

WITNESS STATEMENT FROM KELVIN MACKENZIE

LEVESON ENQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

September 2011

<p>1. Who you are and a brief summary of your career history in the media.</p>
<p>I have been in the media for almost 50 years. Held senior editorial positions in the Daily Express, The New York Post and The Sun before becoming Editor of the Sun between 1981 and 1994. I was briefly managing director of BskyB and then MD of the cable TV station Live TV before becoming managing director of Mirror Group newspapers. I then set out on my own buying the commercial speech station Talk Radio before converting it into TalkSport. I sold the business for £100million. Today I effectively own the TV Sports Channel Sports Tonight and am a columnist on the Daily Mail.</p>
<p>2. How you understood the system of corporate governance to work in practice at each of The Sun, LIVE TV, Talk Radio/Talksport and BBC Radio where you were employed with particular emphasis on systems to ensure lawful, professional and ethical conduct.</p>
<p>In the editorial area of The Sun I, as the Editor, was responsible for the corporate governance. I didn't spend too much time pondering the ethics of how a story was gained nor over worry about whether to publish or not. If we believed the story to be true and we felt Sun readers should know the facts we published it and we left it to them to decide if we had done the right thing. They could decide we were correct and carry on purchasing us –in my time in ever increasing numbers- or could decide we were wrong in which they could decline to buy us again i.e. Hillsborough.</p> <p>We had in-house lawyers raising legal issues surrounding potential publication of stories and I, as the Editor, could decide to accept their views or not. Finally there was the senior management of the company, the chief executive and the owner. They would either support me or chastise me depending on whether they approved of that day's papers. They could also decide to dismiss me. Briefly Live TV was an entertainment channel and therefore had no similarity with the newspaper business. Neither did Talk Radio or TalkSport. They were both licensed and therefore the news reports had to have this ridiculous idea called balance. I adhered the to all the Ofcom rules; I presume this inquiry is not thinking of licensing newspapers.</p> <p>Journalism is not a profession. There aren't professional bodies, exams or the like. Its a trade.</p>
<p>3. What your role is in ensuring that the corporate governance documents and all relevant polices were adhere to in practice. If you do not consider yourself to have been responsible for this, please tell us who you consider to hold that responsibility.</p>
<p>If the point of this question is were there any written corporate governance documents or policies in my time then the answer is no.</p>
<p>4. Whether the documents and policies referred to above were adhered to in practice, to the best of your knowledge.</p>
<p>There were no documents or policies.</p>
<p>5. Whether these practices changed, and if so when and what the reasons for the change were.</p>
<p>They didn't change in my time.</p>

<p>6. Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to sub-editor to editor, and how this was done in practice (with some representative examples to add clarity)</p>
<p>The responsibility for the source of information lay with my senior journalists. They were bringing in the stories, they had their name on the stories. The sources were theirs. By and large I did not get involved. At one stage I was approached by a senior reporter to inform that the MoD had gone beserk because we had led on a piece of information which they did not want to be published. They had brought in a senior officer to investigate but the reporter said it wasn't all bad news. I asked why. He said the officer was the contact who had given him the story in the first place!!!!!!!!!!!!!!</p>
<p>7. To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in the media outlets for which you worked each day (including the method by which the information was obtained)</p>
<p>For the run of the mill stories I would have no idea where they came from. However on the big ones- for instance the Elton John and the rent boy scandal I did get involved. Met the boy, cross-examined the boy and agreed he was telling the truth. In fact he had duped me and The Sun and it cost us a record libel payout of £1million.</p>
<p>8. The extent to which you consider that ethics can and should play a role in the print media, and what you consider 'ethics' to mean in this context.</p>
<p>The dictionary definition of ethics is; the philosophical study of the moral value of human conduct and the rules and principles that ought to govern it. They were not issues I bothered with. I do hope that this inquiry is not seeking to impose them on print journalism-that would be bloody funny to watch. Perhaps Lord Leveson might try asking the Prime Minister to face such issues before taking us to war in Iraq.</p>
<p>9. The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of the media outlets for which you worked or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference)</p>
<p>I was never put under any commercial pressure by my management or owner when running The Sun. In fact the reverse. Rupert Murdoch often felt the paper had gone too far under my editorship.</p>
<p>10. The extent to which you, as an editor, felt any financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings)</p>
<p>Newspapers like to disclose fresh information to their readers every day. It has nothing to do with "financial incentives". One of the attractions of your morning paper is that it contains stuff you didn't know when you went to bed. It's not like television where they can roll out any old nonsense as long as it has video to go with it.</p>
<p>11. Whether, to the best of your knowledge, the media outlets for which you worked used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your media outlets or otherwise)</p>

<p>As far as I know we never used private investigators but I am certain that public officials would have disclosed important information to us and that depending on what that information was we would have paid them. I am wholly supportive of public officials whistle blowing to the Sun even if we have to pay money. After all the police pay informants to disclose information.</p>
<p>12. What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information.</p>
<p>I had virtually nothing to do with payments. If a large amount was to be paid in my time, and that was two decades ago, anything costing more than around £3,000 would cross my desk for approval.</p>
<p>13. If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on.</p>
<p>As I have said as far as I am aware we did not use private investigators although we would have people to supply ex-directory numbers when we wanted to speak to somebody about whom we were writing a story. Clearly it would only be correct to have the other side's view published. How dangerous and impossible would it have been to have gone ahead without checking the "victim's" view. Libel? A distinct possibility. Press Complaints Commission a racing certainty. We could leave it another day and try and track down the person I suppose but just as easily on the phone they could deny the story and therefore that would be the end of it or put down the phone. Where is the harm?</p>
<p>14. If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters.</p>
<p>Not apply.</p>
<p>15. Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?</p>
<p>Not apply.</p>
<p>16. The extent to which you were/are aware of protocols or policies operating at your newspaper in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for you to cover 'official' sources, such as the Press Association.</p>
<p>There were no policies for dealing with freelance journalists who brought in stories.</p>
<p>17. The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need to cover 'official' sources, such as the Press Association.</p>
<p>Unsure what this question means. If you mean did we investigate the source of stories supplied to us by freelances then the answer was certainly not. Newspaper people guard their sources like Fort Knox.</p>
<p>18. In respect of editorial decisions you have made to publish or broadcast stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11 above) against the public interest in free speech. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest.</p>
<p>I didn't take into account public interest (whatever that is) or private interest (don't publish it will</p>

harm my commercial ambitions) when deciding to print a story

19. Whether you, or any of your various employers (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.

Nobody computer hacked in my time.

20. If you cannot answer these questions, or take the view that they could be more fully answered by someone else, you must nonetheless provide answers to the extent that you can, and to the extent that you cannot you must provide the Inquiry as soon as possible with names of those who would be able to assist us further.