Edmondson, between the 25th day of April 2006 and the 1st day of June 2006, conspired with Glenn Mulcaire and persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Lord Frederick Windsor.
 19. CHARGE 19: Ian Edmondson and James Weatherup, between the 15th day of May 2006 and the 29th day of June 2006, conspired together and with Glenn Mulcaire and with persons unknown, to intercept communications in the course of their transmission, without lawful authority, namely the voicemail messages of Sir Paul McCartney and Heather Mills, and of persons associated with Sir Paul McCartney and Heather Mills, including some or all of the following: Fiona Mills, Stuart Bell, Alan Edwards and Chris Terrill.
-



The Crown Prosecution Service. The CPS incorporates RCPO.

Charging announcement in relation to offences of perverting the course of justice against Rebekah Brooks and others

15/05/2012

Alison Levitt, QC, Principal Legal Advisor to the Director of Public Prosecutions, oversees CPS decision making, and all potential prosecutions, in relation to the ongoing phone hacking investigations and other related matters.

Miss Levitt said: "This statement is made in the interests of transparency and accountability to explain the decisions reached in respect of allegations that Rebekah Brooks conspired with her husband, Charles Brooks, and others to pervert the course of justice.

"The Crown Prosecution Service received a file of evidence from the Metropolitan Police Service on 27th March 2012 in relation to seven suspects:

- Rebekah Brooks;
- Charles Brooks;
- Cheryl Carter - Mrs Brooks' personal assistant;
- Mark Hanna - Head of Security at News International;
- Paul Edwards - Mrs Brooks' chauffeur who was employed by News International;
- Daryl Jorsling and a seventh suspect - both of whom provided security for Mrs Brooks supplied by News International.

"All the evidence has now carefully been considered.

"Applying the two-stage test in the Code for Crown Prosecutors I have concluded that in relation to all suspects except the seventh, there is sufficient evidence for there to be a realistic prospect of

Decision to Charge

Once the Police have completed their investigations, they will refer the case to the Crown Prosecution Service for advice on how to proceed. We will then make a decision on whether a suspect should be charged, and what that charge should be.

[Find out more about how we decide whether to charge a suspect](#)

[Find out more about private prosecutions](#)

The Role of The Crown Prosecution Service

The Crown Prosecution Service is the government department responsible for prosecuting criminal cases investigated by the police in England and Wales.

As the principal prosecuting authority in England and Wales, we are responsible for:

- advising the police on cases for possible prosecution

conviction.

"I then considered the second stage of the test, and I have concluded that a prosecution is required in the public interest in relation to each of the other six.

"All seven suspects have this morning been informed of my decisions.

"They are all due to answer their bail at police stations later today. When they do so, they will be charged as follows:

- **CHARGE 1 - CONSPIRACY TO PERVERT THE COURSE OF JUSTICE**

Rebekah Brooks between 6th July and 19th July 2011 conspired with Charles Brooks, Cheryl Carter, Mark Hanna, Paul Edwards, Daryl Jorsling and persons unknown to conceal material from officers of the Metropolitan Police Service.

- **CHARGE 2 - CONSPIRACY TO PERVERT THE COURSE OF JUSTICE**

Rebekah Brooks and Cheryl Carter between 6th July and 9th July 2011 conspired together permanently to remove seven boxes of material from the archive of News International.

- **CHARGE 3 - CONSPIRACY TO PERVERT THE COURSE OF JUSTICE**

Rebekah Brooks, Charles Brooks, Mark Hanna, Paul Edwards and Daryl Jorsling conspired together and with persons unknown, between 15th July and 19th July 2011, to conceal documents, computers and other electronic equipment from officers of the Metropolitan Police Service.

"All these matters relate to the ongoing police investigation into allegations of phone hacking and corruption of public officials in relation to the News of the World and The Sun newspapers.

"Following charge, these individuals will appear before Westminster Magistrates' Court on a date to be determined.

"No further action will be taken against the seventh suspect.

"May I remind all concerned that these six individuals now will be charged with criminal offences and that each has a right to a fair trial. It is very important that nothing is said, or reported, which could prejudice that trial. For these reasons it would be inappropriate for me to comment further."

- reviewing cases submitted by the police
- determining any charges in all but minor cases
- preparing cases for court
- presenting cases at court

[Find out more about the role of the Crown Prosecution Service](#)

EXHIBIT Z

Phone hacking: Milly Dowler family set for £3 million News International payout

The family of the murdered schoolgirl Milly Dowler have been offered £3 million in damages from News International after the publisher of the News of the World admitted her phone had been hacked.



Photo: PA

By Gordon Rayner, and Andrew Hough

6:30AM BST 20 Sep 2011

The payout will include a personal £1 million donation to charity from Rupert Murdoch, the News Corporation chief executive and chairman, as well a £2 million settlement directly to the Dowler family.

James Murdoch, the chairman of News International, is understood to have personally approved the offer as the company tries to rebuild its reputation following the scandal which led to the closure of the Sunday tabloid.

Sources close to the negotiations said an initial offer of £1m to the Dowler family and a further £1m

to a charity in memory of Milly had been rejected by the Dowlers, and that the final sum would now be £3m, of which £2m will go to the family.

The offer is currently being considered by the family and has yet to be accepted after they had hoped for a payout closer to £3.5m.

Sources also said the £1 million donation will come from Rupert Murdoch personally. It is not yet known which charities are set to benefit.

The settlement is three times the biggest payout to any other victim of phone hacking, but reflects the gravity of the actions of News of the World journalists in accessing the murder victim's voicemails.

The 13 year-old was still being treated as a missing person when the News of the World arranged for her messages to be intercepted in 2002.

In July, Rupert Murdoch, the head of News International's parent company, met the Dowler family to make a personal apology to them.

James Murdoch shut down the News of the World as a direct result of the discovery that Milly Dowler's phone had been hacked. Rebekah Brooks, the chief executive of News International, later resigned.

A News International spokeswoman confirmed on Monday night that it was in "advanced negotiations" with the family about a compensation settlement.

She added: "No final agreement has yet been reached, but we hope to conclude the discussions as quickly as possible."

Mark Lewis, the solicitor representing the Dowler family, declined to comment on the negotiations, saying only that the final figure would be "substantial".

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