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2 February 2012

Our Ref: SPMS/766969.2

The Rt. Hon. Lord Justice Leveson
The Leveson Inquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

Dear Judge

We wrote to you on 11 January on behalf of Gordon Brown and you kindly permitted Mr Jay QC to read out our letter. Mr Brown earnestly asks for the same courtesy in respect of this letter.

On 17 January evidence was given to your Inquiry by John Witherow, the Editor of *The Sunday Times*. There has rightly been wide reporting of evidence. If this evidence stands without answer likely to be reported similarly, it will serve to mislead. That cannot be the purpose of the taking of evidence.

There was a lengthy exchange between Mr Jay and the witness about the public interest (pages 9 to 14). Mr Jay took Mr Witherow to paragraph 25 of his witness statement, where he talked of stretching the rules and subterfuge, which he said was "vital ... as long as it is in the public interest".

Mr Witherow's emphatic evidence was that "We wouldn't do fishing". Yet he related (pages 24 and 25) a story that was untrue, and based on "fishing". He said that Mr Brown "had purchased a flat which came from the estate of Robert Maxwell" (the sale to Mr Brown, through an estate agent, was not by the estate of Robert Maxwell), Geoffrey Robinson MP "had played a part as a director" (he played no part) and the flat was bought at a substantial undervalue (it was not). Mr Witherow perpetuated the suggestion that this was an under the counter sale, though Mr Brown's then lawyer had pointed out that the flat had been advertised in, ironically, *The Sunday Times*. The reality was that there was nothing to this story, a story given another outing in this evidence.

Mr Witherow was the Editor. His evidence should not be allowed to leave the impression that his allegation was true, justifying blagging and using an impersonator to get personal information, all the more so after his evidence that "fishing" was antithetical to the public interest.

Yours faithfully,

Reed Smith LLP

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11 January 2012

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The Rt. Hon. Lord Justice Leveson
The Leveson Inquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

Dear Judge

We represent the Rt. Hon. Gordon Brown, MP.

You heard evidence from Kelvin MacKenzie on Monday 9 January. His evidence, about an alleged call at the time of the Labour Party Conference of September 2009, was:

“That night a furious Brown called Murdoch and, in Rupert’s words, ‘roared at me for 20 minutes’.”

When asked the source for the story, Mr MacKenzie replied: “It was Mr Murdoch”. His evidence was that:

“At the end, Brown said, ‘You’re trying to destroy me and my party. I will destroy you and your company’.”

The story is completely untrue. It is important that it does not become accepted as a fact. A respected national newspaper has already raised it as if it were a fact in the course of a PCC investigation of a complaint made by Mr Brown (which was upheld). Mr Brown has a clear recollection of the calls he had with Mr Murdoch when he was Prime Minister. He had no such conversation with Mr Murdoch at any time during the Conference. Thus, the words attributed to him by Mr MacKenzie were not said by him to Mr Murdoch, and the statement attributed to Mr Murdoch by Mr MacKenzie is factually wrong. The account is not an accurate reflection of events. Mr MacKenzie's hearsay statement was not tested as to its reliability or credibility in the Inquiry. Yet the press reported it, and that evidence, substantially - as fact. This story should not become an accepted account of the relationship between the press and politicians. And the incident provides an insight into the difficulties any individual faces in establishing a true and fair record of events.

Yours faithfully



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