

STATEMENT OF MAX FRANK CLIFFORD The following is a statement of my answers to the questions set out in the letter to me of 24 January, from Kim Brudenell, Solicitor to the Leveson Inquiry. In each case the answer appears below in bold type after the question.

(1) Who are you and a brief summary of your career history in public relations?

Following a brief career in local journalism I joined EMI records in the early 1960's as a press officer promoting EMI artists and their records. At that time there was no public relations industry in Britain. In 1971 I formed my own PR company, Max Clifford Associates, initially representing pop stars and entertainers. In the early years, my business was all about promotion but as time went by I became increasingly involved with protecting clients often from their own excesses as well as the excesses of the media. As my business grew, so did the range of clients and I began to represent a wider range of clients – stars but also companies, organisations and events. I have never pitched for business.

Throughout my professional career, which gives me as much pleasure and satisfaction now as it did from the very start, I have always tried to put a lot back as I get so much out of what I do. I am in the fortunate position of being able to help a lot of charities as well as individuals in fundraising, awareness and support. To that end, I have been closely involved with many charities since the 1960s and am currently Patron, Ambassador or in other ways involved with several national charities. I provide advice, guidance and support.

80percent of my time and income comes from public relations and the wide range of clients I represent. The other 20 percent includes breaking stories and giving interviews to newspaper, magazines, radio and TV journalists all over the world, normally to do with items which are currently making the headlines. There has not been a week that has gone by for many years where I do not help a student with a dissertation. It averages at about 100 per year.

I realise this Inquiry is the result of phone hacking and related activities but the stories play a very small part of Max Clifford Associates. Just to get it into perspective, the story side of my business, which receives a lot of attention and coverage, is in reality less than 15 per cent of the entire business activities of MCA

(2) When did you first become aware that newspapers or other journalists were engaging in the practice of hacking voicemails? When you first became aware of that practice, what advice did you give to clients as a consequence? Whether to the best of your knowledge any past or present client of yours has been the victim of phone hacking?

I was alerted by my mobile phone company that there were some irregularities with my voicemail in 2006. I was subsequently contacted by the Metropolitan Police in 2006 and notified that my voicemail had been accessed. I subsequently discovered that it was Glenn Mulcaire, a private investigator who hacked voicemails for the News of the World. I made a statement to the police on 1 September 2006.

Even though I mentioned to the police that I had fallen out with the editor of the News of the World at the time, Andy Coulson, and provided to the police that I believed that there may have been a

motive by the News of the World to commission the hacking of my voicemails, this was not investigated and it was only after I initiated my civil claim that the evidence was shown to me. Not only did it list the names of my clients and staff, but it also made reference to my daughter and my late wife. The police had been in possession of these documents for years. Following my case, and an Order for disclosure obtained in March 2010 from Justice Vos, the News of the World were forced to give me information. Instead they chose to settle. The outcome of my case, and the publicity that it received brought the phone hacking scandal into the open. I have never shied away from discussing it and encouraging others to make similar claims.

When I was first contacted by the police, they did not alert me to the scale of what they knew had been going on. All I was told was that a private investigator had intercepted my voicemails and that he had worked for News of the World. I always advise my clients to be cautious with their personal safety, and careful with their communications, and have done for the 40 years that I have been in this business. Obviously what I advise changes with fashion, technology and of course, awareness of particular practices such as phone hacking.

In answer to the part of the questions that focuses on what I told my clients at the time and since, is that the disclosure in my case was confidential to the case. I was not permitted, as much as I would have liked to, to publish the disclosure. The terms upon which the documents were disclosed to me were that they were only to be used for my case, and that I could not publish them outright or discuss the details. I saw the names and numbers of some of my clients and staff on the disclosure. I showed a former member of my staff Nicola Philips the disclosure, as she was a potential witness in my case and had been of great interest to the News of the World. I am glad that since the police have been straight and showed my clients, so far as I know, the evidence, that some of them have since taken action. For example, James Hewitt and Kerry Katona are two of those that I informed that I believed their phones potentially had been hacked into and I suggested they contacted lawyers. I received many calls from both clients, contacts and members of the public who asked me for advice on hearing about my case, and I advised all of them to take legal action.

Following my case concluding, Sienna Miller and Sky Andrews initiated proceedings. It took until the following January 2011 for the police to finally agree to creating Operation Weeting, and notify all the victims that I believe should have been notified in 2006. That's when the floodgates opened and what became a trickle became a flood of people legally challenging the News of the World over phone hacking.

(3) Whether to the best of your knowledge any client you have represented has been the victim of computer hacking by journalists, i.e. that a client's email account, social network account or other privately held electronic information was accessed without that client's knowledge or consent? If so, was a newspaper story subsequently printed based on that material? What advice if any do you give clients about computer security?

I am not aware of computer hacking and email hacking by journalists although I would not be at all surprised if it was happening. What I have actually come across in terms of some of my clients, an example being Rebecca Leighton, the young nurse wrongly accused of poisoning patients in Stepping Hill hospital, is that social networking sites such as Facebook may be vulnerable to hacking in terms of changing the privacy settings. In Rebecca's case, there were a series of photographs used to portray her in a negative light, and in my view, imply to the reader that she was guilty. For

instance, the photograph of Rebecca at a fancy dress party was published in newspapers under the headline "Angel of Death". Hacking into photos that are not posted for the public to see, and using those images to promote a story where a serious criminal charge has been made is an example of the press going too far.

(4) Whether to the best of your knowledge any of your clients' medical records have been leaked to, purchased by or otherwise obtained by a newspaper or other journalists?

I do not know of occasions where my clients' medical records have been leaked or purchased by a newspaper or journalist, but I understand from reports that this has happened, for instance in the case of Leslie Ash, who came to me when she was notified that her voicemail had been intercepted.

(5) How do you consider yourself to be regulated? Do you personally, or Max Clifford Associates corporately, hold membership of any trade association or professional body? If so, does that body promulgate a code of ethical standards? If so, how do you ensure that these standards are adhered to in practice?

I am a member of the NUJ but my trade is that of a public relations advisor. At times I take advice and guidance from lawyers. When there is a story, I provide the ingredients to the newspapers by way of brokerage and introduction, and I advise on image and strategy with a client if they are keen to publish their story, but what I do not do is write the text, conduct the interview, or make any decision in terms of the use of materials such as photographs. That is for the newspapers and their lawyers to make decisions on. When there have been situations where an injunction has been served on my client, I immediately advise them to take independent legal advice and I do not continue to have any involvement with the story until the matter has been resolved by the courts.

(6) What steps do you take to ensure the veracity of the stories which you sell? Do you ever seek documentary proof of a story from a client? If so, in what form would such evidence typically be?

As a general rule, I or a member of my staff try and establish the credibility of a story. We then arrange meetings with press, magazine or TV companies and leave it to them to prove to their satisfaction and that of their lawyers as to the credibility of the person and their story.

(7) Have you ever asked a client to record a conversation with a third party? Have you ever advised or arranged for a client to use concealed cameras to take still images or video footage to record an encounter or conversation with a third party? Have you ever sold or advised on the sale of a story in which such material has been obtained?

I have never advised a client to record a conversation with a third party. By the time the story gets to me, quite often a recording as evidence has already been obtained and as I have said earlier, whilst I would view this material for the purposes of veracity, it is for the editor of the newspaper and their legal team to decide whether they want it or not.

(8) Do you now or have you in the past possessed photographs, video footage or taped conversations which contain material which might reasonably be thought private? If so, did such material come into your possession with the knowledge and consent of the subjects of that material?

As I said above, I am made aware of material that might reasonably be thought to contain private information. I do not keep such materials or hold them. Sometimes the private information I have seen or been made aware of (as a potential means of establishing the truth of their story) concerns the subject themselves, and sometimes a third party. For example, footage of a politician cheating on his wife with a prostitute, or of an obscene photograph sent to a fan by a celebrity. Sometimes the material seems to expose hypocrisy and is in the public interest. Other times, it is opportunistic, such as the classic 'kiss and tell' story. Most of the time, I believe that the subject of the material is notified by the newspaper prior to publication, a decision that is very much for them.

(9) Have you ever advised or arranged for the meeting between a client and a third party to be recorded, filmed or photographed by a private investigator, journalist, photographer or any other person?

I have advised clients that sometimes journalists will ask clients to make secret recordings and similar in order to verify a story. I advise clients to only ever do what they are comfortable with and I warn them about the potential means or give them guidance as to the various ways investigative journalists work.

(10) Have you in the course of your work ever employed a private investigator or paid for information from a private investigator? Have you ever had brought to your attention a story which, to the best of your knowledge and belief, was obtained by the work of a private investigator? Are you aware of occasions on which stories have been obtained through the use of private investigators by journalists?

In terms of my own staff, clients and myself, many stories could have been published as a result of my voicemail, my clients and my staff being intercepted. It would have been a lucrative business for them, and would have resulted in saving money and time, in terms of verifying facts. They would have been able to find out not only stories and personal details, but also obtain information for other stories and leads to follow. It would also have led them to the locations of where clients would be in order to make sure that they got a photograph. No doubt when I fell out with Andy Coulson, and would no longer provide stories in the manner described in this statement, their private investigator simply hacked into my phone and took them directly.

I have very occasionally used a private investigator on behalf of my clients or myself. Sometimes we have to look into a debt, or see whether a person is who they say they are, in the same way as any due diligence should be carried out. Sometimes I have been in possession of material which has been obtained by a private investigator for example where a husband or wife has employed a private investigator and found out about an affair and then shown the material to me.

I have recently represented Derek Webb who has given evidence to this Inquiry in respect of surveillance jobs that he undertook for News of the World. This has been in connection with material for his book and a television documentary. I imagine that many stories would have been obtained via Mr Webb's and other private detectives. I do not know whether it was technically legal or not, but I do understand that many private detectives operate within the law and that regulation of private detectives is being considered by the Home Affairs Committee. It would be a good thing, in my view, to have some clarity on this point, given the current degree of fear and uncertainty amongst journalist and editors as to what they can and can't use both in terms of entertainment

articles as well as more obvious, public interest, investigative journalism such as the MPs expenses scandal.

(11) Have you paid for or received payments in kind for 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.

No.

(12) The extent to which you consider that ethics can and should play a role in the media, and what do you consider 'ethics' to mean in this context?

Everybody has their own code of ethics and I am not someone who sits moral judgement on anybody. Some of the nicest, kindest and most honourable people I know have been adulterers, both men and women, as well as prostitutes. My attitude to the media is that they should be free, fearless and responsible. It cannot be in the public interest ultimately for newspapers to be so frightened of sanction that they gag themselves. I consider every situation to be different, when I am faced with a story and I think newspaper editors should make judgements based on the individual facts and merits of each story or exclusive as to whether they should publish or not.

(13) In respect of decisions you have made or participated in to sell and/or publish 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) against the public interest in a free Press. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest.

I look at every situation on its on merit but to give you guidance on the way I think on this subject. Although I did break the affair with David Mellor and Antonia de Sancha, other politicians that I was informed were having affairs I did not get involved with. David Mellor was part of the government at the time, and was lecturing us on family values and their 'Back to Basics' campaign. This to me was total hypocrisy whilst he himself was having an affair. Other politicians that were having affairs were neither portraying the family image for their popularity nor lecturing us as to the importance of monogamy. Although of course I make up my mind about what I get involved with, there is nothing to stop a person who has contacted me going to a newspaper or somebody else to represent them.

It is for newspapers (or TV documentary makers etc) to decide what they choose to reveal to the public. I sometimes ask for general legal advice if a question is raised, for example, in respect of a confidentiality clause, but I leave the decisions of balancing private rights and public interest to the Judges. If a newspaper is subject to an injunction, I know that the details of the matter would have been looked at by the courts before that injunction has been granted. As with the case of Imogen Thomas, sometimes I do not believe that an injunction was fair and should not have been granted. Many members of the public and journalists that I have spoken to, agree. In spite of what some people say, it is not me who decides what newspaper editors decide to publish.

(14) You may be aware that Mr Christopher Atkins gave evidence to the Inquiry on the afternoon of 6 December 2011. His witness statement and a transcript of his oral evidence to the Inquiry is

available on the Inquiry website. In paragraphs 83-85 of his witness statement, Mr Atkins gives his account of filming an interview with you for his film 'Starsuckers'; and of a conversation with you after filming that interview which Mr Atkins says he filmed secretly. The Inquiry wishes to have your response to Mr Atkins' account of your contact with him and in particular (but not to the exclusion of any evidence you think might help the Inquiry) for you to address the following matters:

(a) Whether you have ever called an editor in order to insist that a story is printed in his or her paper, as suggested in paragraph 86 of Mr Atkins' witness statement.

I did not know Mr Atkins and when I have an off the record conversation with someone who swears it is in confidence I naturally take that into account when giving any answers. It is a very quick way of finding out whether you can take someone into your confidence or not.

As a person working in public relations, it is important to have as much influence as possible in terms of my dealings with the media. Naturally, over the past 40 years I have tried to build up a very good professional working relationship with media contacts all over the world. A vast amount of my time and work concerns the promotion and protection of PR clients in trying to create the most beneficial image for them and I try very hard to use my knowledge, contacts and PR ability to achieve that. This is a natural part of public relations. Part of the job is trying to get newspapers, magazines, television and radio programmes to feature your clients. I would love to have the power and authority that Mr Atkins credits me with but if he knew me and my business he would realise that is, of course, just not possible.

There have been stories that I have been involved with that have not been true, for example, I do not believe Freddie Starr ever ate a hamster and I told this to Kelvin McKenzie, who at that time was editor of The Sun. I admit however, that I didn't try and stop Kelvin McKenzie from running the story as I believed it would be great publicity for Freddie who was about to embark on a British tour. Fortunately for me, it worked out very much in Mr Starr's interest from both a career and financial point of view as well as providing a lot of entertainment to the British public.

If I can stop an editor from putting a nasty or damaging article in his or her paper about one of my clients, then naturally I would.

I have had hundreds of conversations where I have tried to get articles, features or stories in national newspapers. Sometimes I have been successful and sometimes I haven't. This is to me a very natural part of public relations and I cannot imagine any PR person not trying to get what they want in newspapers or magazines for the benefit of their client.

(b) Whether you discussed with Mr Atkins cases of seventeen-year-olds being paid for sex.

I may well have discussed this with Mr Atkins. 17 year olds are paid for sex in some situations. It is simply a fact. I would not want this for my own daughter but working in this business, it is simply the case that sometimes there are girls who behave like this. I make no moral judgement. Everybody's situation is different and it is a matter of personal choice and autonomy. Obviously, where a vulnerable person is being exploited, that is a different matter. Beautiful and glamorous women have made money from dating rich men, or from posing for photographs, or telling their stories. It is not for me to start taking the moral high ground, particularly where my circumstances

are very fortunate, and tell them how they should or should not behave. As I said earlier, some of the happiest and nicest women I know have worked in the sex industry.

(c) Whether you discussed with Mr Atkins the amount paid to you in fees by Mr Simon Cowell, and claimed to have introduced him to Rupert Murdoch. Whether you did introduce Mr Cowell, or any other client, to Mr Murdoch?

Simon Cowell is on record as a long standing client of over 10 years. He has been publically very appreciative of this, for instance when he won an important TV award he said that he only had two people to thank and that was me and his mum. Simon is not exactly known for his compliments. I have introduced clients to Mr Murdoch but not directly. I have opened the doors to Mr Murdoch and his lieutenant by way of introduction to editors and those I knew that were close to him. I introduced Simon Cowell through people who were close to me and close to him, but not directly.

I can see from Chris Atkins' transcript that I discussed fees with him, including Simon Cowell's. Most of the clients that I represent for public relations pay me in the same region, some slightly less and some slightly more. I also spend a lot of time working free of charge often when I am contacted by a member of the public who is unjustifiably under attack from the media. Examples of this in recent years include Robert Murat, the man who was being destroyed and wrongly accused of being involved by the British Media over the disappearance of Madeline McCann, and Rebecca Leighton, the nurse wrongly accused of murdering patients at Stepping Hill hospital and was dubbed the "Angel of Death". I also spend a lot of my time giving free advice and guidance to a multitude of charities.

Mr Atkins has met me on one or two occasions and knows me and the activities of MCA as little as I know anything about him or his documentary making. He has never had a working relationship with me in any way, shape or form. I know very little about him other than that he is a man who gives his word about a conversation that is totally confidential and off the record and that word means absolutely nothing. It reminds me of Colonel Sanders telling a chicken "trust me". I have met many Chris Atkins types over the years but fortunately many more who I like, respect and trust in the media world.

(d) Whether you agree with Mr Atkins' conclusion that you have accumulated power over the media. If you do agree with that conclusion, whether you believe you exercise that power responsibly.

Naturally, I try to have as much influence with the media as possible, nothing succeeds like success and the reason for the continued success of my small business is because of the results I get for the people who come to me for representation. I believe I am unique in the public relations world as I have never pitched for business, which most PR companies spend a huge amount of time doing. The reason stars, organisations, members of the public and charities approach me on a daily basis is purely because of their perception of me and what they believe I can achieve for them. I am a very lucky man to have a business that I absolutely love and which has provided a wonderful living for myself and my family. MCA has provided a very interesting, challenging and rewarding way of life for me for over 40 years and I hope it will continue for a few more!

The contents of this statement are true

MAX FRANK CLIFFORD

3/2/2012
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DATED