

<p>1 Thursday, 6 October 2011 2 (9.30 am) 3 (Proceedings delayed) 4 (9.36 am) 5 THE COMPETITIVE PRESSURES ON THE PRESS 6 AND THE IMPACT ON JOURNALISM 7 INTRODUCTION 8 LORD JUSTICE LEVERSON: Good morning. On 28 July, when 9 I first spoke publicly about this Inquiry, I explained 10 that I intended to hold a series of seminars so that 11 there could be a very early focus on the perspective of 12 all those involved. 13 I said that the seminars would include the practice 14 and pressures of journalism both from the broad sheet, 15 mid-market and tabloid perspectives, the ethics of 16 journalism and the issues of regulation. 17 I also made it clear that all these issues had to be 18 considered in the context of supporting the integrity, 19 freedom and independence of the press, while at the same 20 time ensuring the highest ethical and professional 21 standards. Plus the seminar this morning is entitled 22 "The competitive pressures on the press and the impact 23 on journalism", and the seminar this afternoon "The 24 rights and responsibilities of the press". For each, 25 there are speakers who will open up the issues from Page 1</p>	<p>1 I add only this: the seminars will form part of the 2 record of the Inquiry and formal evidence will be taken 3 on oath when we to move that stage. Because today is 4 only intended to set the scene, I shall not take part, 5 although I will listen with interest throughout. 6 It only remains for me to thank those who have 7 agreed to speak and also all of you who have attended 8 and will take part for agreeing to ventilate your views 9 in this public forum and so spark off the debate. 10 I hope everybody finds today of interest. 11 Thank you very much. 12 DAVID BELL: Thank you very much, Lord Justice Leveson, and 13 thank you very much to everybody. I don't think 14 a gathering like this has ever happened before and it's 15 very great to see such a broad range of people here and 16 we are very, very pleased. 17 I want to introduce myself very briefly. My name is 18 David Bell. I have an unusual background. I was 19 trained as a journalist on the Oxford Mail and worked 20 for quite a long time as a journalist on the FT, before 21 going to the commercial side of the paper eventually 22 ending up as Chief Executive and then Chairman. 23 Our details are all in the pieces of paper which 24 I think everybody has and with me are two of our other 25 assessors, Elinor Goodman and George Jones. I don't Page 3</p>
<p>1 different perspectives but then leave plenty of 2 opportunity for others to take part and I hope that 3 those in the audience will take part. 4 The purpose of the seminars is two-fold. First, 5 I am keen to ensure that, from the outset, the Inquiry 6 concentrates on the principal issues, and I hope that 7 this process will begin the process of distilling those 8 issues. 9 Those who have been called to provide evidence need 10 not be concerned about speaking today. I will not be 11 using the words used in this seminar or, indeed, in any 12 of the seminars, to examine their considered evidence at 13 any hearing of the Inquiry. 14 Second, and just as important, the seminars are 15 intended to start a debate, which I hope will not only 16 include those who have attended today, but extend to all 17 who are interested in the subject and who are prepared 18 to offer their views. This seminar and the further 19 seminar next week will be placed on the website for the 20 Inquiry, and we will also publish a summary. I invite 21 anyone, journalist, academic, member of the public, who 22 wishes to write to the Inquiry with evidence or opinion 23 as to the possible ways forward to do so. If I consider 24 it appropriate, I may then invite one or more to give 25 evidence. Page 2</p>	<p>1 think any of them need introduction to anybody and the 2 details are all on your pack, so I think that's really 3 great. They're going to take part with me in chairing 4 the discussion that we really want to have when the 5 three presentations are finished. 6 A little bit of housekeeping. As the judge said, 7 this whole event is being recorded and will be up on the 8 website as quickly as we can get it on to the website. 9 The broadcast networks will also have full access to 10 what is happening today and there will be a transcript 11 afterwards. We have coffee at 11 o'clock and we'll 12 finish this session of the seminar at 1 o'clock for 13 lunch. 14 As the judge said, what we really want to do is to 15 have a wide array of contributions to the topics that 16 we're going to be discussing. The more debate, the more 17 intervention the better because we want this to be as 18 broad and as representative as it possibly can be. 19 So this morning's session is on the competitive 20 pressures on the press and their impact on journalists. 21 We have three short presentations which are going to go 22 one after the other and then we're going to have time 23 then to pick up each of the issues that have been raised 24 separately thereafter. 25 So we are going to start with Claire Enders who, as Page 4</p>

<p>1 you will see from your pack, has a very wide experience 2 right across the whole media industry. Following her, 3 Phil Hall, who has a long and distinguished record as 4 editor in a variety of different places, then 5 Richard Peppiatt, who will be talking from the point of 6 view of a journalist at the sharp end, if you like. 7 Then, when they have finished, we are going to come 8 back to each of the subjects. 9 Before the coffee we will focus on the economic 10 pressures affecting all of us, then after the coffee the 11 perspective of editors and of individual journalists. 12 Just to repeat what the judge said, we are very, 13 very keen that anybody who feels they haven't had 14 a chance to contribute today or would like to say more 15 will write to us, there is a special part of the website 16 waiting for these submissions so that we get the fullest 17 possible contribution to the Inquiry. 18 Without any further ado, I would like to introduce 19 Claire to make the first presentation. Thank you. 20 Presentation by CLAIRE ENDERS 21 CLAIRE ENDERS: Good morning. I'm going to talk you today 22 about the competitive pressures of the press in relation 23 to the economics of the press. How are we doing? Okay. 24 I hope that's okay. 25 So first, my name is Claire Enders. I started</p> <p style="text-align: center;">Page 5</p>	<p>1 products, which is read by so many people in this 2 country, is actually something that gives pleasure to so 3 many and is such a significant industry. 4 That is also true of the fact that, actually, there 5 is, in this country, a level of mediatisation, British 6 people, on average, consume more media than any other 7 people on the planet earth and, as a result, they are 8 served by a very wide diversity of opinions and sources 9 of news. 10 The fate of the newspapers in the digital age has 11 been a varied one. On this slide, what I've shown is, 12 really, the change in income from the hey-day of 13 newspapers, which is roughly 2005, we're not absolutely 14 the hey day, in terms of circulation, but certainly in 15 terms of financial performance, that was a very good 16 year and you can see that certain organisations have 17 really suffered much more than others as a result of the 18 digital transition, which I will cover in a following 19 slide. 20 You can see that, in particular, the regional 21 newspapers, Johnston Press, Trinity Mirror, Regional 22 Division and North Click and ^ News Quest (?), have 23 suffered from very, very significant falls in income, 24 essentially £1 billion of classified was removed from 25 the press industry from 2008 to the present and much of</p> <p style="text-align: center;">Page 7</p>
<p>1 Enders Analysis in 1997 and this gives you some idea of 2 the subjects that we cover, essentially disruptive 3 effects of technology, and the entire media ecosystem in 4 the UK, including Internet models, print, radio, TV, pay 5 TV and search and a number of different network models, 6 particularly fix line and mobile. 7 Our work is supported by over 150 organisations 8 drawn from the financial sector, the Government, film 9 and television and, indeed, we have listed on the left 10 the companies in the press that support our work and 11 which is a pretty comprehensive list. Now, I'm going to 12 start with a view of the press in relation to other 13 sectors. 14 Sorry, what's going on? (Pause) 15 So you can see that both TV and the Internet have 16 grown well coming out of recession, that's not the case 17 for the press. As you can see, the turnover of the 18 press in 2010 was 8.2 billion, of which around 6 billion 19 was the regional and national press and all forms of the 20 press and the balance is magazines. To give you an idea 21 of the extraordinary profusion of the press experience, 22 around six and a half billion copies were sold or given 23 away last year -- this is free newspapers and paid for 24 newspapers -- and around a billion magazines, and so it 25 is actually extraordinary that this mass profusion of</p> <p style="text-align: center;">Page 6</p>	<p>1 that loss has been felt by the regional press. 2 In contrast, a number of the national newspapers 3 have done very well, despite circulation falls. There 4 has been a systematic increase in cover price, which 5 consumers have weathered very well, and when you see the 6 size of some of the newspapers, you can see that they 7 give a lot of value for money for their price. 8 In particular, I would point you to the FT group, 9 which is the great success story. Although, of course, 10 it is a global brand, FT group also comprises 11 50 per cent of the Economist group which has grown its 12 circulation very well, and the FT group operates 13 a payroll strategy so it is not, as it were, subject to 14 the fortunes of display advertising on-line, which is 15 an extraordinary phenomenon but one which the newspapers 16 have unfortunately not been able to take advantage of to 17 any considerable degree. 18 So the composition of revenue is actually different 19 according to whether the product is a quality national, 20 a regional or a popular national. So you can see that 21 copy sales revenue is extremely important in sustaining 22 the quality nationals and the popular nationals, but 23 display advertising and classified are the key areas for 24 regionals and this is why the reduction in classified 25 income has been such a factor of decline in the regional</p> <p style="text-align: center;">Page 8</p>

<p>1 press.</p> <p>2 So the competition elements are much more acute</p> <p>3 since the take-up of the Internet by British people, and</p> <p>4 here on this slide you can see that I have actually set</p> <p>5 out the decline of circulation in four main periods,</p> <p>6 before Internet dial-up started, when the decline was</p> <p>7 very gentle, to the period after dial-up launched and</p> <p>8 before, actually "all you can eat" dial-up and then,</p> <p>9 subsequently, broadband was introduced. You can see</p> <p>10 that by 2005 the rate had accelerated a little bit but</p> <p>11 since 2005 the rate of decline has accelerated markedly</p> <p>12 and we are now in a further acceleration of decline,</p> <p>13 because smart phones have taken off to such</p> <p>14 a considerable degree that they are feeding a whole new</p> <p>15 appetite for on-line media.</p> <p>16 This slide will actually give you and the Panel more</p> <p>17 details about the actual factors that have affected this</p> <p>18 but we've already covered them in the slide. So the</p> <p>19 (inaudible) compete for buyers through a high level of</p> <p>20 (inaudible) differentiation, really.</p> <p>21 What we did here is we just picked a Monday and</p> <p>22 actually looked at each of the products within these</p> <p>23 different silos, in order to assess, really, how the</p> <p>24 content works. You can see that everybody is hitting</p> <p>25 all of the main points and you could say, well, actually</p> <p style="text-align: center;">Page 9</p>	<p>1 country, which I hope will convince you that this</p> <p>2 country is, in fact, the most mediatised nation.</p> <p>3 But there are substantial shifts in the young and</p> <p>4 that is fed by a very, very large consumption of news</p> <p>5 and entertainment and other specialised sites on line.</p> <p>6 As you can see here, we're looking at a situation</p> <p>7 where the amount of time spent and the number of unique</p> <p>8 users is simply just huge numbers, so I picked out the</p> <p>9 blue circle, that is 39 million UK unique users visited</p> <p>10 news and information sites in August and spent</p> <p>11 an average of 2 minutes 20 seconds per day. In</p> <p>12 contrast, someone who reads a newspaper will actually</p> <p>13 read that newspaper for around 40 minutes a day.</p> <p>14 So the absorption rate and the differential, in</p> <p>15 terms of experiences, is very, very significant. People</p> <p>16 who are reading newspapers are reading words, they are</p> <p>17 not skimming, they're taking things in, and they also</p> <p>18 use a plethora of other sites and everybody in this</p> <p>19 country, pretty much, is actually engaged, at some</p> <p>20 level, in one or other on-line phenomenon, whether its</p> <p>21 search, or it's recruitment, or it's health, or -- the</p> <p>22 XXX is pornography -- conversational, which is the</p> <p>23 biggest segment, we've sized these two, the actual</p> <p>24 experience of people on a daily basis, conversational</p> <p>25 includes Facebook and all the other social networks.</p> <p style="text-align: center;">Page 11</p>
<p>1 sports news and entertainment and lifestyle is news and</p> <p>2 that's actually true. I mean, the composition of the</p> <p>3 news agenda, what we call hard news and soft news, is</p> <p>4 something that everyone of the titles prosecutes</p> <p>5 differently and it does so in competition with enormous</p> <p>6 number of media.</p> <p>7 This slide will actually show you that, on the left,</p> <p>8 all UK adults spent about 7 per cent of their leisure</p> <p>9 time reading print media, which includes magazines; and</p> <p>10 they are also very systematic TV viewers, which is the</p> <p>11 top medium; they also communicate with voice and SMS;</p> <p>12 the Internet takes about 22 per cent of the average</p> <p>13 leisure time of the Brit; radio 14 per cent; other</p> <p>14 audio, music about 5 per cent.</p> <p>15 When you come to young people, of course, you see</p> <p>16 a very different picture. There, the TV is much less</p> <p>17 significant but voice and SMS and the Internet, above</p> <p>18 all, and the conversational elements of the Internet are</p> <p>19 about around 30 per cent of leisure time.</p> <p>20 So you can see that, actually, the picture of the</p> <p>21 newspaper reader is a person aged 40 plus, who is</p> <p>22 actually politically active and very engaged with other</p> <p>23 media. The radio segment of all UK adults, that is</p> <p>24 comprised of things like Radio 4, and so on, so there is</p> <p>25 mass consumption of all kinds of different media in this</p> <p style="text-align: center;">Page 10</p>	<p>1 Search and entertainment are also very, very big of the</p> <p>2 activity on-line.</p> <p>3 So you can see that there is just a mass of highly</p> <p>4 differentiated offers on-line which are competing with</p> <p>5 traditional newspapers.</p> <p>6 Now, the way that all media industries have</p> <p>7 confronted the digital age is with an effort to</p> <p>8 digitalise their offerings and to develop new business</p> <p>9 models and here we are showing a version of the adage</p> <p>10 coined in America, that analogue dollars become digital</p> <p>11 pennies. Actually, this is not an example of pennies,</p> <p>12 this is an example of relatively successful transitions</p> <p>13 on-line for very high quality papers that people will</p> <p>14 wish to subscribe to, because they are essential.</p> <p>15 This is, in particular, the Wall Street Journal and</p> <p>16 the FT, are key business publications worldwide, and</p> <p>17 people subscribe to them on a global basis but, even so,</p> <p>18 you look at the quality daily, the amount of revenue</p> <p>19 that can be gained from copy sales and from advertising</p> <p>20 revenue, from the Times of £462 per reader, compared to</p> <p>21 the rather smaller £134 per reader of the Times on-line.</p> <p>22 The FT on-line, which has a much higher revenue,</p> <p>23 does so because it is a very selective and highly priced</p> <p>24 audience and it is essentially rather small.</p> <p>25 So what we see is that the paid for models have</p> <p style="text-align: center;">Page 12</p>

<p>1 really not been enough to save the industry from the 2 decline in its circulation.</p> <p>3 The other websites, from newspapers and others, 4 compete for display advertising on-line which is the 5 blue line, which, as you can see, was around £1 billion 6 last year and which has grown at a steady rate and we 7 are forecasting to continue at a steady rate.</p> <p>8 Now, Internet time is growing at an unbelievable 9 speed. To give you an example, in the last year the 10 amount of data on smart phones doubled, essentially, so 11 this is a massive increase in activity and also the 12 (inaudible) time on line is continuing to grow at 13 a very, very fast rate as the older population goes on 14 line.</p> <p>15 What you see here is a situation in which the amount 16 of income that is available is actually dwarfed by the 17 number of mouths to feed. This is Facebook, this is all 18 the sites that you can think of, and, as a result, you 19 don't see newspapers, even the most successful ones, 20 like the Guardian on-line and the Mail on line, you 21 don't see that these phenomena are actually able to 22 survive on the basis of digital revenues alone. This 23 is -- the mass of time spent on line is actually not 24 monetising well.</p> <p>25 So, in relation to the regionals, you have really</p> <p style="text-align: center;">Page 13</p>	<p>1 all the time. The number of devices that people can use 2 is actually growing all the time and so, as a result, we 3 live in an extraordinary mediatised nation, but within 4 that, actually, the newspaper reader is one who is 5 blessed with very high quality products across the board 6 and, given the extraordinary range of products, as 7 I said, the, sort of, 7 billion printed products, let 8 alone the millions and millions of blogs, it is actually 9 quite extraordinary that, actually, the public is so 10 satisfied overall with the quality and the range and 11 differentiation of the products that are available to 12 them.</p> <p>13 Thank you.</p> <p>14 DAVID BELL: Thank you very much, indeed, Claire. We wanted 15 to start with where we all are and where we're going 16 and, now, our second speaker is Phil Hall who was 17 an editor from 1974-2003 with background in local 18 newspapers, the Sunday People, the Sunday Express and 19 the News of the World. So Phil, over to you.</p> <p style="text-align: center;">Presentation by PHIL HALL</p> <p>21 PHIL HALL: I'd like to have been editor for 30 years but 22 I was actually a journalist for 30 years, not an editor. 23 Ten minutes is not a great deal of time to discuss, in 24 my view, the active pressures facing journalists, so 25 forgive me if I get straight to the point.</p> <p style="text-align: center;">Page 15</p>
<p>1 quite a different picture there. You have a picture of 2 very substantial decline in advertising revenue and they 3 have been the ones that have been worst affected by the 4 pressures of the digital age and, actually, the popular 5 nationals have held up pretty well. So, actually, in 6 some, the economic pressures of the industry of the last 7 five years have really, primarily been felt by the 8 originals who have actually lost around 40 per cent of 9 their work forces in this time, compared to the 10 nationals that have actually lost only around 11 10 per cent.</p> <p>12 So the final slide here is one in which I showed 13 that, essentially, these phenomena are very well 14 entrenched and will continue to trend in the direction 15 that has already been well established and, here, you 16 can see that we continue to feel that the pressure of 17 classified is going to continue to decline, this is 18 primarily going to continue to affect the regionals, and 19 while we expect Internet classified and press classified 20 to continue to be on very, very different trajectories.</p> <p>21 So I hope that I have been able to explain to you 22 the pressures on the press which are ones in which the 23 press have to compete, as they always have with a much 24 wider variety of entertainment. That level of 25 entertainment and different sources of news is growing</p> <p style="text-align: center;">Page 14</p>	<p>1 When I started in this industry nearly 40 years ago 2 the pressure was mostly of a competitive nature because 3 newspapers were vying for readers in markets where many 4 publications were neck and neck in terms of their 5 circulation figures.</p> <p>6 When I became editor of the News of the World in 7 1995, the landscape had changed. The newspaper was 8 selling 4.7 million copies and in my first conversation 9 with Rupert Murdoch he asked what I expected to sell in 10 five-years' time. I optimistically and maybe naively 11 suggested 5 million. His response was "You will be 12 selling 4 million or maybe 4.1." He knew full well the 13 circulation trends of the newspapers, as Claire 14 indicated just now, and what he did in that conversation 15 was to explain there was no pressure to achieve the 16 unachievable. The pressure was to deliver a great 17 campaigning newspaper.</p> <p>18 A 20 per cent circulation fall, as he had indicated, 19 could mean staff reductions and budget cuts but it does 20 not mean editors can justify 20 per cent drop in the 21 quality of their newspaper. That would be a circular 22 argument that could only end with the demise of the 23 newspaper.</p> <p>24 So it is true, pressure has increased as 25 circulations dwindle.</p> <p style="text-align: center;">Page 16</p>

<p>1 15 years ago national newspapers, with one or two 2 exceptions, owned their own markets. The News of the 3 World was so dominant, the circulation figures were the 4 same as its two main rivals put together. The Mail 5 group was equally pre-eminent likewise The Sunday Times. 6 It was, therefore, not expedient to look for 7 sensationalist stories purely to win a circulation war. 8 We were fortunate during my editorship to publish many 9 groundbreaking stories with investigations into subjects 10 as far ranging as gun running, paedophilia, drug 11 racketeering and illegal immigration gangs. Many of 12 them ended with jail sentences. We campaigned over 13 miscarriages of justice and solved an unsolved murder. 14 There are great competitive pressures to produce the 15 best possible newspapers but there are also significant 16 challenges to get it right because of the libel laws, 17 being fair because of the PCC Code of Conduct and 18 justifying publication because of the human rights and 19 privacy rulings. 20 The publish and be damned attitude has long been 21 confined to the history books of Fleet Street. I am 22 sure the public believe big stories deliver big 23 circulation increases and, thus, editors are under 24 pressure to deliver a major scoop on a weekly if not 25 daily basis. That is a simplistic view and not the Page 17</p>	<p>1 I think it relevant to point out that editors do 2 have different pressures now to those I experienced. 3 A media lawyer working in a newspaper told me recently 4 he spent a huge proportion of his time dealing with 5 issues around the Human Rights Act, in particular 6 privacy issues. Many have used that Act to try to 7 protect themselves from perfectly ethical investigations 8 operated by tabloid and broadsheet papers alike. The 9 news editor of my acquaintance claimed he would speak to 10 the Press Complaints Commission two or three times 11 a week to discuss issues around what is in the public 12 interest and that is confusing. 13 Editors have long argued, certainly in the tabloid 14 market, that it's in the public interest to reveal the 15 truth about a misbehaving celebrity, who presents one 16 image to the public but, in reality, behaves in 17 a completely different way. For some years, privacy 18 actions have blocked the publications of such stories. 19 Yet only last week the judge ruled that the footballer 20 Rio Ferdinand does have a duty to be consistent with the 21 public image he presents and the way he behaves behind 22 closed doors. 23 The confusion over what is in the public interest 24 clearly puts a great deal of pressure on editors, 25 particularly when they are working to tight deadlines, Page 19</p>
<p>1 case. 2 Some of our biggest stories, the Jeffrey Archer 3 case, for example, delivered no increase in circulation. 4 In my opinion, what sold the News of the World was the 5 strength of the package. The sport, for instance, went 6 from 10 pages to 48 pages, the columnists, the features, 7 the pagination of the paper grew. In fact, it almost 8 doubled in the space of ten years. 9 Yes, we broke big stories but it was not the be all 10 and end all of the operation. The pressures are nothing 11 more than personal professional pride, in my view. 12 There was no bonuses or propriety pressures, as has been 13 suggested, to push the boundaries beyond what is 14 reasonable. But, as an editor, I did demand high 15 standards and I did expect journalists to produce agenda 16 setting stories. Is that any different to a business 17 leader in any other industry? I don't think so and 18 those who suggest, and imply that phone hacking has 19 arisen because of the pressures to deliver big stories 20 are, in my view, wrong. 21 It has happened because a group of people have 22 indulged in illegal activity and the checks and balances 23 that should be in place in any newsroom or any business, 24 for that matter, have failed. I sincerely hope we will 25 discover why by the end of the Lord Leveson Inquiry. Page 18</p>	<p>1 with dwindling resources in an age when advertising 2 revenues are challenging. What is in the public 3 interest is one of the fundamental issues, in my view, 4 that the Leveson Inquiry needs to address. 5 Inevitably, the Internet increases the pressure on 6 a newspaper to be more creative and forward thinking in 7 order to compete with the instant news platforms, but is 8 there any more pressure than 40 years ago? In my view 9 it is different, not greater. It does, however, 10 increase the pressure to get it right, because the 11 public, celebrities, almost anyone can respond instantly 12 through social media and have their complaint taken up 13 around the world. 14 Clearly, we are here because of the wider view that 15 somehow the industry is broken, it needs fixing. 16 I don't think it needs fixing. I do think it needs 17 changing. The Press Complaints Commission has never 18 been a regulatory body. In my view, it is a watchdog 19 and it has made one fundamental error in that it has 20 become invisible. It does do a great deal of positive 21 work. As a Chairman of a large PR company, I regularly 22 speak to the PCC when a client feels he or she is being 23 treated wrongly by the press. In 90 per cent of the 24 cases where the PCC have intervened, the story has been 25 abandoned or a compromise negotiated. Page 20</p>

<p>1 The PCC works in preventing the publication of 2 inaccurate, intrusive stories or pictures gathered in 3 an improper way and it is my view it should be allowed 4 to proactively investigate the behaviour of the media in 5 big news stories like the disappearance of 6 Madeleine McCann. 7 I believe another pressure on editors and 8 journalists as a whole is the inconsistencies of the way 9 the law is operated or the laws that affect journalism. 10 When Princess Diana was front page news, editors in 11 the country were constantly being asked to refrain from 12 publishing photographs, while their colleagues around 13 the globe were free to do as they wished. Some editors 14 did oblige and produced less attractive newspapers, 15 others ignored it. The curious aspect of this situation 16 is that Princess Diana was surrounded by bodyguards and 17 yet the paparazzi that pursued her were not arrested for 18 harassment nor for endangering her life through 19 dangerous driving. 20 The Palace complained about how the pursuit of the 21 Princess was overzealous. Editors should clearly have 22 shown more restraint but why did the authorities not use 23 the tools available to them to tackle the problem 24 through the proper use of the law? I believe it would 25 have stopped the practice overnight. Page 21</p>	<p>1 I can be accused of looking at the press through 2 rose-tinted glasses. Let me make it clear that, as 3 a public relations operator, I'm very much on the other 4 side of the fence, poacher turned gamekeeper, they say. 5 But my experience is that 99 per cent of journalists do 6 act professionally, they are impartial, thorough and 7 work within the PCC Code of Conduct, and a vast majority 8 of stories are accurate. 9 Are journalists sometimes rude, aggressive and 10 unreasonable? Of course they are, but I've absolutely 11 no idea how we legislate against human nature. One 12 thing is clear, it is not possible to set up a truly 13 independent regulatory authority appointed by the 14 Government. If a newspaper were to criticise 15 a government minister over a misdemeanour and he or she 16 complained to the new regulatory authority and they 17 found against the newspaper, will the public truly 18 believe that body has been impartial? I think not. It 19 will inevitably increase the pressures on editors to 20 give governments a wide berth, when surely their role is 21 to question and hold to account our leaders and 22 politicians. 23 As I said, I do not want to paint a paint a hearts 24 and flowers view of newspapers. It is tough, 25 uncompromising, stressful and an extremely competitive Page 23</p>
<p>1 Likewise, the Regulatory and Investigatory Powers 2 Act 2000 that governs phone hacking, are the sanctions 3 for breaching it consistent with the public revulsion 4 shown over the Milly Dowler affair? I doubt it. But 5 isn't this a police matter rather than press regulation 6 matter? Staff should not make the law whatever industry 7 they are in, full stop. Why are private detectives who 8 are used by law firms, financial institutions and 9 newspapers not licensed when they work in such sensitive 10 areas? 11 When I started 40 years ago, the news agenda in this 12 country was largely provided by news agencies, as 13 newspapers reduced their budgets, local papers folded 14 and news agencies went out of business. The pool of 15 stories was considerably reduced. That, of course, is 16 a pressure for editors and news gatherers but, in my 17 experience, there has been a benefit of the pressure to 18 compete over fewer stories. 19 To secure an exclusive story these days, more than 20 ever editors allowed the subjects of their stories to 21 approve the account before publication. That does not 22 mean they have control over the story but it does mean 23 they can challenge inaccuracies and ensure absolute 24 probity when they are quoted in an article. 25 I know there's a danger that, as a former editor, Page 22</p>	<p>1 business. The laws of Government are inconsistent and 2 the PCC needs more clarity, more clout in what it does 3 and greater visibility when it does act, but none of the 4 above pressures, in my view, explains or offers 5 an excuse for illegal activity in the newsroom. 6 Thank you. 7 DAVID BELL: Thank you very much Phil. 8 Now, the third of our speaks is Richard Peppiatt, 9 a former tabloid journalist who left the Daily Star last 10 year in protest, I think, partly of what he regarded as 11 the Islamophobia of the newspaper. He is now 12 a freelance journalist, writer and campaigner on these 13 issues. So, Richard, over to you. 14 Presentation by RICHARD PEPPIATT 15 RICHARD PEPPIATT: Hi there. Thanks for having the 16 opportunity to be here today. I tried to consult widely 17 with other journalists in the industry to get their 18 opinions too on the question I've been asked. 19 I think that many people in the industry feel they 20 can't speak openly about some of the things that are 21 going wrong and I'm going to try and do that. 22 Perhaps, I state the obvious to say that a truth 23 telling function is intrinsic to the very notion of 24 journalism, yet one thing I learnt early on in my career 25 is that telling the truth and not lying are very Page 24</p>

<p>1 distinct concepts. You can make true statements about 2 events and issues without ever even orbiting the true 3 account of what occurred. 4 In approximately 900 newspaper bylines, I can 5 probably count on fingers and toes the amount of times 6 I genuinely felt I was telling the truth, but only the 7 same amount can I say were outright lies. This is 8 because much of the skill of the journalist today is 9 about finding facts, it is about knowing which ones to 10 ignore. The job is about making the facts fit the 11 story. This is because the story is almost pre-defined. 12 Laid out before you is a canon of ideological and 13 commercially driven narratives and it's your job to 14 fulfil them. The newspaper appoints itself as moral 15 arbiter and you must stamp their world view in all the 16 journalism that you do. 17 A scientist is to announce that ecstasy, they have 18 found, is safer than alcohol, I know that my job as 19 a tabloid reporter is to portray this man as a quack and 20 his research methods to be flawed. If a judge hands 21 down a community sentence to a controversial offender, 22 I know my job is to make him appear lily-livered and out 23 of touch. Positive peer reviews are ignored. 24 Sentencing guidelines are buried. 25 The ideological imperative comes before the Page 25</p>	<p>1 a big news story breaks, think Madeleine McCann 2 Joanna Yeates, Rebecca Leighton. News editors sitting 3 hundreds of miles away are put under immense pressure to 4 come up with copy selling exclusives. They whip up 5 a feeding frenzy atmosphere around these crime scenes, 6 where any information, however unverified, becomes 7 fervently seized upon, in which victims' families are 8 hounded day and night for quotes, in which suspects 9 become tried in newsprint before they even set foot 10 inside a police interview room. 11 The PCC claim they reined in many of these excesses. 12 They must have been looking over the wrong Fleet Street. 13 If editors really had no idea that the life-wrecking 14 stories that they printed about the likes of 15 Robert Murat and Chris Jefferies weren't grossly 16 libellous, then reporters' heads would have rolled. Of 17 course, they didn't because there's an unspoken contract 18 that exists between newspaper and tabloid reporter. You 19 tell us what we want to hear and we won't question too 20 much the veracity of that information or your methods. 21 If there's any come back, we'll protect you. It's 22 a code of ammeter(?) and if you want to get on you abide 23 by it. 24 This is where the PCC has not only failed the public 25 but journalists too. The majority of reporters aren't Page 27</p>
<p>1 journalistic one. British justice is always soft, drugs 2 are always bad. This ideological imperative is bound to 3 a commercial one and it's founded on one premise. It is 4 easier to sell people something that reinforces their 5 beliefs and prejudices than to sell them something which 6 challenges their beliefs and prejudices. 7 Your success as a reporter is determined by how well 8 you apply this philosophy to your own news judgment. 9 Pitch a story to your news desk about a peace conference 10 in Wembley attended by thousands of Muslims, you 11 probably will get more sneers than you will paragraphs 12 in print. Pitch a story to them about three Muslim men 13 standing outside a courtroom, shouting death to 14 infidels, you will probably be handed the front page and 15 bought a pint. 16 Typically, some of the worst excesses occur when 17 stories are passed down the news chain rather than up. 18 News editors often assign stories to their reporters to 19 look into. News editors, keen to appease their 20 superiors with eye-catching news list dump the onus on 21 reporters to stand up, sometimes fantastical hunches 22 (inaudible) and ill-informed assertions. The question 23 is not: do you have a story on X? The question 24 is: today we are saying this about X, make it appear so. 25 The ugliest manifestation of this culture comes when Page 26</p>	<p>1 comfortable with constantly walking this conceptual 2 tightrope between telling the truth and not lying and 3 certainly not with breaking the law. When the PCC won't 4 even enforce the first point of their code -- the press 5 must take care not to publish inaccurate, misleading or 6 distorted information -- is it any surprise that 7 newspapers push the boundaries, hacking phones, bribing 8 police, pursuing their own commercial and ideological 9 aims under the guise of journalism? Reporters are used 10 as foot soldiers. 11 Newspapers are in decline and the job pool for 12 journalists is ever shrinking. Those entering the 13 industry can spend years working on casual contracts 14 without any security. Tabloid newsrooms are often 15 bullying and aggressive environments in which dissent is 16 simply not tolerated. It's difficult to stand up and 17 walk out the door, knowing another opportunity is 18 unlikely to be waiting around the corner. 19 I'm not attempting to absolve myself or others of 20 responsibility for our actions, I'm only trying to 21 contextualise them. Journalists aren't, for the most 22 part, bad people but like all humans they adjust to 23 their environment and like in all competitive industry 24 those who adjust best goes furthest. You do it long 25 enough you even start to forget that the framework in Page 28</p>

<p>1 which you operate is intrinsically corrupted and 2 dishonest.</p> <p>3 There's no better example of this current cynical 4 approach to journalism than my former employer the Daily 5 Star and their sister Express titles. Few would 6 disagree that beneath their masthead has occurred some 7 of the worst journalism in recent years. The 8 xenophobia, the misleading front pages the endemic cross 9 promotion have set a new low bar for the industry, with 10 papers such as the Daily Mail happily stooping to join 11 them.</p> <p>12 The Daily Start and Express do not have the worst 13 journalists but Richard Desmond's chronic 14 underinvestment in journalism has allowed a corrosive 15 culture to fester. I remember there being one shift 16 where there was just myself and two other reporters 17 throughout the whole of this national newspaper. In 18 that sort of situation, how can proper journalistic 19 rigor occur?</p> <p>20 News priorities are being warped to keep pace with 21 the changing media landscape and this is radically 22 transforming the required skill set for reporters. 23 Instead of being balanced, the demand is to be partial 24 and provocative. Instead of being accurate, the demand 25 is to be first. You only need to look at how many</p> <p style="text-align: center;">Page 29</p>	<p>1 in good faith, unaware of the commercial and ideological 2 influences which are shaping what they read. Instead of 3 being told the truth they deserve, they are being told 4 whatever suits newspapers to tell them.</p> <p>5 As much as I resigned from the Daily Star over I saw 6 as Islamophobic news agenda, my conscience was troubled 7 by another, perhaps more sinister, realisation. Their 8 hate mongering wasn't even genuine, it was a crude 9 morally deplorable play on the politics of fear in 10 pursuit of profit. They may be the worst offenders, but 11 they're not alone.</p> <p>12 Beyond the headline grabbing revelations of phone 13 hacking, this is the ethical rock which I urge the 14 committee and Lord Justice Leveson look at, because it 15 undermines real journalism, it perverts social debate, 16 it divides communities, it makes victims of the many 17 journalists and public alike to line the pockets of the 18 few.</p> <p>19 Thank you.</p> <p>20 DAVID BELL: Thank you very much, indeed. We wanted to look 21 at this issue of commercial competitive pressures from 22 three different angles, which I think we've done and, 23 before the coffee break, I would want us to come back, 24 if we may, to the first presentation and hold the issues 25 that were raised in the second and the third for the</p> <p style="text-align: center;">Page 31</p>
<p>1 newspapers got their pants pulled down a bit with the 2 Amanda Knox trial to see that this demand to be first is 3 trumping accuracy.</p> <p>4 The Daily Mail printed colour from the courtroom, 5 saying that the tearful families -- and that Amanda Knox 6 was led away, when none of this actually occurred. This 7 was not the actions of a rogue reporter this was 8 a decision taken by news executives who should know 9 better. They abandoned their responsibilities to 10 journalism and instead chose to knowingly publish 11 fiction.</p> <p>12 Capitalism, founded on self-interest, is trumping 13 journalism, founded on public interest. Cold 14 calculations are being made. It makes no commercial 15 sense to have your reporters spend a week investigating 16 a genuine public interest story when you can have them 17 fill 10 times that space cannibalising from rivals and 18 news wires. It makes no commercial sense to have your 19 reporters writing about someone else's products or TV 20 shows, when you can get free advertising from the 21 writing about your own. It makes no commercial sense 22 not to use your reporters to dig up dirt on people you 23 don't like and to puff up people that you do.</p> <p>24 The people caught in the cross fire here are the 25 millions of readers who buy tabloid newspapers every day</p> <p style="text-align: center;">Page 30</p>	<p>1 second part of this morning.</p> <p>2 So if we may concentrate between now and 11 on the 3 competitive pressures that Claire Enders outlined and 4 the implications for the present and the future, that's 5 what we would like to do.</p> <p>6 In order to make sure that everybody's contributions 7 are captured for the web, we have microphones and, 8 therefore, if anybody wants to speak, it would be 9 a great help if they could signal that and we will take, 10 if we may, the questions or comments in batches of 11 three, which makes it easier to get the microphones 12 around to everybody.</p> <p>13 If anyone who speaks could possibly say, to begin 14 with, who they are and who they represent, that would be 15 a great help for us and also for the people who would be 16 watching this on the web, and because we anticipate lots 17 of comments, if we could all keep them to two or three 18 minutes at the maximum I think that would enable us to 19 encourage more people to talk.</p> <p>20 So on this question of the commercial competitive 21 pressures that Claire outlined, who would like to kick 22 off?</p> <p>23 DIANE COYLE: Thank you.</p> <p>24 My name is Diane Coyle, I'm the Vice Chair of the 25 BBC Trust and an economist who used to work on The</p> <p style="text-align: center;">Page 32</p>

<p>1 Independent for many years. 2 I just wanted to add to Claire's very interesting 3 presentation the point that these pressures are both 4 long-standing, not specific to the UK and not specific 5 to the press or the tabloids. 6 As far back as the 1990s when I was working at 7 The Independent the price war had put the broadsheets 8 under commercial pressure and readers in this country 9 had been used to very cheap papers for a very long time. 10 The pressure applied across the borders as well, 11 it's happening in the US and France and also to 12 commercial broadcasters as revenues are shifting on 13 line. And the BBC, of course, is committed to impartial 14 and accurate news and it is a strategic priority, but 15 the commercial broadcasters too are required by OFCOM to 16 deliver impartial and accurate news. 17 So I think the wider and longer perspective is very 18 informative, showing that, actually, there has been 19 a very wide range of responses by media organisations to 20 these technical changes and the commercial pressures. 21 Thank you. 22 DAVID BELL: Who would like -- 23 ELINOR GOODMAN: I think I would particularly be interested 24 in hearing from the regional press. I just wondered 25 whether Alan Edmunds from the Western Mail would like to</p> <p style="text-align: center;">Page 33</p>	<p>1 ELINOR GOODMAN: And has it had a big impact on staffing 2 levels? 3 ALAN EDMUNDS: Over time, of course it has, we've seen 4 reductions in staffing; but I think still that we employ 5 by far the largest amount, outside of the BBC, of 6 journalists in our regions. 7 ELINOR GOODMAN: Thank you. 8 DAVID BELL: Yes. 9 IAN HARGREAVES: Thank you. 10 Ian Hargreaves, from Cardiff University. 11 Just to support what Alan was saying, I was struck 12 in Claire's charts, as I always am when I see them, that 13 this is a business and economic story of readers, 14 consumers, moving around from one kind of product to 15 another. 16 What Claire did not say was that the British public 17 is losing interest in being informed or losing interest 18 about joining in debates with strong opinions. 19 I think it's very, very important that the 20 Leveson Inquiry does not in any sense reach for the 21 argument that says the ethical issues which are the 22 cause of this Inquiry can in some sense be attributed to 23 the charts that Claire put on the screen. 24 ELINOR GOODMAN: Is that a broadly held view? It would be 25 interesting to hear other peoples' views on that.</p> <p style="text-align: center;">Page 35</p>
<p>1 comment on this extremely pessimistic scenario which was 2 forecast for the regional press, or indeed any of the 3 other newspaper groups here who have a regional 4 interest. I thought he was here. Great. 5 ALAN EDMUNDS: I think the challenges of the regional press 6 were summed up well by -- 7 ELINOR GOODMAN: Would you mind standing up? 8 ALAN EDMUNDS: Of course. 9 I think the challenges were summed up well by 10 Claire, that the issues affecting the regions and from 11 a business perspective have been tackled I think very 12 well by most of the newspaper groups in the last five 13 years, and we've built up a lot of traffic on-line. So 14 the issue, really, in the regions is very similar, which 15 is finding the best way to monetise that traffic. 16 ELINOR GOODMAN: I mean, do you think the -- the on-line 17 activity is going to be the answer or are -- do you 18 regard it essentially as having to deal with the devil? 19 ALAN EDMUNDS: No, not at all, I think it's finding the 20 right balance between serving all the different media. 21 So obviously there's a place for print and there's a 22 place for on-line. And we're looking at the different 23 alternatives, such as behavioural targeted advertising, 24 for example, which we're not beginning to sell well, to 25 replace the lost classified revenue.</p> <p style="text-align: center;">Page 34</p>	<p>1 DAVID BELL: I wondered if James Harding, who is here, 2 I think, because what The Times has been doing in terms 3 of the web and print, whether you've any reflections you 4 wanted to add to this competitive question. 5 JAMES HARDING: Thank you very much and thank you for 6 bringing us all together today. 7 I thought it was a very interesting set of 8 presentations this morning. I had two observations and 9 I agree entirely with what Ian Hargreaves just said. 10 The first is just to appreciate the pace of the change 11 now we're dealing with. So we're all this morning 12 digesting the death of Steve Jobs. The reality is that 13 the iPad has transformed the possibilities of 14 journalism, and that's something that has happened 15 within the last 18 months. We're seeing the 16 introduction of a whole new range of tablets, which 17 means that, even in the course of the time that the 18 Leveson Inquiry is sitting, what journalism means, what 19 it can do and what the nature of a newspaper is will 20 change at a phenomenal rate. 21 The only other thing I would like to just say, just 22 in response to the Claire Enders presentation, which 23 really struck me, was there's one thing to look at the 24 way in which information is consumed. Of course, one of 25 the things that we're really interested in as reporters</p> <p style="text-align: center;">Page 36</p>

<p>1 is where it originates from, how you get it and, when 2 you look at some of those charts, they don't fully 3 reflect where we get our information from, how we -- how 4 we report it, how we gather news. 5 Clearly, in her charts, she talked at some length 6 about the way in which the FT Group has moved on to 7 a pay wall strategy. As you know, The Times has done 8 the same thing, and it has transformed the fortunes and 9 the prospects of the newspaper, for the first time in 10 the better part of a decade we see ourselves moving into 11 growth because people have the opportunity to buy us not 12 just in print but on screen. 13 And so I just hope that the Leveson Inquiry, as it 14 looks at newspaper behaviour, understands that it is 15 working with a very fast changing market. 16 Thank you. 17 DAVID BELL: I don't think there's anybody here this morning 18 from Associated Newspapers, is there? Yes, I would be 19 very interested in your take on that because the 20 Daily Mail website, I think, has been growing very fast 21 too, hasn't it? 22 PETER WRIGHT: Yes, I am Peter Wright, the editor of the 23 Mail on Sunday. 24 Our website has grown exponentially and I think is 25 currently the second biggest newspaper website in the</p> <p style="text-align: center;">Page 37</p>	<p>1 speaking. But I think, as Ian Hargreaves and 2 James Harding have just said, clearly from Claire's 3 analysis peoples' interest in news is still huge: people 4 want news, whether it's from newspapers, magazines, the 5 Internet, the radio or the TV, that demand for the news 6 is still absolutely huge. If you look at the tube any 7 morning and you see the number of people reading the 8 free newspapers, even when they've allegedly heard all 9 the news already on the Internet or the TV or read other 10 forms of information, then I think that just is another 11 indication of how people are every enthusiastic about 12 the news industry. 13 So, to answer your point, George, I think that we 14 see at the Telegraph a fantastic opportunity on the web, 15 because we can get more and more people to access our 16 brand; but at the same time the big challenge is how to 17 get people to pay for that. 18 So we've moved away from a pay wall idea, and we are 19 focusing very much on a choice. So if you are 20 a subscriber you can get -- as well as your newspapers 21 you can actually get the content of the web for free. 22 If you don't want to pay for the newspapers, you are 23 being asked to pay for the website. So we're offering 24 a choice of opportunities and that's the way we see 25 things going.</p> <p style="text-align: center;">Page 39</p>
<p>1 world. 2 We've taken a completely different approach from 3 News International. We don't have a pay wall, we don't 4 intend to have a pay wall, and we are hoping that by 5 getting very substantial critical mass, the advertising 6 will follow. 7 And I was gratified to see in Claire's charts that 8 it was up by something like 30/40 per cent this year on 9 last year. 10 GEORGE JONES: And I think we -- we have two editors here 11 from the Telegraph Group. I don't know whether 12 Ian MacGregor would like to speak or tell us how The 13 Telegraph has been very successful, I think, you know, 14 from my experience, they were one of the first to move 15 into putting stuff on-line, and how you think you can 16 cope. I mean, do you think you're now going to be 17 bringing more and more on-line? Where do you think the 18 balance is now coming down? 19 IAN MACGREGOR: Hello, George, thank you for this 20 opportunity. 21 I think this is an opportunity for us all, but may 22 I just go back to the earlier point, and I'll come back 23 to your point in one second. As others have mentioned, 24 clearly the industry is facing great commercial 25 pressures. We are selling less papers, generally</p> <p style="text-align: center;">Page 38</p>	<p>1 Going back to Ian Hargreaves' opening point, 2 although there are great commercial pressures, I think 3 also we shouldn't confuse that with the ethics of the 4 point of the debate. I don't think anyone here would 5 ever make an excuse that commercial pressures are 6 changing the way we operate in terms of our integrity, 7 in terms of our focus on accuracy, or getting things 8 right, because people want to believe -- I feel very 9 passionately about this -- and that what we produce is 10 accurate and true. That is what we stand for and we'll 11 go find every way possible to ensure that we maintain 12 that. 13 Does that answer your question? 14 GEORGE JONES: Yes, it does. 15 There's one other point I'd like. As an editor of 16 a newspaper you operate in a very kind of regulated 17 environment, with the PCC, you're now also operating on 18 the web, which is, you know, exponential growth, under 19 pressure from bloggers and other sources. I mean, how 20 do you view that in trying to kind of manage those two 21 streams? And do you find it much more difficult, as it 22 were, to kind of control things on the web or the 23 competition and the pressures you're up against compared 24 to working in the more traditional newspaper industry? 25 IAN MACGREGOR: You know the industry as well as anyone,</p> <p style="text-align: center;">Page 40</p>

<p>1 George, you worked for the Telegraph for a long time, 2 fantastic reputation. You know that the sources of news 3 these days are almost infinite, so that, for us, is 4 a great opportunity because we have more and more ideas 5 coming in. Equally, as you imply, we've got to be very, 6 very careful about how we use those sources of 7 information, and how we have to check that information. 8 So I see that as genuinely an opportunity -- but you're 9 right, we have to be very, very rigorous, we must never 10 lose that attention to detail, it's crucial that we find 11 ways of filtering out those sources of information, 12 filtering out that news and making sure that what we 13 print is right. And that applies to the website as well 14 as to the newspapers. 15 Of course, there is the comment issues as well. As 16 you yourself know from the world of politics, it's 17 important to have a free and honest debate and that's 18 another side of this whole issue, which I could rabbit 19 on about for a long time, but maybe -- 20 GEORGE JONES: But it's this point about the fact that you 21 are kind of operating by a -- sorry, I don't want to put 22 you too much on the spot -- but any further editors we 23 have, some of you, that you're operating in a -- or by 24 a certain degree of standards, but when you get onto the 25 web, which we know from Claire Enders, and that whole</p> <p style="text-align: center;">Page 41</p>	<p>1 likely to take place, is be encouraged by the 2 Government, and I think the Leveson Inquiry has to look 3 at what the Secretary of State's plans for local news 4 services is going to mean, for instance, to local 5 newspapers, to the BBC, for instance, and what 6 difference that might make to the news environment 7 because they will be looking for advertising revenue 8 too. 9 ELINOR GOODMAN: I was interested, obviously, that there's 10 a sort of agreement of views has come across that the 11 competitive pressures aren't leading to a reduction in 12 standards and that it shouldn't be an excuse for the 13 kind of abuses we've seen. And particularly interested 14 in what Ian Hargreaves said, because I've seen research 15 quoted from Cardiff University -- and I don't know how 16 genuine it was which suggests how -- which indicates how 17 much more pressure there is on journalists in terms of 18 just the fact there are less of them producing more 19 stories. 20 Is that something you recognise, or is that just 21 sort of one of the theories that goes around? I mean, 22 perhaps you'd like to come back on that, Ian, and then 23 it will be interesting to hear an editor's perspective 24 on that. 25 IAN HARGREAVES: If it was from the Cardiff University, it</p> <p style="text-align: center;">Page 43</p>
<p>1 electronic form is going to be a much bigger part of 2 your role, how frustrated are you that you are playing 3 by sort of one set of rules but then there is a whole 4 field which doesn't appear to be constrained by any 5 rules? Is that difficult for you and difficult for, as 6 it were, the editors of newspapers who are now 7 developing their web content? 8 IAN MACGREGOR: It's not difficult for me because I pay 9 personally and I know our group pays as much attention 10 to what goes on the web as goes on the papers, and that 11 accuracy and focus on accuracy is absolutely crucial. 12 Clearly, as in all newspapers, if mistakes are made we 13 can get quickly back to the website or indeed the papers 14 and correct those mistakes. It's very important, on the 15 rare occasions that might ever happen, we do so. 16 Does that answer your point? 17 DAVID BELL: Just there. 18 MIKE JEMPSON: Mike Jempson from MediaWise. 19 The issue of convergence has been brought up now, 20 and I think it's really important that the Inquiry 21 considers that. The Internet is supposed to be 22 regulated by the PCC, according to the PCC, on line 23 newspapers; but we're also talking about companies that 24 are weathering a storm across all the platforms. And 25 I think one of the things, one of the changes that is</p> <p style="text-align: center;">Page 42</p>	<p>1 follows that it was certainly accurate -- 2 ELINOR GOODMAN: -- the person who had done it. 3 IAN HARGREAVES: It may have been misquoted in the telling, 4 of course, but you can't control the whole supply chain 5 in these matters. 6 I think there are, without question, pressures that 7 are falling on journalists as a result of the change in 8 the economic and business context of journalism. It 9 would be crazy to deny that. I think Phil Hall put that 10 well. The pressures are different. There have always 11 been a lot of pressures, they're different. 12 I think that the issue for me is that 13 Richard Peppiatt, who sort of strayed onto an agenda of 14 a later session in what however I thought was 15 a compelling account of his own experience and those he 16 knows in the part of the newspaper business that he has 17 worked in. I think that that account is an account 18 which has been familiar to me throughout the whole of my 19 time in journalism which is, you know, several decades; 20 but I've never worked in the middle of it because 21 I chose not to, I'd have been hopeless at it. 22 ELINOR GOODMAN: My question was really the sort of theories 23 one has seen advanced in all the speculation about the 24 hacking is one of the things that has been put around 25 that this is not (inaudible) subscribe to. But I'm</p> <p style="text-align: center;">Page 44</p>

<p>1 interested in peoples' views on it, is that the 2 financial pressures means that reporters just simply 3 haven't got the same time they used to have to research 4 stories, and therefore the veracity of them is more 5 questionable. 6 Does your research suggest that is true? And is the 7 experience of editors here that that is so? 8 UNKNOWN SPEAKER: Well, I'm not aware of research that shows 9 that is true in the way that you make that point, which 10 is not to deny that those kinds of pressures exist and 11 that they take new forms as new technological 12 opportunities arise through which to challenge your 13 dishonesty. 14 DAVID BELL: Over there. 15 JAMES CURRAN: I think the research you're -- 16 DAVID BELL: Forgive me, could you just introduce yourself? 17 JAMES CURRAN: James Curran, Goldsmiths University of 18 London. 19 I think the research you refer to came not from 20 Cardiff but from the Goldsmiths Human Research Centre. 21 And what we found, after interviewing over 150 22 journalists and doing ethnographies is that, because 23 there are fewer journalists, they are under pressure to 24 be more productive. And this is leading them, firstly, 25 to lift stories from rival websites and, secondly, to</p> <p style="text-align: center;">Page 45</p>	<p>1 room, but it's certainly not ours and I believe it's not 2 the Sun's or the Daily Mail's, so I completely reject 3 that view. 4 That having been said, yes, there's been great 5 pressures, the last 15 years have been about disruption 6 as technology moves in pace and increases its changes in 7 our industry. And that has been the big pressure for 8 the editors now. Yes, there's pressure to get good 9 stories and sell the paper, but the main pressure is 10 managing your business as all these changes are 11 happening around you, maintaining its profitability; 12 but, also, as I go back to, maintaining the integrity of 13 the newspaper. 14 Because again, to the point that Ian was making 15 earlier, in this great new landscape where anything goes 16 on the Internet, I believe there is an opportunity for 17 established long-standing brands, whether it's The Times 18 or The Sun or the Daily Mirror to actually be a place 19 where people can go where there is still information 20 that is trusted, so that you can go to one of our sites 21 or have it delivered to your phone, or however which way 22 you want to choose to consume your media and know what 23 we are saying is the truth. 24 I think that, as the consumer becomes more 25 sophisticated in choosing his and her lines of media,</p> <p style="text-align: center;">Page 47</p>
<p>1 turn to tried and tested sources as a way of increasing 2 productivity and, thirdly, is leading to more 3 office-bound scissors and paste journalism. 4 ELINOR GOODMAN: When you say "try and tested sources", what 5 do you mean by that? 6 JAMES CURRAN: The argument often is that the web has 7 created an enormous plenitude of alternative sources, 8 and we found that counter-intuitively, because of the 9 effect of lost advertising, reduction and staff, 10 journalists are turning to sources they know can deliver 11 good copy. So they are tending to turn to mainstream 12 sources rather than alternative sources. 13 DAVID BELL: I wonder whether Richard Wallace or Tina Weaver 14 would like to add to this debate. From the Mirror 15 family. Yes. 16 RICHARD WALLACE: I'm Richard Wallace. Good morning. 17 Commercial pressures. Absolutely. The days when we 18 had 30-odd reporters sitting on the ramp waiting for 19 something to happen have gone, but part of the role as 20 an editor and a manager of newspapers these days is to 21 ensure that the quality and above all the integrity of 22 the titles and the traditions that we value and cherish 23 are maintained. 24 Now, I must just say that Richard's presentation 25 earlier might be a description of the Daily Star news</p> <p style="text-align: center;">Page 46</p>	<p>1 that that will be a great opportunity for us. 2 To be honest it's about holding on at the moment, as 3 far as our business is concerned, until we can find ways 4 of, you know, aggressively monetising these new 5 opportunities. 6 ELINOR GOODMAN: Can I pick you up on something you said 7 You mentioned brand loyalty there. Is there less brand 8 loyalty now than there used to be to the main titles 9 amongst themselves, and does that in turn increase the 10 pressure to use your front page to grab the sales that 11 you can get? 12 RICHARD WALLACE: No, no I think -- don't quote me on this 13 one -- but I think the opportunity to grab readers in 14 the mornings, there's about sort of 3 per cent movement 15 in the market that us and The Sun and The Mail are 16 fighting about. So, yes, by and large people -- I mean, 17 newspapers still touch half the population in some way, 18 shape or form every day. Now, that's a pretty 19 significant number of people that are still interacting 20 with us, who still come to us for news and increasingly 21 for opinion and analysis. 22 So -- I'm sorry, I've forgotten your question now. 23 ELINOR GOODMAN: It was that 3 per cent figure. 24 RICHARD WALLACE: As, I said so there's a great brand 25 loyalty, and I think because people, especially in</p> <p style="text-align: center;">Page 48</p>

<p>1 a digital world, they're looking at new brands, you 2 know, and Wikipedia, can you trust that? Google, can 3 you trust that? All those kind of new, groovy brands 4 that I think certainly for the mainstream audience 5 they're very unsure of these and they keep reading and 6 hearing things, "Have I got my information?" There's 7 an uncertainty. Whereas The Sun, The Mirror, The Times, 8 The Mail, you know, very mature, established brands 9 where you know whether you like them or you don't like 10 them and you know where you are with them and you can 11 continue to choose to use them. 12 ELINOR GOODMAN: You mentioned strong opinions. Do you think 13 that's going to be an increasing trend of the future? 14 RICHARD WALLACE: I think it is now. That's why we have 15 a such a rumbustious press, why we have -- I think the 16 highest number of newspaper readers in the world. 17 Because, again, when you read the Daily Mirror you know 18 where we're coming from. Ditto with The Sun and the 19 Daily Mail and, you know, that's part of the richness of 20 the industry that we have and it gives the consumer, 21 above all, choice. So if they come for a point of view 22 they know that there's something there to serve them. 23 And the thing is, we're not shy about saying that. 24 ELINOR GOODMAN: Do you think that where the future is going 25 to be more opinionated newspapers?</p> <p style="text-align: center;">Page 49</p>	<p>1 and large, who understand -- for instance, if they are 2 buying the Daily Star they are not buying it as a paper 3 of record. 4 DAVID BELL: I think there is a question there. 5 STEVEN BARNETT: Thanks. I'm Steve Barnett, University of 6 Westminster, and also the House of Lords Communications 7 Committee, but this is in my personal capacity. 8 I wonder if it might be useful to try and think 9 about a longer historical perspective, perhaps even 10 longer than Claire's charts, really, it took us back to 11 2002, and ask the question whether there hasn't always 12 been intense commercial pressure, in particular on the 13 country's press industry. 14 We have, I think I'm right in saying, sort of one of 15 the most, if not the most, competitive National Press 16 markets in the world, and have done for decades, not 17 just for the last ten years. So the pressure on 18 particular -- and especially print journalists -- has 19 always been there. And I would like to urge the Inquiry 20 to look not just at commercial pressures, but at 21 newsroom cultures, and to ask whether there has been any 22 change there. 23 Now, like Ian, I wouldn't -- certainly wouldn't want 24 to excuse any unethical or illegal acts on the basis of 25 whether they are commercial or news room pressures; but</p> <p style="text-align: center;">Page 51</p>
<p>1 RICHARD WALLACE: I think so, because often, if something 2 terrible happened today, the television and the radio 3 can tell us "plane crashes, 50 dead, and here's some 4 great pictures of it". What newspapers provide and will 5 continue to provide is why did that happen as the 6 analysis and sort of the back story on the whole thing. 7 Certainly, as far as opinion is concerned, you know, 8 certainly sometimes when I speak to readers they say, 9 "Well, I bought your paper today." And I said, "Why?" 10 And he said, "I wanted to know what to think about X." 11 Because what we can do is help formulate their 12 views. And, as I said, if you have a certain world view 13 you can pick it from The Mirror, you can pick it from 14 The Sun, you can pick it from a whole plethora of 15 places. And that is very healthy. 16 ELINOR GOODMAN: At the risk of anticipating the discussion 17 on Richard Peppiatt's thing though, if you're helping to 18 formulate views doesn't that mean you're inevitably 19 taking an increasingly selective view of the facts 20 because -- 21 RICHARD WALLACE: No, again, because I think, as always, the 22 reader, the consumer (or whatever we call them these 23 days) is massively underestimated. We seem to think 24 that they are somehow led like sheep down a particular 25 road. You know, they are bright, intelligent people, by</p> <p style="text-align: center;">Page 50</p>	<p>1 I do think it's important to ask the question: what is 2 it about this country, and perhaps the journalistic 3 culture of this country, in tabloid newspapers in 4 particular, that produces a certain kind of journalism 5 and a certain kind of journalist? And how different has 6 that been over the years? Now, I'm on the Editorial 7 Board of the British Journalism Review, I have three 8 eminent colleagues around me. We have very robust 9 discussions at some of those editorial meetings about 10 the extent to which this is a historic tradition in 11 British journalism. And can be divorced from the 12 commercial pressures. And that, I think, is something 13 that is worth looking at. 14 I would also very much recommend a site which some 15 old stages have started to call "gentlemen ranters.com", 16 which is a wonderful litany of some of the things that 17 old Fleet Street hacks got up to in the 1940s, 50s and 18 60s, and might lead some of you to think that actually 19 not much has changed. 20 GEORGE JONES: I think James Cussack -- if I pronounced the 21 name right -- from The Independent would like to make 22 a point. 23 JAMES CUSSACK: This is a slightly unusual request. It's a 24 bit like a Court Reporter reporting, asking the judge if 25 he can interrupt, and that's what I feel at the moment.</p> <p style="text-align: center;">Page 52</p>

<p>1 It's just a point that Ian Hargreaves made. I'm in 2 the middle of doing, as a reporter, actually reporting 3 on this particular story, the phone hacking story. And 4 when the Leveson Inquiry was announced it was a case of, 5 well, I'm currently looking at a newspaper newsroom out 6 of control, ethics all over the place, police involved, 7 (inaudible) underworld, and I think there's a danger 8 that, if this Inquiry gets sidetracked away from that 9 point, then you're using commercial pressures or 10 economic pressures to miss the point. I think when 11 Leveson advances it goes into months, loads of months of 12 Inquiry, that you'll find that the economics doesn't 13 play a major role, it's actually the ethics of that 14 newsroom. And I would advise the Inquiry Board at the 15 beginning not to miss that point. That's it. 16 DAVID BELL: Well, thank you for that. 17 We've chosen the topics for these seminars over 18 today and next week absolutely bearing that point in 19 mind, that we're not trying to suggest any particular 20 thing, we just want to get as broad a view as we can. 21 CLAIRE ENDERS: I just wanted to echo very much the point 22 just made and which has been made repeatedly, which is 23 that the commercial pressures vary on titles, and indeed 24 the profitability of titles is highly variable as well. 25 And you see no correlation at all between ethical or</p> <p style="text-align: center;">Page 53</p>	<p>1 is the point about pay walls, which is -- I think it's a 2 mistake to try and use the FT and the Wall Street 3 Journal, which are sources of financial information, and 4 to imagine that that is going to be true generally of 5 general news sources, which are in this huge 6 commoditised world of information. And that, of course, 7 is the other thing that makes the obvious difference 8 from previous generations of Guardian editors, is that 9 there is this huge thing called the Internet in which 10 anybody can publish and which is in direct competition 11 with us. So, you know, when people used to say 12 10-15 years ago, "We're all going to be in competition 13 with Google and Facebook", and when three years ago 14 people said, "Twitter is going to do a better job of the 15 news than you can possibly do", these were easy things 16 to dismiss, but which are true in some respects. 17 And the other thing to bear in mind is that the 18 market, the national newspaper market, is a very odd 19 market, it's not a proper market at all. There are 20 people who want to blame the BBC for all this, but the 21 BBC is an undeniable factor that is there in the midst 22 of us all. There is the subsidised bit of this, so that 23 the Guardian is subsidised by the Scott Trust, other 24 investments; but that really just gets us on to the 25 playing field with The Times and The Sunday Times, which</p> <p style="text-align: center;">Page 55</p>
<p>1 unethical behaviour and profitability. In fact, the 2 most ethical publications appear to be the ones who lose 3 the most money. And the ones that make the most money 4 produce the most complaints to the PCC. 5 GEORGE JONES: Would that be an opportunity for the editor 6 of the Guardian (inaudible) to give us his views? 7 ALAN RUSBRIDGER: I think this is a period of great 8 pressure, and I think what we haven't quite captured so 9 far is the pressure comes from having to invest in 10 a newspaper even though we know the newspaper is under 11 great pressure. You've seen all Claire's slides about 12 what seems to be the inexorable pattern in print, but 13 that's where most of the revenue still comes from. So 14 80 per cent of the Guardian's revenue is still coming 15 from print. And yet we, in common with the rest of the 16 market, are declining at 8-10 per cent here; that seems 17 to be the pattern across the developed world. 18 So at the same time as maintaining that print 19 presence you have to invest in the future, otherwise 20 we're all sunk. And so that, I think, is what makes it 21 different from previous generations, that there is this 22 entirely new medium that is building up that requires 23 relentless investment in human resources and in money. 24 Just one or two other things just to sort of tease 25 out what's happened so far this morning. Which -- one</p> <p style="text-align: center;">Page 54</p>	<p>1 are subsidised by Rupert Murdoch, God bless him, and the 2 Independent, which is subsidised by a Russian Oligarch, 3 God bless him. But this is not a normal market, and 4 I think it's important to bear that in mind. 5 And I think that's all I want to say at the moment. 6 DAVID BELL: Yes. 7 RICHARD PEPPIATT: I'd just like to respond to Richard 8 Wallace. I'm sorry to break it to you, Richard, but 9 I did actually speak to reporters in your newsroom as 10 well as The Sun, as well as the Daily Mail. You know, 11 I admit that the Daily Star and The Express may be the 12 worst example, but there's no good jettisoning them off 13 and saying "But we're all fine" because, you know, I'd 14 like to get Chris Jefferies up here to stand and see 15 what he thinks of your newsroom standards. 16 You know, I think that everyone's got a problem. 17 I've seen the pressure that your reporters, The Sun, The 18 Mail, have been on on jobs; I've seen them on the phone 19 being screamed at left, right and centre, under pressure 20 to come up with things out of nothing. So it's not 21 a problem for the Daily Star or The Express, it's 22 a problem for all of the tabloid industry and your 23 reporters and other reporters feel that way, but feel 24 unable to say it. 25 DAVID BELL: I think we're jumping ahead, actually, to the</p> <p style="text-align: center;">Page 56</p>

<p>1 next subject after coffee, really.</p> <p>2 ELINOR GOODMAN: On the commercial pressures, there was</p> <p>3 a fleeting reference to "free newspapers". How much,</p> <p>4 I wondered, has that put pressures on the standard of</p> <p>5 journalism within them, in the sense that, you know,</p> <p>6 someone mentioned going on the tube. Well, my</p> <p>7 experience of going on the tube is -- and I count it</p> <p>8 every time now -- is sort of 9 out of 10 people are</p> <p>9 reading free newspapers rather than bought newspapers,</p> <p>10 and often it seems to me they are just straight lifts</p> <p>11 from the papers, the morning papers, and presumably very</p> <p>12 little checking or first-hand journalism goes into that.</p> <p>13 How does that affect the sort of profitability</p> <p>14 model, again? Claire.</p> <p>15 CLAIRE ENDERS: Free newspapers were introduced some time</p> <p>16 ago, around 10/12 years ago. Metro is a very</p> <p>17 significant title, and of course the Evening Standard</p> <p>18 went free when the Lebedev Foundation took it over.</p> <p>19 The free newspapers have had a paradoxical effect.</p> <p>20 On the one hand it is very salutary to know that the</p> <p>21 young like free newspapers and will read them, but what</p> <p>22 the young don't like to do is pay for anything, whether</p> <p>23 it's music or newspapers. So free newspapers have in</p> <p>24 fact continued to accustom our young to the core act of</p> <p>25 reading which they will find so helpful in their careers</p> <p style="text-align: center;">Page 57</p>	<p>1 voters or politically active. So these people are very</p> <p>2 smart.</p> <p>3 Actually, a very good example of that is the fact</p> <p>4 that so few readers have been swept away by the</p> <p>5 systematic campaigns against the BBC, for instance.</p> <p>6 Actually, a very large number of readers of quality</p> <p>7 dailies adore the BBC and listen to Radio 4. So</p> <p>8 actually they haven't been put off by, you know, the BBC</p> <p>9 campaigns.</p> <p>10 So there's actually quite a lot less influence than</p> <p>11 the newspaper proprietors might hope, but actually it's</p> <p>12 the politicians who are significantly influenced by</p> <p>13 these phenomena.</p> <p>14 ELINOR GOODMAN: Just a point of information. What has</p> <p>15 actually happened to the circulation of the News of the</p> <p>16 World? Has it -- to what extent --</p> <p>17 CLAIRE ENDERS: That's a very good question. It -- the</p> <p>18 circulation of the News of the World has actually</p> <p>19 vanished entirely to about a third, so that's about</p> <p>20 700,000 readers dropped out completely; but that is so</p> <p>21 far. I mean, we may see that -- for instance, the</p> <p>22 Daily Mail and -- I'm sorry -- the Mail on Sunday and</p> <p>23 the Star on Sunday did actually gain hundreds of</p> <p>24 thousands of those readers for a brief period, but were</p> <p>25 unable to sustain them, and in fact found in their</p> <p style="text-align: center;">Page 59</p>
<p>1 and in their lives. Whereas, they have actually put</p> <p>2 quite a lot of pressure on display advertising revenues</p> <p>3 for the nationals, and of course they have absorbed</p> <p>4 readership; but I'm not really entirely clear that they</p> <p>5 have, as it were, cannibalised readership, I think</p> <p>6 actually in a positive sense they have continued to</p> <p>7 introduce the young to reading, and in fact those young</p> <p>8 would not be buying -- would not be spending a pound</p> <p>9 a day on newspapers anyway.</p> <p>10 Many of those newspapers, Evening Standard and the</p> <p>11 Metro, are the ones I know best, are extremely high</p> <p>12 quality newspapers and they do in fact back-check and so</p> <p>13 on. So it's very much to the point made by Mr Wallace,</p> <p>14 which is that there is a lot less competition than you</p> <p>15 think. Of course, you know, newspaper proprietors would</p> <p>16 like to believe that they can increase their market</p> <p>17 share and so on, but actually there is a lot of</p> <p>18 self-definition in the readership segments and there is</p> <p>19 a lot of differentiation between the newspapers and</p> <p>20 their ethical stances, and their views on privacy, and</p> <p>21 their views on the relationship between politics and the</p> <p>22 press. And I completely agree with him when he says</p> <p>23 that people actually who read the newspapers actually</p> <p>24 understand this, because to a large degree people who</p> <p>25 read newspapers, pay for newspapers, are likely to be</p> <p style="text-align: center;">Page 58</p>	<p>1 research undoubtedly that they were too wordy and too</p> <p>2 boring to keep the interest of the former News of the</p> <p>3 World reader. I mean, the Mirror has done better and</p> <p>4 we'll see, but it's very much to the point that there's</p> <p>5 quite a lot of differentiation. And, indeed, in the</p> <p>6 regionals, in fact regional newspaper readers tend to</p> <p>7 drop out and actually they don't read another title. So</p> <p>8 we do have a loss of readership, but I will dispute what</p> <p>9 Mr Hargreaves said, I don't think the British public</p> <p>10 ceases to wish to be informed. On the contrary, anyone</p> <p>11 who saw my slides about reader consumption will say that</p> <p>12 the British public spends most of its time staying</p> <p>13 informed.</p> <p>14 DAVID BELL: I think there is one question there and we</p> <p>15 probably need to finish for coffee. In the middle.</p> <p>16 I think that is Ian. Yes, there's a microphone just</p> <p>17 coming there.</p> <p>18 IAN MACGREGOR: So sorry. Sorry to have two answers today</p> <p>19 but just very, very quickly. Obviously, as the editor</p> <p>20 of the Sunday Telegraph and a huge passionate fan of</p> <p>21 paid for newspaper, just going to your point about</p> <p>22 Metro, I was lucky enough to be appointed the launch</p> <p>23 editor for the Metro going back, as you say -- and I</p> <p>24 can't quite remember, it might be 13 or 14 or 15 years</p> <p>25 ago -- and I think it's very, very important to say</p> <p style="text-align: center;">Page 60</p>

<p>1 that, I'm sure it's the same now, but there was huge 2 emphasis on the accuracy of everything that appeared in 3 that paper. And I am sure everyone here who's an active 4 practising journalist or editor knows it's not 5 a glamorous job, we spend half our time checking facts 6 and just sitting there reading bits of copy after bits 7 of copy and bits or headline and every picture. And the 8 idea -- and I'm sure it's the same now -- the idea that 9 things are just cut and pasted or just thrown in or not 10 checked is not true.</p> <p>11 And I think as most of the people here have said -- 12 like Richard or Ian or James -- I think there's a danger 13 that this emphasis on competitive pressures might lead 14 to suggest that a short cut has been taken with some 15 sort of accuracy.</p> <p>16 I think there's big issues to discuss about what is 17 in the public interest, but I'm a passionate believer, 18 as I think most journalists are, in accuracy and just a 19 point of clarity, as you mentioned, with the best of 20 intentions Metro, as the person who started it, we took 21 a great pride in what we did at that time.</p> <p>22 ELINOR GOODMAN: The fact it was free must have meant that 23 you had to have lower costs and that therefore -- I 24 mean, you couldn't afford to have the same number of 25 journalists and putting the same amount of time into the</p> <p style="text-align: center;">Page 61</p>	<p>1 different from the audience, say, for the Western Mail 2 and that has been a very successful relationship.</p> <p>3 DAVID BELL: Seeing as we are more or less out of time for 4 this thing, I think George had one quick question he 5 would like to ask Claire.</p> <p>6 GEORGE JONES: I was just struck by Phil Hall saying that 7 when they had a big exclusive on Jeffrey Archer it 8 didn't move sales at all.</p> <p>9 In terms of the competitive pressures, have you had 10 any research on the impact of exclusives? What 11 percentage of a newspaper-reading audience is there 12 available to say, "I'm not going to get the Times today, 13 I'm going to get the Guardian because I like their 14 headline." Or is it they buy it because there's a free 15 DVD, which seems to attract people, particularly at 16 weekends.</p> <p>17 CLAIRE ENDERS: I think your question has two parts. The 18 first is to what degree are titles actually competitive 19 and I think the answer is to a limited degree. However, 20 I would say that major events do sell newspapers. For 21 instance, the Telegraph's exclusive on MPs' expenses was 22 widely taken up by the press and actually caused a great 23 deal of buoyancy in sales. Actually, the phone hacking 24 scandal caused people to take to reading the press again 25 on a grand scale; people really wanted to know what was</p> <p style="text-align: center;">Page 63</p>
<p>1 stories if --</p> <p>2 IAN MACGREGOR: Completely, but again, horses for courses, 3 so I take great pride in the fact that in this 4 campaigning... but you are asking me as an editor of 5 a campaigning newspaper which believes in breaking 6 stories and great attention to detail and great comment, 7 we spend all our time working on that during the week. 8 If you are a free newspaper working on a daily basis, 9 clearly you will have reporters who are mainly focused 10 on rewriting agency copying; but if you are on 11 a 20-minute read for the tube and you don't pretend to 12 be anything else, and you are telling people what's 13 going on in a non-political way, and people know you are 14 using PA copy or Reuters copy, I don't see there's 15 anything wrong with that, you're providing a service. 16 So you're not pretending to be producing prize-winning 17 journalism; if you are producing quality for that kind 18 of niche audience, then fine.</p> <p>19 ELINOR GOODMAN: Can I just ask, the person from the Western 20 Mail, whether he would like to comment on how he sees 21 the role of free newspapers in the provinces.</p> <p>22 ALAN EDMUNDS: Metro has been very successful in most cases 23 Metro is partnered with the regional papers to work 24 together and they suit very different audiences. The 25 audience for Metro in the morning tends to be very</p> <p style="text-align: center;">Page 62</p>	<p>1 going on and they were absolutely gripped by this story 2 for about six weeks, across TV and so on. So this was a 3 very, very big story. So actually all stories help all 4 the media to be vibrant, and certainly very powerful 5 stories, like the Telegraph exclusive on MPs' expenses, 6 do lift all boats. Everyone wants the take, and it 7 might be that it's the regional press's take on the MPs' 8 expenses, but people want that take.</p> <p>9 So actually all events of a major assessment 10 quality, I mean Arab Spring was another one which also 11 helped to sell newspapers, people want to be engaged. 12 And so great stories do help with overall engagement 13 with the media overall engagement with the world.</p> <p>14 I'm not entirely sure -- and I agree with Mr Wallace 15 again -- that there is that much substitution of fact or 16 cannibalisation of facts actually possible at any one 17 time. And you know, people who read the FT, if they 18 don't find the FT they are not going to switch to the 19 Sun. It's very much a very segmented audience, and so 20 it's very much a horses for courses thing.</p> <p>21 So definitely we see some segmentation along each of 22 these pools of readership, around these titles, around 23 their opinions and their ways of being, and then we also 24 see that great news events lift all media.</p> <p>25 ELINOR GOODMAN: Thank you very much. Forgive me, we are</p> <p style="text-align: center;">Page 64</p>

1 going to be coming back at 11.30. There is a lot to
 2 talk about from the two presentations that were not
 3 about the competitive pressures but were about what they
 4 were about. So I look forward very much to a very
 5 spirited debate about those.
 6 The coffee is where everybody had coffee before we
 7 started this morning, which is called the Caxton Lounge,
 8 which is on level 2, and we are going to start here
 9 again, if we may, at half past eleven.
 10 Thank you very much.
 11 (11.07 pm)
 12 (A short break)
 13 (11.38 am)
 14 QUESTIONS FROM THE FLOOR
 15 DAVID BELL: Welcome back. Thank you very much. The next
 16 session we will finish at 1 o'clock and then lunch is
 17 going to be downstairs where we just had coffee.
 18 I think I wanted to thank Claire very much for her
 19 commercial presentation and those slides we're going to
 20 make available on the website but also, if anybody wants
 21 hard copies, I'm sure we can provide them too because
 22 I think they were really very interesting.
 23 But we're going to shift the focus now a little bit
 24 to the second half of the subject of this morning's
 25 seminar, which is what exactly -- in a way this is

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1 perhaps more for the people watching this on the web
 2 than for everybody in the room because in this room you
 3 will understand it more -- what is the culture of the
 4 newsroom, if you like? What is driving the way in which
 5 news agendas are set? Has it changed? What is it?
 6 I think that would be a good subject to kick off
 7 this second session, and Professor Roy Greenslade, who
 8 of course has a lot of experience right at the sharp end
 9 of our business, but also is now a little bit stood back
 10 from it as a commentator, is going to just kick this
 11 session off. Roy.
 12 ROY GREENSLADE: Do you want me to --
 13 DAVID BELL: No, no, I think the microphone will be fine.
 14 ROY GREENSLADE: I want to say, I didn't know this until --
 15 it's awful to be pushed into the limelight in such
 16 an august audience. Also, someone mentioned earlier the
 17 gentlemen ranters.com website and it is true, if you
 18 read that, you will see that we have been up to pretty
 19 bad behaviour throughout history. But it was fun, it's
 20 always fun when it's 40 years ago, 30 years ago, and so
 21 on.
 22 But the first thing one ought to say straightaway is
 23 that -- and this is something which I think, when you
 24 listen to Alan Rusbridger or James Harding and if you
 25 were to listen to Lionel Barber, there are two presses

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1 in this country. Let's never forget that. What goes on
 2 in the serious press, what used to be called the
 3 broadsheet press, is very different from what goes on in
 4 popular newspapers and I know that because I worked at
 5 the Sun and I worked with the Daily Mirror and I worked
 6 at The Sunday Times, and watched the culture -- observed
 7 and enjoyed the culture, I ought to say, (inaudible)
 8 Alan and I did, really, in the Guardian.
 9 So these are very different kinds of attitude
 10 that -- and therefore different cultures. That's -- the
 11 first thing to grasp is the culture in a popular
 12 newspaper is different. Closer to the kind of thing
 13 you've heard from Richard Peppiatt, closer to the kind
 14 of thing you've heard from Phil Hall and I'll try and
 15 join those two together, as quickly as I can.
 16 It is the case that we shouldn't deny that
 17 newspapers work on a very ridged hierarchy. I'm talking
 18 popular newspapers now. The word of the editor is
 19 absolute. What the editor wants the editor gets. But,
 20 of course, on that way up that sticky pole towards
 21 editorship myself, I fondly believed that the editors
 22 word would be law. It is, but only in the newsroom
 23 because above the editor is the proprietor and there is
 24 no doubt -- mind you, I had a pretty dodgy proprietor --
 25 there is no doubt that the editor is the creature, to

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1 a large extent, of the proprietor. No editor, working
 2 editor, will ever want to tell you that, of course,
 3 because it's a kind of, I suppose, agreement, unwritten,
 4 unspoken agreement, that you don't ever say that when
 5 you are a serving editor.
 6 Now, within the hierarchy, therefore, what the
 7 proprietor wants then comes down to the editor. This
 8 can be very general, it can be very specific, but most
 9 importantly then, within the newsroom, the editor has
 10 his sway and within his newspaper are many hierarchies
 11 in which the news editor is a key player, perhaps the
 12 features editor, perhaps some executive editor or
 13 associate editor, someone holds the key to everything
 14 and answers to the editor, and the reporters who are
 15 (inaudible) and the subs -- very important, by the way,
 16 the subs, in fiction making, in popular newspapers --
 17 these people are all answerable to the people above
 18 them. They are answerable to the editor and, therefore,
 19 the ship rolls down and the ship gets pushed up and
 20 that's the important thing, that's -- never let that
 21 drift away, that's where Richard Peppiatt is right.
 22 Now, let's look -- okay, that's fine, we understand
 23 that goes on and, in generality, that doesn't
 24 necessarily cause -- necessarily cause any ethical
 25 problems and we ought to see this in perspective when we

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<p>1 talk about ethics. Most of the content -- most of the 2 content of most popular newspapers on most days is 3 unremarkable in terms of how it's obtained, the 4 methodology, and in terms of the content. But there are 5 moments and perhaps these -- this is something we can 6 discuss about whether it's grown worse, I think it 7 has -- there are moments when these things come to the 8 fore in certain stories, and the McCann story is a very 9 good example, once you get a feeding frenzy, once the 10 Joanne Yeates murder happened and the feeding frenzy on 11 poor Chris Jefferies, the Angel of Death description of 12 poor Rebecca Leighton, this leaping to judgment, which 13 by the way, of course, is also against the spirit and 14 the letter of the law of contempt, these things do 15 happen. 16 Why do they happen? Why do they happen? Because in 17 spite of the fact that I agree that the odds, the great 18 splash or scoop doesn't really move that many copies, it 19 is still a case of intense internal competition within 20 Fleet Street, and a competition which means you must be 21 first and you must be fast nowadays, and you, therefore, 22 get these kinds of pressures. Now, that's all been the 23 case it was always the case that there was that kind of 24 pressure, but it's grown more intense, especially in 25 a world in which you don't know if your exclusive is</p> <p style="text-align: center;">Page 69</p>	<p>1 from there, listening into messages, intercepting them 2 trying to get stories every time it happened. 3 But, of course, that was the pressure that was 4 brought about by the methodology employed to get at 5 celebrities, initially. So the celebrity agenda has 6 definitely had an effect on the culture of newsrooms and 7 on the content of newspapers and that wasn't the case 8 when I started in national newspapers in 1967 -- I look 9 younger. 10 But the important thing is that as this celebrity 11 agenda has grown, so you will see that the newsroom 12 culture has grown and then, added to that -- and you 13 can't deny it -- is that there is intense pressure in 14 newsrooms because staffs have fallen. So that's a bit 15 of that going back to the competition problem -- going 16 back to the economics problem -- and so, with those 17 pressures, in addition, so you have time, space, you've 18 got the pressure from above to succeed, you've got the 19 competition within papers to be first and to get 20 a scoop, and so on, even though those scoops don't 21 actually end up winning you that many more readers. 22 It's only the big stories, the big international and 23 national stories that really move the market at all. So 24 this is always a marginal difference that you're going 25 to make, you can never stop that.</p> <p style="text-align: center;">Page 71</p>
<p>1 going to be tweeted before you have the chance to put it 2 out. 3 The other big change, I think, is that we have 4 become much, much more hooked on celebrity, popular 5 newspapers, and this has been taken up to an extent by 6 the serious press too, that every story, major story, 7 should be told in some way through a celebrity or that 8 celebrities themselves, just their personas, their 9 characters, can get you extra sales, their pictures, 10 stories about them, and it seems to be that the story 11 that is worst about them that puts them in a worst 12 possible light or involves a great drama is a bigger 13 seller. The obvious template for that was 14 Princess Diana but it happens with every star too, 15 plenty of them. 16 But the focus on celebrity and the fact that 17 celebrities themselves try and stop it happening has 18 created the need for greater intrusive methodology. 19 That's the -- that's really the reason for hacking, if 20 you like. It's not that I think that when people 21 started to hack they thought it was even against the 22 law, it was simply the case that it was another method, 23 it was like just a much better reverse BT directory, 24 just another way of getting information -- you know, 25 could you find an address and so on -- and it develop</p> <p style="text-align: center;">Page 70</p>	<p>1 I go back -- let me take you back very, very 2 slightly and I'll be as quick as I can. There are 3 landmark moments in the history of the press that led to 4 this. The 1963 Profumo affair is the beginning, in my 5 view, of hugely much more intrusive reporting. By the 6 late 1980s we'd become utterly reckless. There was 7 a kind of cowboy atmosphere and it was out of that 8 cowboy atmosphere that led to Calcutt, to the formation 9 of the PCC in the first place. It has to be said that 10 from 1953, when the first press council was formed, 11 until 1991 journalists had no code to work to 12 whatsoever, and the code from 1991 onwards is obeyed 13 largely into the letter, but is rarely obeyed in the 14 spirit. 15 I think if I was to urge anything of this Inquiry, 16 it is to consider the difference between honouring 17 a code in the spirit and honouring it in the letter, 18 seeing it legalistically. That's a major problem. 19 I'm just going to finish by saying that I accept 20 a lot of what Phil Hall said. I accept a lot of it. 21 But I also accept a great deal of what Richard Peppiatt 22 said and you need to really filter out from between them 23 the reasons why one is generally right and the other one 24 has a great deal about him, even if the Daily Star is 25 the extreme case, even if we accept that, it's generally</p> <p style="text-align: center;">Page 72</p>

<p>1 true that other newspapers and journalists who work in 2 the popular press will know that those hierarchies 3 demand of reporters that they get the job. If you want 4 to know who is a good reporter, you hear that phrase 5 "He's a good operator" or "She's a good operator". What 6 that means is they're good at fulfilling the wishes of 7 the news editor. That's the key. 8 I'm sorry to have taken so long. 9 DAVID BELL: That's not bad for something you hadn't 10 prepared at all. Thank you very much, indeed, that gets 11 us off to a very challenging start to this session. 12 I wonder if Dominic Mohan is still here. Would you 13 like to respond to that at all? 14 DOMINIC MOHAN: I'm Dominic Mohan from the Sun. Thank you 15 Roy. 16 Just on celebrity journalism and going back to the 17 point made earlier about the sales increases of the Arab 18 Spring story. I don't believe that was the case talking 19 that was the case, talking to my broadsheet colleagues, 20 that that had a particularly large effect on papers like 21 the times. To put it into context, when Michael Jackson 22 died, the Sun's circulation increased by 326,000 copies 23 in one day, that is more than the daily circulation of 24 The Independent and the Guardian put together, I 25 believe, paid-for circulation.</p> <p style="text-align: center;">Page 73</p>	<p>1 relationships with people in the know, I think the way 2 journalists operate in the lobby system is probably not 3 dissimilar to a showbiz journalist talking to 4 celebrities and agents on the showbiz circuit. I think 5 it's pretty much the same principle. 6 ELINOR GOODMAN: What about the role of showbiz PRs? How 7 does that work in to this -- 8 DOMINIC MOHAN: Well, I was a showbiz columnist myself and 9 of course, you do have regular discussions with showbiz 10 agents and if you've got a column to fill on a daily 11 basis, clearly, there will be information that the agent 12 will give you and that will be of interest to the public 13 who enjoy celebrity journalism. 14 ELINOR GOODMAN: To what extent is it a contract between the 15 PR who is acting for a celebrity and the journalist, in 16 the sense of trade-offs and things like that? 17 DOMINIC MOHAN: Probably no more than there would be in the 18 lobby system when a spin doctor or a politician will 19 give a piece of information to a lobby journalist. 20 GEORGE JONES: I'd like to get back into the kind of -- not 21 you, Dominic -- 22 DOMINIC MOHAN: I'll sit down. 23 GEORGE JONES: To get back into the kind of culture and 24 practice and ethics in newsrooms, I think Tony Gallagher 25 from the Telegraph is still here. He was a very</p> <p style="text-align: center;">Page 75</p>
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<p>1 So there is a public appetite for that kind of 2 celebrity journalism and international stories like 3 Michael Jackson's death. In terms of competitive 4 pressures, I really agree with Phil Hall that, actually, 5 the pressures that I feel under are very much my own 6 professional pride to produce a good, fun, lively, 7 informative newspaper on a daily basis. 8 Coming back to the free newspaper discussion, 9 I think that free newspapers are very functional, they 10 do a good job, you know, they perhaps have stimulated 11 young peoples' interest in newspapers, which can't be 12 bad for us. But, really, I think that the Sun's role, 13 it's humour, it's personality, it's fun headlines, it's 14 sense of representing modern Britain in 2011, that has 15 come to the fore and really separates us from free 16 newspapers. 17 That would be my response to that. 18 ELINOR GOODMAN: Celebrity journalism, Roy Greenslade made 19 the point it requires more intrusion and different 20 methods. Would you accept that, that the skills needed 21 to be a celebrity journalist are obviously different 22 from being a political one, not just that you know 23 a different set of people but actually the way you go 24 about it is very different? 25 DOMINIC MOHAN: No, I wouldn't say it is. It's having good</p> <p style="text-align: center;">Page 74</p>	<p>1 successful executive on the Daily Mail, and is very now 2 editor of the Daily Telegraph. I just wonder if he can 3 give us very sort of views as whether he feels, as 4 somebody who worked on one newspaper and then on another 5 one, which had, in a way, different approaches and 6 perspectives, whether he feels there's anything 7 different in the way he motivates his journalists and 8 his team. What is he trying to project and what is he 9 trying to get out of his journalists? Can he give us 10 a feeling of whether that's different from one paper to 11 the other or whether they're both the same? 12 TONY GALLAGHER: I can only speak from my own experience but 13 I don't notice any huge difference between the culture 14 of a mid-market newspaper and the Daily Telegraph that 15 I edit. There is a desire to be quick, there is 16 a desire to be accurate, there's a desire to ensure that 17 you've got the best version of the story and it's as 18 simple as that. I would make one further point, not 19 related, but unless I'm -- I'll stand corrected -- but 20 I don't believe there's anybody here from any of the big 21 search engine companies today, Google, Yahoo, any of 22 those organisations and they haven't really cropped up 23 in the discussion thus far, which I think is extremely 24 interesting in terms of the competitive pressures that 25 newspapers are under, because I suspect most newspaper</p> <p style="text-align: center;">Page 76</p>
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<p>1 executives will agree with me that those organisations 2 pose a very substantial threat to the health and future 3 success of newspapers. 4 I'll give you an example of that, this morning. 5 Newspapers are under, you know, huge and growing 6 pressure from the 24/7 news environment. Steve Jobs' 7 death announced at about half past midnight last night 8 made the later editions of newspapers. We probably sold 9 250,000 copies of the paper with Steve Jobs on it, but 10 the extent we have to cover that story today meant that, 11 by 10.30 this morning, we had four stories on Steve Jobs 12 on my Blackberry, we had an e-mail about Steve Jobs and 13 yet Google had a whole series of stories about 14 Steve Jobs, two from us, some from the Guardian some 15 from other news organisations, and the commercial 16 pressure that exists because of those search engines and 17 the collapse in advertising that has attendant upon that 18 hasn't really been touched upon at all. 19 I will stand corrected if there are Google 20 representatives here but there doesn't appear to be 21 anybody on the list. 22 DAVID BELL: You're right, I don't think there are. We have 23 focused on that and you are completely right about the 24 implications of that for the whole industry. I don't 25 think there is anybody here from any of those search Page 77</p>	<p>1 conference, ten years ago would've not really amounted 2 to a great deal in this morning's -- in the following 3 day's newspapers, but yesterday because of the Internet, 4 because of blogging, because of the news channels, it 5 became a huge story for about three hours yesterday, 6 until the Prime Minister stood up and made his speech, 7 which largely swept away the row over the credit card 8 remarks. So the pressure is much greater, the demands 9 are more intense and the answer is that people are doing 10 more and are working harder. 11 I think whether that has an impact upon standards is 12 a matter for the given organisation. I think, if you 13 allowed standards to slip very quickly then what we call 14 our brand would be very badly damaged and I think 15 certainly people come to us and expect it to be 16 accurate, and they expect it to be correct and if they 17 found there was a wide divergence between what they 18 found on line and what they found in the printed 19 product, I think we would suffer very quickly, so we try 20 hard to make sure that's not the case. 21 GEORGE JONES: One final point on celebrity journalism, do 22 you find that that is now an increasing or, sort of, 23 kind of, area that you as editor of broadsheet newspaper 24 now have to go in because you're being driven, as it 25 were, from pressures down below? Page 79</p>
<p>1 engines. 2 GEORGE JONES: Can I just come back. In terms of the 3 journalists and now -- so it's the same journalist 4 writing early in the morning to do your on-line version 5 that will then be writing in the newspaper. How 6 integrated now are you and how much, kind of, do you 7 think that puts additional pressure on people that they 8 have less time to work and develop sources? I was just 9 wondering if you could pick up that example and tell us 10 how that will be sort of run through the day from, well, 11 from the time of the announcement. 12 TONY GALLAGHER: As you will know from your time there, 13 George we run, now, an integrated newsroom so the same 14 journalists by and large are working both on line and in 15 print. The truth is they're working harder. They're 16 probably working long days and they are doing more. 17 I would say, some of it is bite-sized, some of it is 18 capsule journalism, for want of a better word, and it 19 just means that they are doing much more intraday(?) 20 rather than focusing on the end of the day and the 21 printed product and, almost without exception, most 22 journalists would do that. 23 To give you an example, again, from my own very 24 recent experience yesterday, the rewriting of the 25 Prime Minister's speech to the Conservative Party Page 78</p>	<p>1 TONY GALLAGHER: No, is the short answer. I mean the 2 Telegraph, in the bygone era, was much mocked for its 3 obsession with Liz Hurley, so I'm not sure that it's 4 a very recent development in terms of celebrity 5 coverage. We will cover celebrities on their merit, 6 based upon the extent to which we think the readers are 7 interested in the particular celebrity and, you know, 8 I can -- instinctively, we tend to know what celebrities 9 our readers are going to be interested in and we'll 10 focus on them accordingly. So it's probably down to 11 more Downton Abbey and less Katie Price. 12 STEWART PURVIS: I am Stewart Purvis, formally of ITN and 13 OfCom (inaudible) University. 14 I wonder if I can make a couple of suggestions to 15 the Inquiry in terms of competitiveness. I wonder if 16 you would like to look further at the issue of 17 competitiveness between newsrooms within the same 18 organisation. 19 When I was a Chief Executive and editor-in-chief of 20 ITN, there were four newsrooms ITV News, Channel 4 News, 21 Channel 5 News and Independent Radio News. They were 22 all completely different tribes with their own values, 23 their own social life and I should never underestimate 24 the competition between those people to beat each other. 25 The second one goes to competition between Page 80</p>

<p>1 individuals and I think, again, that cannot be 2 overstated, working even within the same newsroom, let 3 alone within different newsrooms and, perhaps, summed up 4 best in the words of the late Terry Lloyd, who was 5 killed in Basra in 2003, that before he went off to the 6 Iraq war he was interviewed and he was asked: "How did 7 you feel being chosen to cover a war"? He said: "A lot 8 better than if I hadn't been chosen".</p> <p>9 The third point I make is about the attitude of 10 journalists to the law and whether they somehow 11 historically always thought they were a bit of a special 12 case. The purest example I can give is listening to 13 police radios. It is not illegal to listen to a police 14 radio, it is illegal to act on what you hear on a police 15 radio. Journalists throughout the mists of time have 16 been acting on what people heard on police radios 17 believing that it didn't, sort of, apply to them and 18 I wonder whether -- in fact, I know of one newsroom 19 where they exported that risk to an outside agent, who 20 did the following up, and I wonder if there are kind of 21 echos of that in phone hacking.</p> <p>22 ELINOR GOODMAN: Back to journalistic pressures -- the 23 competition between journalists. I am interested in 24 Kevin Maguire as someone at the sharp end, do you 25 feel -- do you get the same buzz out of breaking your</p> <p style="text-align: center;">Page 81</p>	<p>1 appreciates because, basically, there's very similar 2 structures, journalists, yes, of course, very 3 competitive by nature within organisations and also 4 between other organisations, because you want to be the 5 first with the news, you want to break it, and you also 6 want to report it in the best way.</p> <p>7 So there are huge, huge similarities and the 8 commercial pressures, in terms of pounds and pence and 9 profits, don't -- somebody of my pay grade, that's not 10 what we think about. We think about getting the story 11 and getting it best. Of course, you want to get it 12 right and, to pick up something Richard Peppiatt said 13 earlier, and I'd just be interested to know his back 14 story and how long he worked at the Star, where he 15 worked elsewhere, did he have any training, because his 16 experience isn't my experience at any of the newspapers 17 I've worked for, or a trade magazine or a couple of 18 years at a national news agency or three years on 19 a provincial paper, the Western Morning News down in 20 Plymouth.</p> <p>21 The whole thrust is you want to be truthful. That's 22 not to say you always get to the truth because that's 23 difficult and mistakes are made, but I can only really 24 speak directly about what I know, my own experiences and 25 I've never written anything that I know to be untrue</p> <p style="text-align: center;">Page 83</p>
<p>1 story on the net as you do on a main edition, or is it 2 still regarded, the net, as a sort of a lesser breed, 3 and, also, in terms of -- some journalists are now 4 having to blog, are the requirements for accuracy as 5 great on the blog as they would be in a newspaper 6 itself? Because the time pressures that people are on 7 to and how quickly they have to go outside and blog must 8 surely affect the standard as to what's written.</p> <p>9 KEVIN MAGUIRE: I'm actually a poor blogger but I do tweet 10 and, of course, you do want to be first and you know, in 11 that competitive nature, if you want to be first you 12 take a risk on accuracy, and that's where it can go 13 wrong. I think the broadcasters have been at this game 14 for a long time. In fact, there's one very famous 15 British news station who's unofficial slogan is "Never 16 wrong for long". So there is that great -- there is 17 that great pressure.</p> <p>18 But no, I -- just to pick up something 19 Roy Greenslade said at the beginning. Now, I've worked 20 for the Daily Telegraph, did 5 years, did 5 years at the 21 Daily Mirror, did 6 years at the Guardian, back at the 22 Mirror, 6 years and counting. I think there are more 23 similarities between the newsrooms in the popular press 24 and the broadsheets -- or as we sometimes joke, the 25 popular press and the less popular press -- than Roy</p> <p style="text-align: center;">Page 82</p>	<p>1 but, yes, of course, I've made mistakes that have to be 2 corrected.</p> <p>3 ELINOR GOODMAN: What is interesting is your journey, as it 4 were, through the various political spectrums. I mean, 5 when you went from the Telegraph did you go to the 6 Mirror --</p> <p>7 KEVIN MAGUIRE: Telegraph, to the Mirror, to the Guardian.</p> <p>8 ELINOR GOODMAN: Did you immediately think, I'm going to 9 approach this story from a different point of view? Did 10 you kind of osmotically digest the news agenda or -- to 11 what extent was it actually explicit that you should 12 approach stories differently or just common sense told 13 you?</p> <p>14 KEVIN MAGUIRE: It was common sense, you use a few more 15 adjectives, you write a bit sharper. The Telegraph in 16 my day, in the early 1990s, liked, the Guardian liked 17 attribution. There are differences, of course -- my 18 experience is politics and industry employment and the 19 similarities -- I had no problem at all.</p> <p>20 ELINOR GOODMAN: But the way you would approach a story 21 about a strike would presumably be different on the 22 Mirror to the telegraph.</p> <p>23 KEVIN MAGUIRE: Funnily enough, it wasn't, in the early 24 1990s. People on the Telegraph now can say whether 25 that's the case or not but under Max Hastings, as</p> <p style="text-align: center;">Page 84</p>

<p>1 somebody who, shall we say, is not a natural 2 conservative voter, I have no problem reporting strikes 3 and I've had no problems with relations with trade union 4 people on the Telegraph, because news is news. It may 5 be different if you go into views. I don't think the 6 Telegraph would ever have employed me as a leader 7 writer. 8 DAVID BELL: There is a lady with her hand up there, please. 9 ISABEL HUDSON: Isabel Hudson, I'm a partner at law firm 10 Carter Ruck. We acted for Kate and Gerry McCann, who 11 have been mentioned a few times in the context of where 12 media reporting has got way out of hand, and coming back 13 to the points about how much circulation is added with 14 an exclusive front page story and also the commercial 15 and other pressures in the newsroom, we were told, 16 albeit, I have to admit, anecdotally that the Express 17 and Express group were, by far, the worst offenders in 18 the McCann's case, that if they put a front page story 19 about Madeleine McCann, the circulation went up by 20 around 70,000. 21 We were also told, in relation to the press who were 22 camped out in Praia da Luz, as the story was developing, 23 that the pressures were such that journalists were 24 literally being told, unless you have a new story, a new 25 angle by 4 o'clock today you're sacked.</p> <p style="text-align: center;">Page 85</p>	<p>1 difficult to get a NUJ card and you were terribly 2 pleased when you managed to break into newspapers in 3 local papers and what's interesting for me was to learn 4 that there was a Code of Conduct and that the union 5 helped you understand how to do your job. 6 Now, we found that we could stand up to our editor 7 if he asked us to do things or wanted us to run a story 8 at a particular angle we didn't agree with and we could 9 win because people stuck together. 10 Now, not only do we not have the privilege, if you 11 like, of clothes shops and newspapers any more and many 12 newspapers don't recognise the NUJ and no newspaper has 13 ever accepted the Code of Conduct as a performance 14 indicator for journalists, but there are fewer jobs. 15 We've heard 40 per cent fewer jobs on the local press. 16 Back in the 1970s, you could pitch a story to a 17 national newspaper and they might even pay you to check 18 it out before they even thought about running with it. 19 Now, most journalists are freelancers, they are 20 desperate to earn a living, they're more likely to come 21 into the trade as freelancers or working for a news 22 agency and the news agencies make their money by, 23 really, sort of, building up little local stories that 24 can be sold to the nationals. 25 Now, don't tell me that's not commercial pressures.</p> <p style="text-align: center;">Page 87</p>
<p>1 Whether that's just editors, editorial pressure and 2 mouthing off, I don't know, but there can be no doubt 3 that the pressures were immense and this led in the 4 McCann case to stories literally being made up, 5 literally fabricated, also stories being lifted out of 6 the Portuguese press where the standards are undoubtedly 7 lower than here. The British press would lift a story 8 from the Portuguese press and then the next day the 9 Portuguese press would re-report it as being clearly 10 a credible story because the British press had published 11 it. 12 Now, you know, in many ways, the McCann case is 13 unusual and it's not a typical everyday case, but the 14 depressing thing is that the Chris Jefferies and Rebecca 15 Leighton examples show that it's not an isolated case 16 and that lessons that should've been learnt haven't. So 17 that's something I would urge the Inquiry to consider, 18 whether it's commercial or other pressures, I don't 19 know. I've been surprised at the amount of people 20 saying it's not commercial pressure, but that's not 21 something I can really comment on any more. 22 DAVID BELL: Thank you very much. This gentleman behind 23 you. 24 MIKE JEMPSON: Mike Jempson from MediaWise. Again, when 25 I started out as a journalist in the 1970s, it was</p> <p style="text-align: center;">Page 86</p>	<p>1 I think one of the big issues is the status -- you know, 2 the employment status of journalists themselves. If 3 you're out there trying to make a living on your own, 4 pitching either to a local news agency or the nationals, 5 you're going to be looking for a story that will sell, 6 and you're only going to have story bought if you can 7 turn up what you pitched with. That means that 8 everybody is overselling their stories and it seems to 9 me that is a whole area you need to look at. 10 DAVID BELL: There was a gentleman behind you, I think, 11 there. 12 CHARLES REISS: Charles Reiss, I was political editor of the 13 Evening Standard, but I just want to mention, in terms 14 of pressure, I think we're getting two different 15 narratives here and what Richard Peppiatt had to say was 16 undeniably powerful. 17 Simply speaking from first hand experience, in 18 an early, early post I had at the House of Commons I was 19 reporting for a number of papers including the Western 20 Daily Press which had an editor who was a legend in the 21 tiny space he occupied, and the very first conversation 22 I had with him -- I had worked for the Labour Party, and 23 what he said was "Mr Reiss, I know where you come from 24 and I don't want any of your pinko rubbish in my 25 newspaper."</p> <p style="text-align: center;">Page 88</p>

<p>1 Now, that can fairly, I think, be described as 2 pressure. I could also say, with complete honesty, that 3 it did not affect what I wrote nor did it get me the 4 sack. I do think pressure is there but I do think that 5 we shouldn't get too lily-livered about it and it can 6 sometimes and it resisted. 7 DAVID BELL: Thank you. I'm conscious that we've had quite 8 a lot of criticism, one way or another, of the Express 9 Newspaper Group and I don't know if there is anybody 10 here. Ed Riley, is he here? Anybody who wanted to 11 respond to that, at all? 12 NICOLE PATTERSON: Hi. I'm Nicole Patterson, one of the 13 lawyers for Express Newspapers. I'm not a journalist so 14 my experience is somewhat limited, but what I do not 15 recognise, from what Richard Peppiatt was saying, is our 16 newsroom. It simply doesn't operate like that, and 17 I think that we've all been in situations in all of our 18 lives where we've been asked -- not asked to do 19 something, but we've perhaps seen a way that we could do 20 something to bring a result in and we either choose 21 a way or we decide to follow our consciences and do it 22 another way. 23 I think Mr Peppiatt was a freelancer and never had 24 a staff job on either the Star or the Daily Express and 25 I'm not sure -- well, certainly, it isn't a newsroom</p> <p style="text-align: center;">Page 89</p>	<p>1 talking to a guy who was special adviser to the then 2 Culture Secretary, or whatever that job was called then, 3 and he was complaining about standards in the press and 4 I said, "You know, it's not just the tabloids", and he 5 said, "Oh no, the worst one is", and I knew what he'd 6 say, and it was The Sunday Times, a paper at which, at 7 that time, Roy Greenslade was the number 3. 8 It has improved greatly but the -- I mean people who 9 go back as far as Roy and I do will remember that when 10 Murdoch was criticised after he took over the Sun for 11 page 3 he said, "Look at the Daily Telegraph's page 3", 12 which was always full of some very insidious court case 13 in great detail, which you couldn't possibly put in 14 the Sun or the Mirror. 15 I am certainly not defending everything that's been 16 going on in the tabloid press, never have done and 17 I wouldn't do, but I would ask that a broader look is 18 taken at what goes on in the press generally and, 19 obviously, standards in the broadsheets are just as 20 important as the standards in the tabloids. 21 One other thing, I would say, is that I think it was 22 about 8 or 10 years ago, there was a conference on the 23 press organised by the FT, and Roy was there, and 24 Will Hutton -- one session was on dumbing down of the -- 25 of the press and Will Hutton was on the platform -- used</p> <p style="text-align: center;">Page 91</p>
<p>1 culture that I recognise and I do have some colleagues 2 with me, perhaps they could give more of a flavour of 3 it. But the pressures are simply, as far as I can see 4 it, these days, they're time pressures more than 5 commercial pressures, simply the pressure to produce 6 endless amounts of information that we seem to perceive 7 the public as wanting. Whether the public actually do 8 want it, I don't know. 9 We're all sitting around tweeting and all that kind 10 of thing, we seem to build this momentum of stuff that 11 we put out there, believing that people want it and want 12 it and want it and whether that actually is the case or 13 not, I don't know. 14 DAVID BELL: Yes? 15 DAVID SEYMOUR: David Seymour, I was political editor of the 16 Mirror group and I was offered a job and, in fact, 17 I worked for the Daily Mail as leader writer for a few 18 brief but happy months. 19 I'd like to take up the thrust of what 20 Roy Greenslade was saying and which Kevin Maguire 21 touched on, but I wouldn't like to see the Inquiry go 22 down the line that Roy was saying, which seemed to be 23 tabloids bad, broadsheets good. I would say -- 24 I remember about 20 -- 18/20 years ago, I was at 25 a Conservative Party conference at a reception and I was</p> <p style="text-align: center;">Page 90</p>	<p>1 the expression that the tabloids had actually dumbed up 2 and, certainly, the Mirror did, after 9/11 -- dumbed up 3 so far that it lost a number of sales by being up market 4 of the Guardian. 5 But the broadsheets -- if you compare the 6 broadsheets now, and the sort of things that they run, 7 with the broadsheets of 15 or 20 years ago they have 8 definitely, definitely, I think, moved down market. 9 DAVID BELL: I wonder if Mark Damazer is here. Is he here? 10 I might be interested, from the point of view of the 11 attitude of the BBC, to all of this. 12 MARK DAMAZER: I am now at St Peter's College Oxford and 13 anything I say does not represent a BBC official 14 position, but I thought I'd reflect on how the BBC has 15 arrived at where it arrived at by going back and taking 16 a 20-year view of it. 17 When John Birt came, there was a very self-conscious 18 move towards a puritan and austere newsroom culture, in 19 which celebrity stories, in general, were downplayed and 20 stories involving affairs and infidelities of public 21 figures were downplayed as well. So we began to carve 22 out a space that was quite distinctive when, in fact, we 23 were serving an audience both of broadsheet and tabloid 24 readers. 25 The obvious thing about the BBC is they have paid</p> <p style="text-align: center;">Page 92</p>

<p>1 the same, tabloid and broadsheet alike, and they are all 2 expecting to get something back from the BBC. So the 3 BBC's role was not to become the mean average of 4 everybody else's newsroom, which remains a great 5 temptation. If you don't impose your own culture in 6 a newsroom, however it's done, you tend just to be 7 swimming in the same pool as everybody else, and if you 8 are the BBC and you want to be universally popular, you 9 just take an average position and that would obviously 10 be palpably the wrong thing for the BBC to do. 11 So as these stories went along in the 1990s, 12 David Mellor, Tim Yeo, Paddy Ashdown, the BBC was 13 reliably late, it was reliably pushing these things down 14 the running order, taking less prominence than the 15 admirable ITN, never mind about the newspaper industry 16 as a whole, and it was done in less detail, and there 17 was real anxiety in the newsroom about that. The troops 18 felt that we were out of touch and me were projecting 19 a much more establishment and chillier image than most 20 newspapers and our broadcast rivals and there's some 21 truth in that. 22 But I think it was probably the right thing to do 23 and admirably high-minded. It also went wrong and 24 that's the price you pay for that degree of austerity. 25 Just to rattle off some examples, when Andrew Morton</p> <p style="text-align: center;">Page 93</p>	<p>1 completely detached from what everybody else was doing, 2 that I knew in my gut that it was wrong, and sooner or 3 later, of course, the policy was reversed. 4 I say this only to make a couple of obvious points. 5 One is the BBC must plough its own furrow and there is 6 no right answer to this. The tabloids sometimes are 7 faster and better at getting these kind of stories than 8 the BBC can ever do, and there is a price to be paid for 9 having a culture which is more austere than most people 10 that you are around and it is in no way perfect, but 11 imperfectly executed as that -- John Birt and 12 Ian Hargreaves, was a part of that, on my left here -- 13 imperfectly executed as that culture is and was, it 14 remains, in my view, fundamentally, the right place for 15 the BBC to be and if it means being slower and less 16 detailed and giving less prominence to all kinds of 17 things appearing elsewhere in newspapers and other 18 broadcasters, so be it, because the price for the BBC 19 and the price the BBC has to pay is not to be the mean 20 average of everybody else's news cultures. 21 ELINOR GOODMAN: That has nothing to do with the regulatory 22 framework? 23 MARK DAMAZER: Not at all, it derives from the BBC's 24 privileges, funding and sense of itself which is not a 25 state broadcaster, it's a licence-fee funded broadcaster</p> <p style="text-align: center;">Page 95</p>
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<p>1 wrote the book on Diana, before it became clear that he 2 was the primary source, I would say, in the BBC's 3 leading interview programmes, we were somewhat sniffy 4 about it and felt that it couldn't possibly be right 5 until it turned out to be the case that it was right. 6 It got worse, I think, with the Mandelson case, 7 which is an interesting one because when Mandelson was 8 accidentally, or on purpose, outed on Newsnight, the 9 rest of the world reported that, I have to say, with 10 some gusto. It had been known inside the Westminster 11 village that Peter was gay the BBC didn't report it, an 12 edict went out that stopped us reporting it. 13 That diminished the BBC's credibility for a while. 14 It was extremely uncomfortable and I think it was the 15 wrong decision, even if high-minded, because it made us 16 look foolish and out of touch at least for a period. 17 But if you examine that case carefully, there was no 18 obvious case of Peter being a hypocrite. He hadn't 19 campaigned against gay rights nor was there a question 20 of his competence in some way being affected in some way 21 because he was gay. So there was no root reason why the 22 BBC should have decided to say that he had been outed on 23 Newsnight and that his sexuality was now in some way in 24 the public domain and that the BBC would amplify that, 25 and yet it felt so visibly out of touch and so</p> <p style="text-align: center;">Page 94</p>	<p>1 and the BBC, as it were, has an obligation to 2 seriousness -- it's an old-fashioned word but I think 3 it's the appropriate word -- and, of course, 4 occasionally it's too priggish and too puritan, and can 5 be, when it goes really wrong, ridiculous but it is the 6 the place fundamentally for the BBC to be located. 7 ELINOR GOODMAN: Does that have implications for the press? 8 MARK DAMAZER: I mean John Birt, I think, because he had 9 a Utopian streak to him, felt that if the BBC went down 10 a particular road, even to the extent, I should say, of 11 sometimes being very, very cautious about what it 12 reported in its press reviews, where the press would 13 break stories and have headlines, tabloid and broadsheet 14 alike, that in press reviews we were probably too 15 cautious about and careful about. 16 John felt that if the BBC got it "right", in 17 inverted commas, then others might follow and, in some 18 ways, that might have an improving effect on the whole 19 culture of newsrooms across the UK and that was 20 obviously wrong, it didn't. The BBC can't do this 21 because it is an engineer of other peoples' cultures, 22 nor is it the BBC's role, I think, to look down 23 a particular nose at particular cultures. We did it, in 24 the end, only because it felt like the right thing to be 25 doing for a licence-fee funded broadcaster. I don't</p> <p style="text-align: center;">Page 96</p>
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<p>1 think that we moved by one jot everybody else's newsroom 2 culture in the doing of it. 3 DAVID BELL: Yes. 4 PETER WRIGHT: Peter Wright, Mail on Sunday. I'd like to -- 5 DAVID BELL: This is Peter Wright, Mail on Sunday. 6 PETER WRIGHT: Peter Wright, Mail on Sunday. I'd like to 7 endorse a great deal of what Mark Damazer has just said. 8 We all as news organisations serve particular audiences 9 who have particular interests and particular 10 expectations and whether you are the Daily Star or 11 the Independent or the BBC or the Mail on Sunday, you 12 have to make a judgment about what people who are likely 13 to consume your news are going to be interested in, and 14 it is not intrinsically better to be writing about the 15 crisis in the euro zone than it is to be writing about 16 last night's big football match. To many, many people, 17 last night's big football match is more important in 18 their lives than the euro zone is, and you -- 19 What is important is that you do this in a way that 20 is balanced and is fair, and I would take issue with 21 Richard Peppiatt. I've worked in newsrooms for more 22 than 30 years, and there is always a tension between 23 editors and news editors on the one hand and reporters 24 on the other hand and, if you are an editor or a news 25 editor, you go home every night asking yourself why your</p> <p style="text-align: center;">Page 97</p>	<p>1 and when a story is offered to us or presented to us, 2 one of the first things I ask myself is: if I -- if 3 I were the person at the centre of this story, how would 4 I be explaining this set of actions? You have to run 5 through both in your own mind and with your news desk 6 and your reporters what other complexions can be placed 7 on a particular set of circumstances, before coming to 8 a view that what has been presented to you does amount 9 to fraud or dishonesty or hypocrisy and you can never 10 begin from an assumption that something is wrong or 11 right, you always have to examine it. 12 ELINOR GOODMAN: What I meant was, really picking up on 13 Richard Peppiatt's point, that the reporter is sent out 14 to get a particular angle on a story which matches the 15 set of attitudes of that newspaper. 16 PETER WRIGHT: Well, you never send a reporter out to go and 17 prove something. You send them out to go and examine if 18 something is true. You often, very often, have to start 19 from a hunch or a gut feeling about a set of events, of 20 which you only have partial knowledge, but the job of 21 the reporter is to go out and find out what is really 22 going on. 23 We were talking earlier about the McCann case and 24 we're a mid-market paper, it's a story that was of great 25 interest to our readers, I read what was being reported</p> <p style="text-align: center;">Page 99</p>
<p>1 reporters don't come up with more stories and why they 2 can't stand up stories which have come in as tips, and 3 equally reporters go home every night thinking, well, 4 somehow or another I didn't make it work today and if 5 I don't make it work tomorrow they're gonna fire me. 6 In fact, that doesn't happen, and you do have to -- 7 you do have to as an editor not only push and goad 8 reporters but you also have to rein them in and I know 9 that I spend just as much of my life telling people that 10 they are looking at something too narrowly or they are 11 investing too much in a story as I do trying to 12 encourage people to go and look more deeply and find out 13 more about things which I instinctively think are going 14 to make good and interesting stories in the paper that 15 weekend. 16 There really -- although the subject matter of 17 different news organisations may be very different, in 18 my experience, the way we go about it is very similar. 19 Thank you. 20 ELINOR GOODMAN: Can I just pick you up on what you said 21 about -- the objective is to be balanced and fair. To 22 what extent is that within the prism of a given set of 23 beliefs on the Mail about certain issues or what people 24 think? 25 PETER WRIGHT: Well, we always try to be balanced and fair,</p> <p style="text-align: center;">Page 98</p>	<p>1 in daily newspapers, and I personally felt that a lot of 2 it didn't quite ring true, and we sent a former Observer 3 journalist out to Portugal to spend a week there to take 4 a totally fresh look at this and he filed a long and 5 carefully researched report which raised a lot of 6 questions about the way the Portuguese police were 7 approaching the case and the way they were briefing 8 Portuguese newspapers in order to build a case against 9 the McCanns. 10 As far as I'm aware, the Portuguese police were 11 giving very little information, indeed, to the British 12 press, which is why they ended up relying on the 13 Portuguese press who it turned out were being 14 misbriefed. 15 GEORGE JONES: One point I -- several contributors have 16 talked about -- and it follows on from the McCann case 17 -- the quotes "feeding frenzy" that happens, and we've 18 had a couple of recent cases, was it the Angel of Death 19 and also the Jeremy Yates case. I was wondering whether 20 any lawyers or editors in the audience -- how 21 constrained do they feel by the law of contempt? Do 22 they feel that it's hazy and fuzzy and that they can 23 push the boundaries, or do they feel that it is 24 something which actually binds them? 25 I was just wondering if the practitioners, they</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 could give us a view on how that actually -- how they 2 feel that operates. 3 I don't know whether anybody -- yes. 4 GILL PHILLIPS: Gill Phillips from the Guardian. 5 The law of contempt is quite vague because that's 6 the way it's worded, but I think most legal 7 practitioners know where the boundaries lie and we know 8 when someone is arrested that you have to be very 9 careful about what you're saying. I mean -- and there 10 will be arguments with a news desk about whether 11 a particular fact is the right or the wrong side, and 12 whether a set of facts may be the right or the wrong 13 side. I think there is pressure when one newspaper 14 publishes one fact that the lawyer has told their 15 newspaper they can't, for the news desk the next morning 16 to say, "Well, can we put it in now?" Those are all 17 judgment calls; the reality is over the last ten or 18 fifteen years there have been very few attempted 19 prosecutions for contempt. The new Attorney General has 20 taken what appears to be a slightly more stringent 21 approach. And, at the end of the day, the directiveness 22 of it comes from him. 23 And certainly, as I say, in the last ten or fifteen 24 years there's been very little pressure. The Attorney 25 General would put out guidelines which had no legal</p> <p style="text-align: center;">Page 101</p>	<p>1 "Why didn't you give the respondent more time?" So 2 I think these are improvements in some of the things 3 that are going on, and I feel generally very optimistic 4 about standards. Obviously, phone hacking is an 5 egregious example. Generally, I feel standards are 6 rising across the media and I feel pretty positive about 7 it. 8 ELINOR GOODMAN: You make the point that people could be 9 held to account more quickly because of the Internet, 10 but isn't it equally the truth that blogs are breaking 11 stories which are not subject to the same standards as 12 a newspaper would -- story would be, and that that in 13 itself creates a kind of pressure because these stories 14 will be swimming around in the blogosphere and people 15 are saying, "Why can't we run it?" 16 JOHN WITHEROW: Well, they may be, but I still think 17 a newspaper will go and check that story and, if it 18 isn't true, they won't publish it. You know, 19 newspapers -- as many of the speakers here have said -- 20 take, getting stories correct and accurately very, very 21 seriously. And I think there's going to be a merit in 22 newspapers on the Internet saying "We are regulated by 23 the PPC" or "We abide by that code" compared to bloggers 24 or other sites that don't. And we say, actually, you 25 come to us because we are more reliable. And it's one</p> <p style="text-align: center;">Page 103</p>
<p>1 effect, which probably confused rather than helped. 2 So I think that the boundaries are clear. The law, 3 again, is there as the backstop and if the law doesn't 4 enforce the law then so be it. 5 GEORGE JONES: Is John Witherow here? Would you like to 6 add anything to that, or any of this, actually? 7 JOHN WITHEROW: Not on contempt, particularly, because it's 8 not something, as a Sunday newspaper, we are confronted 9 by a huge amount at the time. But I'd like to make 10 a few general points about some of the earlier matters 11 that came up. It seems incongruous at a meeting like 12 this which has been brought about by phone hacking, but 13 I would argue that over time I believe journalism is 14 getting better, that reporters are more reliable, held 15 to account more by changes that are going both on in the 16 law and also by technology. 17 The very fact that, when you print something, you 18 can be held to account very quickly by the Internet, 19 I think is raising standards. And I think this is 20 happening right across the board. 21 That the law is changing, that we now -- if we're 22 doing a story on a Sunday newspaper -- we will go to 23 people several days before we publish to give them more 24 time to respond; this didn't use to happen. That's 25 partly the consequence of legal cases and judges saying,</p> <p style="text-align: center;">Page 102</p>	<p>1 of the merits, I think of the Times and the Sunday Times 2 being behind the pay wall that we say the quality of the 3 information we publish, we put a lot of resources into 4 this, and we believe this is as accurate as we can make 5 it; therefore, we believe it's worth paying on. 6 ELINOR GOODMAN: May I ask, how early on in the procedures 7 does the lawyers become involved? I mean, on a tabloid 8 paper are you -- is the lawyer very much in the newsroom 9 or where do they come in? At what point do people start 10 talking to the lawyers? To quote a broadsheet, it used 11 to be very much the end of the process that you got to 12 the journalists. 13 JOHN WITHEROW: If it is a particularly controversial story 14 the lawyers would be brought in early on to discuss it, 15 the merits of it, how do we approach it. The more 16 run-of-the-mill stories, they will go through those 17 towards the end of the week in the normal practice. 18 GEORGE JONES: Could I ask in terms of investigative 19 journalism whether you, as the editor of The Sunday 20 Times -- I think one of your distinguished predecessors, 21 Harold Evans, has sort of made a lot of comments about 22 the state of journalism today. Do you find that the 23 competitive pressures mean that you can spend less time 24 on the big investigations, and that you've got to do 25 more, in a way, celebrity or "popular" type stories</p> <p style="text-align: center;">Page 104</p>

<p>1 rather than the big deep investigations that your paper 2 has been famous more? 3 JOHN WITHEROW: No, we don't, actually. We put a lot of 4 resources into investigative journalism. We have 5 probably the most experienced news room we've had for 6 many years now, people with a lot of experience in 7 investigations. When Harry talks about it -- it was 8 a great time for the Sunday Times in the sixties and 9 seventies, but nobody else was doing that sort of 10 journalism, and he in The Sunday Times stood alone, 11 which is why it stood out so much. There is far more 12 investigative journalism going on now, and I think even 13 the dailies, who are constrained by time and events, are 14 doing much more investigation than they used to have 15 even a decade ago. 16 And to me it is a positive development for a Sunday 17 newspaper it just raises the bar and we have to find 18 other means and other stories to investigate and try and 19 move it on and do a separate agenda. 20 DAVID BELL: The gentleman there with -- yes. 21 DAMIAN TAMBINI: Hello I'm Damian Tambini any from London 22 School of Economics, media policy project. 23 I'd like to comment on some of the general 24 considerations that have been taken this morning, and in 25 particular a narrative that appears to be behind the way</p> <p style="text-align: center;">Page 105</p>	<p>1 at some level -- and I think this was borne out by 2 events subsequent to the initial phone hacking 3 investigations -- to some extent, not only the police 4 investigations but also the political response to the 5 phone hacking which took place during the last decade, 6 bore out the perception among journalists that they were 7 not going to face the consequences for that. 8 So I would hope that this Inquiry can at least 9 examine these hypotheses and maintain the sufficient 10 breadth in its analysis to consider whether that may 11 have been the case. 12 BRIAN CATHCART: Brian Cathcart, Kingston University. 13 Two points. One is, whatever about the sort of 14 broader picture in the newspaper sector, there's no 15 correlation between the phone hacking at the News of the 16 World and money. One thing we've learned is that money 17 was flowing in all sorts of directions; these people 18 were paid extremely well, they, you know, they had slush 19 funds and they even, when they went to jail and came 20 out, they were paid very well again. 21 The other point is a more general one and it's about 22 this correlation between competitive pressures and 23 standards. And I think it might be a useful thing if 24 the Leveson Inquiry established what the pattern is of 25 staff output on these papers. How much of what is</p> <p style="text-align: center;">Page 107</p>
<p>1 the debate has been structured, and it seems to be 2 taking hold and it runs something like this. That the 3 pressures, competitive pressures, on the media -- and 4 we've seen ample evidence of those this morning -- are 5 in some way, if not excusing, at least helping to 6 explain the collapse in standards which appears to have 7 taken place. We could comment on those, it seems the 8 most intense pressures actually came after, a lot of the 9 phone hacking seems to have taken place earlier in the 10 last decade; but I think logic would demand that, if 11 what we're trying to do is explain what went wrong, we 12 need at least to give some consideration to some other 13 hypotheses. One might be, for example, the technology 14 is changing. Voice mail is but one of many new 15 technologies which mean that as citizens, as people, we 16 leave more traces, there are more opportunities, without 17 breaking windows, without doing anything which is more 18 likely to be seen as a crime, journalists can access 19 private data about individuals. 20 But I think we also need to give consideration to 21 another hypothesis which I don't think we've -- we've 22 really touched upon today, and I don't see it really in 23 the programme for the future seminars, which is that 24 something of a culture of impunity might have existed in 25 newsrooms, but if something changed it was a sense that,</p> <p style="text-align: center;">Page 106</p>	<p>1 produced in, say, the Daily Mirror or the 2 Daily Telegraph is actually produced by staff writers, 3 and how much is by people on contract, and how much by 4 be people very casually employed, occasionally, twice 5 a year or something like that? I think that would give 6 you an interesting picture about levels of, first of 7 all, of levels of impact of internal standards; these 8 people may have only fleeting contact with the 9 organisation. And, secondly, about the ability of the 10 reporters, these freelance reporters, to impose any of 11 their view on the user on the paper. If you're a very 12 casual employee you have no power. 13 DAVID BELL: I wonder, is Lloyd Emsley from The People here? 14 Would you like to respond that? 15 LLOYD EMBLEY: Well, I can't speak about the Daily Mirror at 16 the moment. I used to work there, of course, but I've 17 only been at The People for three years. 18 In terms of staffing numbers, The People is very 19 low, The Mirror has more staff. We use freelancers, yes 20 we use freelancers; but the process of what a freelance 21 writes is -- the words go through so many processes 22 between that point and the point that the reader gets 23 the words that nobody would be able to impose their own 24 view if they were a freelance. That's not possible. 25 I've got a few points of possible -- seeing as I've</p> <p style="text-align: center;">Page 108</p>

<p>1 scribbled them down I might as well make them now -- 2 about some of the things that have been said. Brand 3 loyalty was mentioned in terms of people -- the amount 4 of people out there who float in the buying market. 5 I was at a Focus Group about 18 months ago, and I was 6 behind a two-way mirror, I was sitting above a butchers 7 shop in Sale, which is quite a strange experience, and 8 there were ten people in the room and a couple of them 9 were Daily Express readers. And one was sitting there 10 and she said, "I read the Daily Express, I've read it 11 for 20 years. I hate it, but I still buy it. I've 12 tried the mail. That's a bit better, but I still buy 13 The Express, and my dad bought it." This is brand 14 loyalty, this is what we're talking about. I'm a bit 15 sad, I go down to Sainsburys on a Sunday morning and 16 watch people buying their newspapers. Most people buy 17 them because of the name; brand loyalty is the key sales 18 driver. And that sort of goes on to perhaps what Phil 19 was saying in terms of "exclusives" and the question 20 we're talking about here in terms of pressures in terms 21 of impact on our journalism. Exclusives really don't 22 move the dial at all. Let's think about the cricket, 23 the cricketers, the News of the World expose which we 24 all agree was a very, very good story. Their sale that 25 week went down 6,000 copies on the previous week, and Page 109</p>	<p>1 doesn't mean it has to come from one particular 2 direction or another. You may or may not be aware that 3 The People, for example, is politically independent. So 4 we carry very lots of opinion but it's from various 5 different voices. 6 ELINOR GOODMAN: Can I pick you up on the point you made 7 about freelancers and slightly picking up what 8 Richard Peppiatt has said. You say that you go through 9 their stories with, if anything, more rigor than if it 10 was a Star story; but you could argue that the 11 freelancer's living depends on get in that story and 12 getting a story into the newspaper. So isn't the 13 freelancer under more pressure than a staff person under 14 those circumstances. And that, therefore, the 15 temptation to embroider things might be greater because 16 (inaudible) they won't get (inaudible). 17 LLOYD EMBLEY: I think in the case, certainly, of ourselves 18 at the People, our use of freelancers, whenever we do 19 use them, is normally because we -- of financial 20 constraints, et cetera, et cetera, we've employed them 21 to do a specific job. 22 RICHARD PEPPIATT: I think we shouldn't confuse between 23 a freelancer and a casual reporter. Because there's one 24 thing being a freelancer offering things up to a papers. 25 It's another thing being a casual reporter who turns up Page 111</p>
<p>1 yet I'm sure there was a loft of pride in the News of 2 the World newsroom that that story was picked up around 3 the world. As a commercial venture perhaps it wasn't 4 great because they lost £6,000 worth of revenue, but 5 they certainly would've felt it as a negative, I'm 6 certain. 7 Culture in the newsroom. Richard Peppiatt. I've 8 never worked with Richard. That is not something 9 I recognise in the slightest. I applaud that you stood 10 down over the question of Islamophobia. As someone 11 whose father-in-law is a Muslim and I have two children 12 who are(inaudible) Pakistani, I do applaud that and 13 I have sensed that there is a little of that at The 14 Start, possibly. But certainly at my time at The People 15 and before at The Mirror under both Richard and Piers 16 my role as night editor and assistant editor, I was very 17 very clear that, for example, very simplistic, but the 18 word "Muslim" should never be used in a pejorative way. 19 "These people are fanatics", there is a list, but Muslim 20 should not be used in that way. And, Richard, I can 21 assure you that doesn't happen at our titles. 22 Challenge I stop or shall I keep going? 23 Oh, the point about opinion is quite an interesting 24 one. Yes, opinion is important in newspapers. There 25 will be more and more of it, but then of course that Page 110</p>	<p>1 on a day by day basis and works pretty much as a normal 2 reporter. I think that Nicole from The Express has been 3 a bit disingenuous to say I was just a freelancer. I 4 worked there for two years, I had over 800 by-lines. I 5 think that's pretty prolific for someone who was just an 6 occasional hack sort of calling in a story. I went on 7 numerous international jobs for them; I was one of the 8 main reporters there. 9 As for Kevin Maguire sort of quite rightly asking, 10 you know, "What are your qualifications?" I went to 11 university, I did my NCTJ, I worked at the Mail on 12 Sunday for a while, as Peter Wright may not be aware, 13 I spent three or four months working there on a casual 14 basis. I worked at news agencies, national news 15 agencies, and then I ended up at the Daily Star. So 16 I understand there is some flack about my background, 17 but certainly I feel that I am qualified as a journalist 18 and I'm not sort of someone off the street who sort of 19 wandered into the profession. 20 DAVID BELL: The gentleman there who hasn't spoke before. 21 Yes. 22 IVOR GABER: Thank you. Good morning. Ivor Gaber from the 23 City University and Bedfordshire University. 24 I just wanted to pick up at underlining and throw a 25 question about a point that Damian Tambini made earlier Page 112</p>

<p>1 which hasn't received much attention, which is one of 2 the aspects which came up in the last few months is the 3 relationship between the media and the political class, 4 if you like, and particularly between proprietors and 5 journalists, or proprietors and politicians, forgive me. 6 It seemed to be very significant, it came up from the 7 freedom information revelation that over -- since 8 the May 2010 the Prime Minister or his senior 9 lieutenants had met Mr Murdoch or his senior lieutenants 10 once every two weeks. I'm sure one topic of 11 conversation with BskyB, but another topic of 12 conversation might well have been these general issues 13 about press ethics and behaviour.</p> <p>14 Now, I note from the seminars that this is not being 15 covered, at least not at this stage. It seems to me 16 that that issue that Damian ran of that sense of 17 impunity that journalists might have felt -- because 18 having been a working journalist for many years it 19 doesn't come down to that level -- but senior 20 executives, in particular proprietors might have felt, 21 because they knew either that they had access to 22 politicians and ministers to explain what was going on, 23 or more because, as we know, as revealed by members of 24 the Culture, Media and Sport Committee, that politicians 25 felt reluctant to attack some newspapers because of fear</p> <p style="text-align: center;">Page 113</p>	<p>1 STEVEN BARNETT: Steve Barnett, University of Westminster 2 If I branch off into something for this afternoon, but 3 just bringing some of the points back, if you like, to 4 the very first point that Roy was talking about and the 5 difference in terms of news values in the newsrooms. 6 I would urge the Inquiry not to make the mistake that 7 the Calcutt Committee made 20 years ago, which was to 8 confuse the news values in newsrooms in terms of what's 9 important and the techniques and the practices of 10 journalism. Because there is absolutely nothing wrong 11 with tabloid journalism, i.e. news values which says 12 sport is important, celebrities are important, big crime 13 stories are important. People want to read about those 14 and that's why they matter.</p> <p>15 And although it's interesting, the oral evidence to 16 that committee was never made public. (inaudible) wrote 17 a very good book where he interviews people and gets the 18 favour of what was said, and Kelvin Mackenzie clearly 19 made a big impact by saying, "Don't condemn us because 20 we're brash and noisy and we like stories about 21 celebrities." And that made an impact on that Inquiry. 22 I think that is a completely different set of issues to 23 what actually goes on in the newsroom and the methods 24 and practices that journalists use to get those stories. 25 I think where I might disagree with Roy, and I think</p> <p style="text-align: center;">Page 115</p>
<p>1 of retribution.</p> <p>2 I think that's an area that needs to be examined, 3 and I hope that the seminar and of course the Inquiry 4 itself will look into that.</p> <p>5 DAVID BELL: The judge will correct me if I get this wrong, 6 but in fact it is absolutely the intention of the 7 Inquiry to do exactly what you are suggesting. We have 8 started at this point, but those issues that you are 9 raising are certainly within our remit, and in due 10 course we will definitely get to them. So I think you 11 shouldn't be concerned about that.</p> <p>12 Claire.</p> <p>13 CLAIRE ENDERS: I wanted to address the issue of 14 casualisation of the workforce, because this is also 15 a phenomenon that has actually occurred in magazines 16 over the last 20 years and is very very common indeed in 17 all forms of publications.</p> <p>18 The other point I wanted to make is that it's not 19 impossible to forget, but it is worth remembering, that 20 it was in 1992 that Prince Charles's phone was hacked 21 and that was really one of the hey-days of the industry. 22 I really don't think that the commercial pressures 23 coming from digitalisation and casualisation of labour 24 are in fact significant factors in any form of unethical 25 or ethical behaviour.</p> <p style="text-align: center;">Page 114</p>	<p>1 others have picked up on this, is the extent to which 2 that is clearly rife in some newsrooms; but it is 3 certainly around in some of the broadsheet newsrooms as 4 well. You only have to look at the report by the 5 Information Commissioner, Operation Motorman, the 6 number of journalists and the number of publications who 7 bought, probably illegally, private information on all 8 sorts of people, not just celebrities. I've never met 9 Richard Peppiatt, but I have to say I found his evidence 10 this morning extremely compelling, and if I could add 11 one other book to your reading list, there is a book by 12 Sharon Marshall who spent ten years working on the Red 13 Tops called Tabloid Girl. She doesn't name names, but 14 she has a number of pretty hairy, scary stories, all of 15 which are true. And it's worth reading that to get 16 a feel for what actually goes on in some of those 17 tabloid newsrooms.</p> <p>18 DAVID BELL: Roy.</p> <p>19 ROY GREENSLADE: I don't want to go back over and answer 20 what other people have said. I just want to say that no 21 one has addressed this business about the pressure on 22 the editor. And Phil Hall didn't tell us, for instance, 23 about how he came to depart from the News of the World. 24 And I think it would be instructive if he were able to 25 tell the Inquiry how his editorial content was one of</p> <p style="text-align: center;">Page 116</p>

<p>1 the major causes of his being required by his proprietor 2 to leave the paper. 3 DAVID BELL: Does Phil want to do that? 4 PHIL HALL: Chairman, first maybe Roy can tell us how he 5 fixed the spot the ball competition when he was editing 6 the Daily Mirror. Tell us, Roy. 7 ELINOR GOODMAN: The middle. 8 ROY GREENSLADE: Well, I'd like to sell as many books as 9 possible. The full explanation is in my book best 10 selling Maxwell's Fall. It is the episode in journalism 11 I absolutely, absolutely feel terribly sorry about. It 12 is, however, something that I unilaterally revealed 13 that, on behalf of my proprietor Robert Maxwell, I fixed 14 a game offering a million pounds to anyone who could 15 spot the ball and ensure that no one won. I am "mea 16 culpa, mea culpa, mea culpa", and now that I've told the 17 truth, will Phil? 18 PHIL HALL: The truth is, Chairman, that the proprietor and 19 the Chairman of News International thought there was 20 a more suitable editor of the News of the World than 21 myself, and it was as simple as that. They chose 22 Rebekah Wade, as she was then, Rebekah Brooks ahead of 23 me. They made their choices for whatever reasons were 24 never explained to me and it was as simple as that. 25 DAVID BELL: Yes.</p> <p style="text-align: center;">Page 117</p>	<p>1 DAVID BELL: I wonder if there are any -- there are one or 2 two editors we haven't heard from. I don't know if 3 Tina Weaver is still here. Whether you'd like -- just 4 in general terms. 5 TINA WEAVER: Hello. Tina Weaver. Editor of the Sunday 6 Mirror. Thank you, Jeremy. 7 With regards headlines, particularly in a tabloid 8 paper, it is particularly difficult. Sometimes you are 9 reflecting a 2,000 story in three words, and I challenge 10 most of you to come up with a sort of punchy, accurate 11 headline out of those circumstances. 12 But by and large I think most headlines do reflect 13 what's in the copy, and you add to it with a sub-deck, 14 if there's a demand a lot of them try and incorporate 15 that in the sub-deck. So relatively I think they do. 16 And actually I also sit on the PCC with Jeremy and most 17 of the complaints we've had over headlines haven't 18 really been upheld because, on close analysis, it's 19 turned out they have been accurate. 20 ELINOR GOODMAN: (inaudible). 21 TINA WEAVER: Not really, no. I think the subject matter 22 sells a story more than a headline. A good blurb with 23 an intriguing line in it often encourages readers to 24 buy. I mean, in the Sunday market I think readers are 25 perhaps more promiscuous than in the daily market, and</p> <p style="text-align: center;">Page 119</p>
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<p>1 JEREMY ROBERTS: Thank you. Sorry to come back to something 2 a bit more mundane. By name is Jeremy Roberts, I am 3 a relatively new member of the PCC, so I am on a pretty 4 steep learning curve. 5 DAVID BELL: What is your name? 6 JEREMY ROBERTS: Jeremy Roberts. 7 Just to pick up the point Roy made about the 8 pressures on editors. There's a particular point that 9 I don't think we touched on this morning which might 10 have something to do with commercial pressures and that 11 is headlines and sub-headlines. We've all been told, 12 and you will know better than me, whether it's true that 13 headlines sell newspapers, and quite a significant 14 number of the complaints that we get at the PCC seem to 15 be about headlines, which it is suggested give 16 a completely false impression but no doubt are designed 17 to sell the newspaper. 18 And a typical situation is, when you read the 19 article in full, you get a very different picture from 20 that which you get if you just look at the headline. 21 And I wondered whether -- presumably this is 22 a matter of editorial responsibility rather than down to 23 the reporter -- whether anybody thinks that commercial 24 pressures may have something to do with the way 25 headlines are sometimes presented.</p> <p style="text-align: center;">Page 118</p>	<p>1 a good front page story which appeals to our readership 2 will easily put on sort of 50,000 copies in one week. 3 DAVID BELL: The gentleman there. 4 IAN NICHOL: Hello. I'm Ian Nichol, and I'm afraid I'm 5 another person from the PCC. 6 Just one point which came up earlier, the question 7 of popular papers getting more complaints coming to the 8 PCC. That's true because they are more popular, more 9 people read them, and therefore we do, it's fair to say, 10 have more complaints in that area. I don't think that's 11 a point you can conclude too much from. 12 The -- one example of headlines that the PCC did 13 come down quite hard on was Muslim only loos from 14 a certain Richard Peppiatt. 15 GEORGE JONES: I just wondered if I could -- I see 16 Jonathan Grun from the PA there. I just wonder, 17 Jonathan -- I don't want to put you in a difficult 18 spot -- but as you in a way served the regional 19 newspapers and you served the national newspapers and 20 you provide basically the up and coming journalists of 21 most editors in this room as soon as you bring them on 22 and train them they get poached and go off to what we 23 used to know as Fleet Street, whether there are any 24 threads that you feel you can draw from here, whether 25 you noticed yourself that the demands that are placed on</p> <p style="text-align: center;">Page 120</p>
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<p>1 you are getting heavier or you're going to have to kind 2 of cut corners or be quicker. I was wondering if you 3 could tell us your take on it. 4 JONATHAN GRUN: Yes. Actually, it's nice to be here today 5 and actually be here with some of my former colleagues. 6 Ian, for example. Kevin, who have all, I hope, 7 graduated from the PA school of excellence. 8 No, I think, from the Press Association's point of 9 view, we are trying to provide our customers with the 10 content that they are looking for. We operate -- we 11 pursue stories energetically, aggressively, but of 12 course our customers have to be able to use a PA story 13 without making any further checks. So, therefore, 14 editorial standards, integrity, are central to what we 15 do. 16 But it would be really foolish of me to try and set 17 up the PA as some kind of editorial paradigm. Every 18 editor here, Alan, Ian, Dominic, behind me, all of us 19 would -- all of them would subscribe to the same 20 editorial ideas -- ideals that we try to foster at the 21 PA. All of us want to be first with a story. But, 22 first of all, all of us want to be sure that the story 23 is right. 24 And, of course, Elinor made the point about the 25 pressures that are on all of us because of on-line --</p> <p style="text-align: center;">Page 121</p>	<p>1 I think we've really come to the end. I think it is 2 one o'clock. Since we have another seminar starting in 3 a little bit less than an hour probably it is best to 4 draw this to a close. 5 I remember the editor, the news editor of the Oxford 6 (inaudible) saying, "You should never refer to anything 7 as the 'biggest' or 'the best' because would turn up and 8 say, 'You're wrong, I'm bigger' or 'I'm better'." 9 But I think -- I can't remember an occasion when we 10 have gathered together in one place so many editors and 11 so many people from right across the whole of the 12 British press, which is exactly what we wanted to do, to 13 have, as the judge said at the beginning, the broadest 14 possible expression of views. And we want to continue 15 that for the rest of these seminars because we think 16 it's incredible important before the Inquiry if you like 17 gets into its stride in terms of what it's doing have 18 this kind of debate. 19 So, on behalf of all of us, I want to say the 20 biggest possible thank you. And as Elinor has just 21 written down here, we very much hope that everyone will 22 stay this afternoon because this afternoon's topic takes 23 on from this, but is also very very important. And we 24 very much hope everybody will be able to stay this 25 afternoon.</p> <p style="text-align: center;">Page 123</p>
<p>1 that's absolutely right, but my own belief is that, when 2 a big story breaks, there's so much rubbish swirling 3 around on-line from bloggers, from people who are, 4 effectively, able to put anything up on-line, that the 5 mainstream, self-regulated media is a place that 6 increasingly people will want to turn to for material 7 that they really can trust. 8 Certainly at the moment the landscape that we're 9 in -- and I thought Claire Ender's presentation was 10 excellent -- it painted a picture of sort of tectonic 11 shifts that are taking place in the landscape that we 12 are operating in. None of us have a Sat Nav to navigate 13 ahead. The -- it's both a scary situation, but 14 an exciting one. 15 Lots of editors have talked about the exiting 16 opportunities that are being presented to us. But 17 despite all of those tremendous commercial pressures, 18 I would want to echo the same message that has been 19 given by almost every other speaker this morning, that 20 we should -- it would be wrong to -- to draw 21 a connection between commercial pressures and editorial 22 standards. I believe that all of the editors here 23 genuinely believe in pursuing the highest editorial 24 standards. 25 DAVID BELL: Thank you very much.</p> <p style="text-align: center;">Page 122</p>	<p>1 Meantime, lunch is downstairs where the coffee was, 2 and we look forward to seeing everybody back at 3 two o'clock. Thank you all very much. 4 (1.04 pm) 5 (The short adjournment) 6 (2.00 pm) 7 THE RIGHTS AND RESPONSIBILITIES OF THE PRESS 8 INTRODUCTION 9 SIR DAVID BELL: Ladies and gentlemen, good afternoon. 10 For those of us who weren't here this morning, some 11 of what I am going to say is going to sound repetitious 12 so I'll say it very quickly. The first thing is to 13 welcome everyone. My name is David Bell and along with 14 Elinor and George we are chairing this discussion this 15 afternoon. We are going to follow the same format that 16 we followed this morning, and the goal, for those of us 17 who weren't here this morning, is for us to collect as 18 broad a spread of views and opinion about the issues 19 we're debating as we possibly can. 20 As Lord Justice Leveson said this morning, having 21 a seminar of this kind does break new ground. I think 22 this morning worked very well in terms of a very broad 23 range of views and debate and we want to repeat that 24 this afternoon and then in future seminars. 25 So when we get to questions, it would be a very</p> <p style="text-align: center;">Page 124</p>

<p>1 great help if everybody, in addition to saying who they 2 are, could actually stand up, because it makes it much 3 easier for the camera to pick everybody up if they're 4 standing up. As I said this morning, the whole of this 5 event will be on the web in video, some of it probably 6 nearly already is, the rest of it will follow, and there 7 will be a full transcript.</p> <p>8 Finally, for those who weren't here this morning, we 9 are very keen if you feel that there's something you 10 wanted to say and didn't have a chance to say or wanted 11 to say at greater length than you've had a chance to 12 say, that you do send it to us. There is a space on the 13 website to receive that and we are very, very keen to 14 receive as many different views as possible.</p> <p>15 So this afternoon we are talking about rights and 16 responsibilities of the press and we have three speakers 17 and the way that we are going to run it, as I said this 18 morning, they will all speak one after the other, and 19 then we will return to the topic that Alan Rusbridger 20 was talking about, for a discussion before we have tea. 21 Then after tea, which will be around about 3.30, we will 22 then focus on the points that have been made by the 23 other two speakers, Trevor Kavanagh and Brian Cathcart.</p> <p>24 So we're going to kick off with Alan, I don't think 25 he needs any introduction, but there are tiny</p> <p style="text-align: center;">Page 125</p>	<p>1 normal checks and balances in civil society didn't work.</p> <p>2 Those 18 months were telling because the only reason 3 the full story came out was down to a free press, and 4 I'm going to be immodest enough to single out 5 Nick Davies and the Guardian as the single most 6 important force in ensuring that so much was eventually 7 uncovered. Other journalists did, in time, join in and 8 what those reporters did peel, away at the evidence, 9 accumulate facts, ask questions, cultivate sources, look 10 at documents, talk to people who were involved, win 11 trust, ignore threats, verify information, report 12 accurately, is as good an illustration as you could have 13 for the importance of a free press.</p> <p>14 Now, it's for others to answer the question about 15 the dogs that didn't bark, why other institutions in our 16 society didn't function effectively over 18 months, but 17 the saga tells you much about the need for 18 an institution, an estate, a profession, a trade -- 19 we'll never probably quite agree what to call it -- that 20 exists independently of the other main centres of power 21 in society.</p> <p>22 The press is sometimes called the fourth estate and 23 that is probably too grandiose a concept for most 24 journalists' tastes but it does suggest an important, 25 coherent and independent force in society. That</p> <p style="text-align: center;">Page 127</p>
<p>1 biographies of all of us in the paper that you have been 2 given with the pack. So it would help to identify us 3 a bit. With great pleasure I ask him, Alan, to come.</p> <p>4 Presentation by ALAN RUSBRIDGER</p> <p>5 ALAN RUSBRIDGER: I've been asked to speak about the 6 importance of the free press and I think anybody who 7 wants to know why free press matters could do worse than 8 study the story of how the phone hacking scandal at the 9 News of the World was uncovered, looking both at the 10 dogs that barked and those that didn't.</p> <p>11 It took almost exactly two years for the story to 12 unravel, and for the first 18 months, not very much 13 happened. The police added two more cursory 14 investigations to their original inadequate probe in 15 2006. Parliament did its best and some individual MPs 16 did very well indeed, but it struggled to flush out the 17 truth. Politicians from Prime Ministers down have since 18 admitted to everything from pragmatism to fear, as 19 an explanation for their inaction or general complicity.</p> <p>20 The regulator produced a lamentable report, which 21 portrayed an inability or lack of will at getting at the 22 truth, a report that has since been withdrawn, and, with 23 notable exceptions, much of the media showed little 24 initial inclination to shine a bright line on 25 a particularly glaring abuse of Parliament. So the</p> <p style="text-align: center;">Page 126</p>	<p>1 apartness is crucial. The press doesn't share the same 2 aims as Government, the legislature, the executive, 3 religion or commerce, it is or it should be an outsider.</p> <p>4 Stanley Baldwin didn't intend it as a compliment 5 when he said of the newspapers in 1931 that they had 6 power without responsibility but, in fact, that lack of 7 responsibility is one of the aspects in which the press 8 is different. Of course, the press must be responsible 9 for its own standards and ethics but it's not the job of 10 journalists to run things, they are literally without 11 that responsibility. They don't have to respond to 12 a party whip make compromises that are necessary in 13 politics or answer to shareholders, they are not bound 14 by confidentiality agreements as lots of people in 15 public life are. They are careless of causing 16 inconvenience or embarrassment, they don't have to win 17 votes. They can write things, say, about the economy or 18 the environment which may need saying but which are 19 unusable by politicians. They come from a different 20 place.</p> <p>21 This freedom is a fundamental one. There are plenty 22 of writers, jurists and political philosophers who 23 consider it the first and foremost of our freedoms. The 24 American First Amendment is probably the most robust 25 expression and enshrinement of the primacy of free</p> <p style="text-align: center;">Page 128</p>

<p>1 speech in an open society. 2 So that's the ideal, but in a British context it's 3 probably worth asking how free is our press and, even 4 more fundamentally, what is the press? Many journalists 5 and lawyers would argue that the press in the UK is 6 relatively, but only relatively, free. It's not clear 7 that the situation has improved notably since Harry 8 Evans, unable to publish the full truth about the 9 thalidomide scandal, bemoaned what he called Britain's 10 half-free press in the mid-1970s. 11 In 2009, Index/PEN commission into our defamation 12 laws concluded the law as it stands is hindering the 13 free exchange of ideas and information. The 2011 global 14 press freedom rankings placed the UK in joint 26th 15 place. 16 Another measure of freedom and that's been touched 17 on this morning is whether reporters are genuinely free 18 to follow any story they wish, regardless of 19 proprietorial, managerial editorial or commercial 20 pressures or influence. 21 Yet another measure of freedom is economic freedom 22 and this, again, has been touched on this morning. It's 23 no secret -- Claire Enders was talking about it this 24 morning -- that newspapers face a kind of existential 25 threat due to a combination of technical and economic Page 129</p>	<p>1 amateur creators of content from another. 2 Countless blogs, platforms and websites reproduce 3 some of the functions of newspapers, though very few 4 aspire to replicate the entire bundle form of 5 a newspaper, if only because the economic model is so 6 unpromising. This digital disaggregation or 7 fragmentation of a newspaper has, of course, severe 8 economic consequences but it also brings into question 9 the hitherto distinct role of the press. Many of these 10 new digital forms of information sharing are based on 11 a completely different idea of what the media is or who 12 should take part in it. This revolution in technology, 13 considered by many to be the most significance since the 14 invention of movable type in the 15th century allows 15 virtually anyone to create and share their news and 16 opinions. 17 21st century media, in many respects, marks a sharp 18 break with what went before. A world in which 19 a relatively restricted group of people benefited from 20 having a platform to address a mass audience. Gone are 21 the days when the freedom of the press was limited to 22 those who owned one. 23 The courts are already grappling with the 24 implications of enforcing rules of one jurisdiction on 25 an internationally available medium, which may be well Page 131</p>
<p>1 factors. Digital disruption comes in many forms, it 2 sucks revenues out of print, it challenges the very idea 3 of what a newspaper is or what journalism does. The 4 sort of expensive and time consuming journalism that 5 Nick Davies does is threatened in many news 6 organisations by the quite understandable need to cut 7 costs. Nick Davies is very unusual in that respect, he 8 is remarkably free. 9 What is the press? Until recently, it would've been 10 self-evident what the press was. This is the 1947-1949 11 royal commission on the press and that had no problem in 12 understanding what the press was, it described it as the 13 chief agency for instructing the public on the main 14 issues of the day, the main source from which 15 information, discussion, advocacy reached the public. 16 So whether or not the press remains the chief agency 17 of instruction today, it would be very rare to find 18 a newspaper that existed only as a printed product. 19 Increasingly, the press encompasses digital forms of 20 journalism that will include moving images, data, sound, 21 often published around the clock on a variety of 22 platforms. The further the press moves from its 23 traditional and historic form, the more it sails into 24 unchartered converged waters, where it meets with 25 broadcasters coming from one direction and so-called Page 130</p>	<p>1 based elsewhere or nowhere. 2 The British footballer impotently trying to protect 3 this privacy in London is part of the same tide that 4 allows a digital citizen of Syria or Zimbabwe to exploit 5 the free press jurisdiction of other countries in order 6 to publish necessary truths. 7 In London last week Carl Bernstein, the legendary 8 co-author of Watergate talked about the parallels 9 between the story on which he and Bob Woodward worked in 10 1972 and the work of Nick Davies nearly 40 years later 11 and he used this phrase, "The best obtainable version of 12 the truth", to describe what journalists at their best 13 seek to obtain. 14 Bernstein's definition combines a nobility of 15 ambition with the implication that journalism, by its 16 very nature, may often fall short. We shouldn't 17 overclaim for what a free press can do. My own 18 favourite description of journalism was coined by the 19 late sage of the Washington Press corps David Broder. 20 He described a newspaper as follows: 21 "It is a partial hasty incomplete, inevitably 22 somewhat flawed and inaccurate rendering of some of 23 things that we've heard about in the last 24 hours, 24 distorted, despite our best efforts to eliminate gross 25 bias, by the very process of compression that makes it Page 132</p>

<p>1 possible for you to lift it from a doorstep and read it 2 in about an hour." 3 He added: 4 "If we labelled the product accurately then we could 5 immediately add 'But it's the best we could do under the 6 circumstances and we'll be back tomorrow with 7 a corrected and updated version." 8 That seems to always get a laugh of recognition. 9 That's what a newspaper is. 10 But the imperfections of the press are not the point 11 when considering its freedom. A free press is anyway 12 not there for the benefit of a group called journalists. 13 It's primarily there for the benefit of ordinary 14 citizens. The freedom belongs to them, freely to 15 receive reliable and timely information about their 16 society. Free press is just a part of a larger right of 17 free expression, which is something to be jealously 18 preserved and guarded, regardless of the abuses of those 19 freedoms by or on behalf of a small number of people 20 calling themselves journalists. 21 We meet at a time -- and Claire Enders' presentation 22 gave you some flavour of that this morning -- when, for 23 the first time since the Enlightenment, it's possible to 24 imagine society's towns cities and even countries 25 without any agreed or verified forms of the truth. As Page 133</p>	<p>1 strength of the press as a whole. 2 But there's a quieter, less glamorous side to our 3 trade, which is also vital and which is not easily 4 replicated by social media or bloggers. It's the simple 5 craft of reporting, recording things, asking questions, 6 being an observer, giving context. It's sitting in 7 a Magistrates' Court reporting the daily tide of crime 8 cases, the community's witness to the process of 9 justice. It's being on the front line in Libya trying 10 to sift conflicting propaganda from the reality. It's 11 reporting the rival arguments over climate change and 12 helping the public to evaluate where the truth lies. 13 So I just want to end by saying totalitarian 14 governments can never allow a free press and to say that 15 our own relative freedom has been fought for for over 16 400 years and there's never a moment when freedom can be 17 considered won. When people talk about licensing 18 journalists or newspapers, the instinct should be to 19 refer them to history. Read about how the licensing of 20 the press in Britain was abolished in 1695 and look at 21 the arguments why, they are remarkably similar to the 22 arguments today. Read about how Wilkes and Cobbett and 23 Locke and Milton and Moore and Junius and countless 24 anonymous writers, lawyers and printers, and their 25 arguments and battles for the comparative freedoms of Page 135</p>
<p>1 journalists, we would like it to be self-evident that 2 what we do is as crucial to democracy as a water supply 3 or a fire service but surveys showed that this is not 4 a widely held view and ought to be a matter for 5 self-reflection. 6 Since Watergate journalists often like to cite big 7 campaigning investigations to demonstrate why what we do 8 matters. It's we, the free press, who exposed phone 9 hacking, MP's expenses, illegal rendition, the truth 10 about the death of Ian Tomlinson, match fixing in sport, 11 World Cup votes for sale, chicanery in the arms trade, 12 cash for questions, and so on. 13 That work of the investigation is, indeed, vital 14 evidence of the importance of the free press. As vital 15 is the institutional muscle of the press that stands 16 behind a reporter engaged in this kind of work. 17 Reporters need to know that they will be protected from 18 the threats and immense costs that are often involved 19 when people seek to stop daylight being thrown on their 20 affairs. Our Moscow correspondent, for example, could 21 not be free to work in Russia without the solidity of 22 the Guardian behind him. The widespread defence of the 23 sanctity of journalists' sources, when our reporter, 24 Amelia Hill, was recently threatened with the Official 25 Secrets Act, was another example of the institutional Page 134</p>	<p>1 the press that Britain enjoys today. 2 Remember, finally, how the freedoms won here became 3 a model for much of the rest of the world and be 4 conscious how the world still watches us to see how we 5 protect those freedoms. 6 Presentation by TREVOR KAVANAGH 7 SIR DAVID BELL: Thank you very much, indeed, Alan. Now, it 8 gives me great pleasure to ask Trevor Kavanagh to make 9 the next presentation. He was the formidable leading(?) 10 editor with the Sun and is very experienced in our 11 trade. So a great pleasure to have you, Trevor. 12 TREVOR KAVANAGH: Good afternoon and thank you very much for 13 inviting me along. 14 Brian Cathcart and I have been asked to describe the 15 difference, and there is one, between the public 16 interest and the interest of the public, and my starting 17 point is that everything under the sun is of interest to 18 the public, one way or another, from a local fate to 19 a sex and lies political scandal or the top secret 20 location of a nuclear device. 21 One may be simply interesting while the others bump 22 up against and occasionally collide with the sometimes 23 contentious definition of the public interest. 24 Frequently, the latter are stories that someone wants to 25 conceal but are too big to hide. The distinction, in Page 136</p>

<p>1 any case, is subjective to say the least. All news 2 should and with certain exceptions, to which I shall 3 return in a moment, be judged on the public's all 4 encompassing right to know. The only point at which the 5 two definitions collide is when a story is deemed not to 6 be in the public interest and therefore not for the eyes 7 of ordinary folk.</p> <p>8 Another word for this is "Censorship". Freedom of 9 speech is hard won, a hard won centuries old principle 10 which did not arrive with the last shower with the Human 11 Rights Act. It is, by its nature, in the public 12 interest. It is a freedom that, on occasions, has been 13 abused and misused, sometimes, but not always, by the 14 media.</p> <p>15 It remains one of the foundation stones of democracy 16 and is enshrined as such in the American constitution.</p> <p>17 The public interest could be narrowly defined by 18 judges or it could, and I believe should, be as wide as 19 possible. Without free speech we cannot have a free 20 society. Once lost, it would be almost impossible to 21 restore. As with any legal principle, exceptions should 22 be narrowly and clearly construed. In the 23 United States, for instance, one is not allowed to shout 24 "Fire" in a crowded cinema or theatre. Apart from such 25 carefully defined exceptions, everything else is</p> <p style="text-align: center;">Page 137</p>	<p>1 national figures.</p> <p>2 If people seeking our votes or our cash for, say, 3 personalised football shirts, it is surely right that we 4 should know if they are masquerading as something they 5 are not. Editors, subeditors and reporters know the PCC 6 rules by heart and, I can assure you, do everything 7 possible to observe them while getting as close as 8 possible to a story that deserves to be told. Sometimes 9 they make mistakes, but considering the number of 10 stories and the number of editions, not that many.</p> <p>11 We have certainly come a long way since those 1980s 12 frontier days when caution was sometimes thrown to the 13 wind. Roy Greenslade will remember vividly.</p> <p>14 However, these comparatively clear waters have been 15 muddied by the arbitrary interpretation, some would say 16 misinterpretation, of two articles of the Human Rights 17 Act: the right to a private life and the right to free 18 expression. Increasingly, it seems, one appears to 19 trump the other. So it was refreshing last week to see 20 this remorseless trend halted, even briefly, when 21 Mr Justice Nichol rejected womaniser Rio Ferdinand's 22 attempt to gag and punish the Sunday Mirror for its 23 kiss-and-tell exclusive about his infidelities.</p> <p>24 To any sensible reader, this story about the captain 25 of the nation's football team was as much in the public</p> <p style="text-align: center;">Page 139</p>
<p>1 permissible, even when considered in bad taste.</p> <p>2 Without such freedom would we have known about 3 President Clinton's interesting relationship with 4 Monica Lewinski? Surely, as much a matter of public 5 interest as the President's intimate but routinely 6 published medical reports.</p> <p>7 But for the circumstances beyond the control of 8 their own supine media, would the French public have 9 learned about the conduct of Dominique Strauss Khan, 10 widely known to the chattering classes, but deemed 11 unsuitable for those who might be allowed the privilege 12 of voting for him as president. The French people are 13 indeed a little cross about being kept in the dark by 14 an establishment omerta and the embarrassed French media 15 is now shuffling all too slowly towards acting more in 16 the interests of their readers than in the interests of 17 public officials.</p> <p>18 In Britain, there is a number of those narrowly 19 construed exceptions laid down by the Press Complaints 20 Commission in its Code of Conduct, for instance, on the 21 identity of children or the incitement to hatred. The 22 PCC has clear rules on stories involving infidelity and 23 impropriety and the invasion of privacy but it is surely 24 in the public interest that we all should have access to 25 information available to assess the character of our</p> <p style="text-align: center;">Page 138</p>	<p>1 interest as it was of interest to sports fans. Yet the 2 judge admitted he had been forced to "grapple with the 3 tension between the two clashing articles, 8 and 10, of 4 the European Convention on Human Rights".</p> <p>5 With what seemed like some reluctance, he ruled in 6 favour of free speech and against Ferdinand's false 7 account. There was a hint of disdain towards tabloid 8 newspapers, generally, not just for unseemly 9 kiss-and-tell stories, but for the kiss-and-sell. Yet, 10 I will argue later news is a saleable commodity just as 11 any other is. Newspapers are commercial, competitive 12 businesses and not a public service. Judge Nichol's 13 verdict will have delighted all newspaper editors, even 14 those of the Guardian and Independent, who seem 15 perpetually to be holding their noses about stories like 16 that. It was, I hope, a turning point for everyone who 17 believes the freedom of the press is being deliberately 18 and systematically eroded.</p> <p>19 I have been asked to pose some questions for 20 subsequent debate here. Here is one: should perverse 21 rulings be allowed incrementally to lay the ground for 22 an irreversible privacy law, introduced by unelected, 23 unaccountable and, in some cases, unqualified judges, 24 who do not represent this country, its people or its 25 customs, still less the public interest, and should</p> <p style="text-align: center;">Page 140</p>

<p>1 these arbitrary rulings be bolstered by superinjunctions 2 placed behind closed doors on the basis of a secretive 3 interpretation of human rights? 4 Since many British politicians seem prepared to 5 stand by and allow this process to flourish, everyone at 6 this Inquiry, who supports freedom of speech, should ask 7 themselves why. Why, for instance, have the 8 conservatives reneged on their election promise to 9 replace the perverse Human Rights Act with our own Bill 10 of Rights? Coalition with the Liberal Democrats is not 11 an acceptable excuse. 12 So unaccountable and unknown, non-British officials 13 in Strasbourg undermine what is in Britain's public 14 interest and what should or should not be of interest to 15 the British public. 16 Lord Justice Leveson will not need me to remind him 17 of Lord Hoffmann's scathing criticism of the Strasbourg 18 judges but other members of this Inquiry may wish to 19 re-read his lecture to fellow judges on the judicial 20 studies board in 2009. He said the European Court: 21 "Has been unable to resist the temptation to 22 aggrandise this jurisdiction and impose uniform rules in 23 member states. It considers itself the equivalent of 24 the Supreme Court of the United States laying down 25 a federal law of Europe." Page 141</p>	<p>1 representing the overwhelming majority of readers and 2 sales is on this panel. Could it be that at least some 3 of those scrutinising our activities are covertly, if 4 not overtly, hostile to everything we stand for? I have 5 had the privilege of knowing as friends and working 6 alongside George Jones and Elinor Goodman for over 7 a quarter of a century, and I know neither of them will 8 demur if I recall their occasionally disparaging view of 9 what George summed up this morning as "the tabloids from 10 down below". 11 It was an alarming moment for those who fear this 12 Inquiry is a Trojan Horse with an agenda. Am I paranoid 13 in wondering if I was invited on as an acceptable face 14 of a form of journalism which is otherwise concealed in 15 the pale pink pages of the Financial Times. In any 16 event, I would like to use this opportunity to plead on 17 behalf of the tabloids and those gutter snipes who work 18 for them in the netherworld. 19 Having been with the Sun for 30 years, 23 years as 20 political editor, I wish to record my admiration for the 21 sheer professionalism of gifted colleagues, both at 22 Wapping and among our rivals on other tabloids. They 23 include the finest creative professionals in the 24 business: reporters, subeditors and editors, men and 25 women who could adapt just as successfully to any other Page 143</p>
<p>1 He went on: 2 "There is virtually no aspect of our legal system 3 which is not arguably touched at some point by human 4 rights, but we have not surrendered our sovereignty over 5 these matters. We remain an independent nation with its 6 own legal system, evolved over centuries of 7 constitutional struggle and pragmatic change." 8 He summed up with the words: 9 "Detailed decisions about how it could be improved 10 should be made in London, either by our democratic 11 institutions or by judicial bodies which, like the 12 Supreme Court of the United States, are integral with 13 our own society and respected as such." 14 Now, in what can only be interpreted as a further 15 cloud over freedom of speech, we have this Inquiry by 16 Lord Leveson to examine the culture, practices and 17 ethics of the press. It is difficult to avoid the fear 18 that this will not conclude without further limits on 19 freedom of speech. It is hard to escape the impression 20 that it is out to get the tabloids, implicitly seen as 21 uncultured, malpractised and unethical. There has been 22 some debate about the make-up of this panel, which -- 23 unfortunately, my iPad has left a half a sentence. 24 In the debate to follow, one question worth 25 considering why nobody with tabloid experience Page 142</p>	<p>1 paper. The reverse is not always the case. 2 It is the tabloids that drive the daily news agenda. 3 The Sun, for instance, breaks major world exclusives, 4 politics, sport, the Monarchy and the city, which are 5 not just interesting but in the public interest. They 6 are followed up without question by the broadsheets -- 7 broadsheets and the BBC. That was a slip of the tongue. 8 In today's climate, a great many of those stories 9 would never see the light of day. The nation would be 10 all the poorer for it. The popular press ventures where 11 unpopular newspapers sometimes fear to tread. We don't 12 always play by their rules. So, for instance, one 13 particularly high-minded paper might plant a juicy clue 14 in the diary item knowing we would follow it up and do 15 the job properly. Once we had checked it out and 16 published the full story that they were too timid to 17 run, they condemn us for us simultaneously reproducing 18 every salacious word. 19 We should not allow the debate on the public 20 interest to obscure one of the motives behind the 21 criticisms of the tabloids. We fully accept 22 responsibility for the shocking past practices that led 23 to the closure of a great newspaper, the News of the 24 World, but there is also a commercial imperative at work 25 here, as well as a moral or a legal one. Page 144</p>

<p>1 The great sin of the popular press is to be popular. 2 Our lighter, brighter, brasher papers are commercially 3 successful. We have 20 million readers, perhaps 4 10 times as many as the heavies. So to their irritation 5 they have been obliged to imitate our lively style in 6 order to keep in the game. Our headlines have become 7 part of the vernacular. During last week's heat wave, 8 for instance, even the BBC Today programme was talking 9 about what a scorcher. 10 But, without doubt, our most enduring contribution 11 to the public interest and the interest of the public 12 has been the subject of Europe. The Sun led the way on 13 what, today, is the biggest story of this century. It 14 is no exaggeration to claim that without us we'd almost 15 certainly would have given up the pound and joined the 16 euro. Without the Sun, there would have been no promise 17 of a referendum. In the public interest, we invaded 18 Belgium, bawled at Gaul and told the architect of the 19 single currency "Up yours, Delors(?)". 20 We were condemned then, especially by what 21 Mark Damazer described as the high-minded BBC, as 22 "Little Englanders", "phobes" and "sceptics". Today, 23 not for the first time we have been proved resoundingly 24 right. 25 Could we wage that sort of campaign today? I'm not</p> <p style="text-align: center;">Page 145</p>	<p>1 heads held high from the battlefields of Afghanistan, 2 instead of slinking home through empty streets. Our 3 jobs campaign, Sun Employment, has found work for tens 4 of thousands of our readers. 5 Yes, we do make mistakes, I repeat that but I can 6 testify we do everything possible and sometimes, 7 perhaps, too much on occasions -- you should see the 8 stories we don't print -- we take tremendous efforts to 9 avoid mistakes and when we get it wrong we apologise as 10 quickly as possible, and before Richard Peppiatt's 11 florid diatribe embeds itself too deeply in the 12 consciousness of the panel and the Inquiry, I would say, 13 while it contained a few elements of truth, it was 14 a grotesque caricature of the newspaper world I have 15 known for 50 years. I say this, not just to blow the 16 tabloid trumpet, but to paint a picture of a vibrant and 17 dynamic industry, which, despite all its flaws is 18 a force for good. 19 It continues to flourish, despite some of the 20 world's toughest libel laws. Journalists contend with 21 secretive superinjunctions, an abuse of official power. 22 Looming up on the sidelines are the unintended 23 consequences of the Bribery Act. 24 Information is power and local and national 25 Government, counsels and quangos go to great lengths to</p> <p style="text-align: center;">Page 147</p>
<p>1 sure. There have been moves in Brussels to make it 2 illegal to write disparagingly about the "Grand Projet" 3 and, indeed, ex-commissioners of the EU put their 4 pensions at risk if they make adverse comments about its 5 endeavours. That is freedom of speech Brussels style, 6 as embodied and carried out by the European Court of 7 Human Rights. 8 Let me return to the issue of kiss-and-sell. We 9 have been condemned for chequebook journalism, yet 10 I understand the best story in recent years, MPs' 11 expenses, was bought and paid for by the Telegraph, not 12 by a tabloid. Would human rights judges have stopped it 13 being published if MPs had got wind of it early enough, 14 and would that have been in the public interest? 15 Publishing news is not a public service, it is 16 a ferociously competitive industry in a rapidly 17 shrinking market, but we do actually provide a public 18 service. We turn complex subjects, politics, commerce, 19 war, into crisp easily understood copy. The Sun's 20 "Books for Schools", for instance, has been a boon for 21 literacy. Professor Brian Cox, who writes for us 22 regularly, is encouraging a whole new Sun generation of 23 young scientists. We are proud of the way Help for 24 Heroes and our Millie Awards have transformed the image 25 of our armed forces, who today march home with their</p> <p style="text-align: center;">Page 146</p>	<p>1 keep information to themselves, even when, especially 2 when, it is in the public interest. 3 Tony Blair described Labour's Freedom of Information 4 Act as his greatest mistake but even the doors opened by 5 this legislation are being slammed shut by politicians 6 and others who know how to get round it. Much 7 government business is now conducted, not on traceable 8 but through e-mail and mobile phone calls on the hoof. 9 The losers are not just diligent journalists but Her 10 Majesty's Loyal Opposition and the civil servants whose 11 legitimate usual channels are blocked. 12 The biggest loser of all, if we go further down the 13 road of regulation, is the British public. When dealing 14 with politicians, and increasingly the commercial and 15 industrial lobbyists, it is worth remembering 16 Jeremy Paxman's famous mantra: "Why is this lying 17 bastard lying to me?" It's a crude question but it is 18 the right point to start. Gagging the media on the 19 pretext of the public interest is one way to ensure the 20 public never learns the answer. 21 Thank you. 22 Presentation by BRIAN CATHCART 23 SIR DAVID BELL: Thank you very much, indeed. Our third 24 speaker is Brian Cathcart, who has a lot of experience 25 as a journalist and since 2005 has been Professor of</p> <p style="text-align: center;">Page 148</p>

<p>1 Journalism at Kingston University and played a key role 2 in the campaign for an Inquiry into phone hacking. 3 Brian. 4 BRIAN CATHCART: Good afternoon. I'm going to resist any 5 temptation I feel to respond and save that until later. 6 Two questions I have to address. (1) is there 7 a difference between the public interest and the 8 interest of the public -- the same question that Trevor 9 has been addressing -- and the short answer -- the short 10 answer to the first question, that question, is, yes 11 there is a difference. Forgive a teacherish moment but 12 we're talking about two distinct meanings of the word 13 interest, two definitions. In one, we give our 14 attention to something because it has the potential to 15 do us good or harm. In the other, we are simply 16 curious. The distinction, for those of us who have been 17 subeditors, will be familiar in the difference between 18 the negatives: disinterested and uninterested. 19 For journalists there are subjects which are in the 20 public interest, but which the public doesn't find 21 interesting. Much of the running of the European Union 22 would fall into that category, and equally there are 23 stories which interest the public but have no potential 24 to make the reader better or worse off, and I think here 25 of the activities of Jedward.</p> <p style="text-align: center;">Page 149</p>	<p>1 know what his neighbour looks like with her clothes off 2 but that doesn't entitle him to climb a ladder and peer 3 into her bathroom. 4 Yet a case for the interest of the public is 5 sometimes made, albeit obliquely. Two years ago, the 6 then editor of the Daily Express, Peter Hill, was asked 7 by the Commons Media Select Committee about the 8 reporting of the Madeleine McCann case and this is what 9 he said: 10 "The way that newspaper people work is that their 11 job is to report on the events which are of interest to 12 their readers and, of course, this was of consuming 13 interest to readers of all newspapers not just the 14 Daily Express. This is what newspapers do. Their job 15 is to sell newspapers. That is what they do." 16 Now, Mr Hill was not presenting this as 17 a justification in law, he wasn't in court, if I read 18 him right, he was offering it as a practical 19 explanation, journalists try to satisfy public 20 curiosity. We all recognise that, we all understand it. 21 It can't be right, however, to suggest that because 22 many people were interested in the McCann case it was 23 automatically legitimate to go beyond the law or beyond 24 accepted Codes of Practice to report the next 25 development. However great the public's appetite for</p> <p style="text-align: center;">Page 151</p>
<p>1 Most news stories, I would guess, have a bit of 2 both, but we're concerned here not with most cases but 3 with hard cases, that minority of stories which involved 4 journalists in bending or breaking rules or at least in 5 being accused of doing so. 6 Now, if journalists are citizens like everyone else, 7 it cannot be right that they simply choose when to obey 8 laws and when not to. At the very least they must have 9 justifications that are robust, recognised and 10 consistent. 11 If journalists are not ordinary citizens but 12 privileged ones, then the requirement is all the greater 13 and we have some privileges in law, we enjoy special 14 access in many ways and our newspapers are exempt from 15 VAT, not a small matter. Those privileges, which are 16 conferred on us by the public, carry with them an 17 obligation to behave scrupulously, as the leader writers 18 like to say "with rights, come responsibilities." 19 So if we want to break the law, can the interest of 20 the public be a justification? Is it a defence to say 21 that the story would be read by a lot of people? 22 I don't believe there are any people here, I don't 23 believe there are many people anywhere, who say yes to 24 that. We learn in childhood that wanting something is 25 not the same as having a right to it. A man may wish to</p> <p style="text-align: center;">Page 150</p>	<p>1 information on a given subject, it cannot simply 2 dissolve laws. It cannot suspend ethical codes. To 3 suggest that is to surrender to lynch law, or to use 4 a more current point of reference: looters' law. As 5 journalists, we can only break laws or breach codes if 6 we expect to deliver to society something more than 7 fleeting gratification of curiosity or emotion, 8 something that actually outweighs the offence. 9 We have to show vein(?), in other words, we have to 10 serve the public interest. 11 It's a sorry reflection on the state of journalism 12 that many practitioners say they are uncertain about the 13 public interest. As a teacher, I'm inclined to wonder 14 about the education and training that lies behind this, 15 and it is a simple fact that the NTCJ has never taught 16 ethics. 17 But it also seems to me that very often the real 18 confusion is not between the public interest and the 19 interest of the public but between public interest and 20 commercial interest. Proprietors, editors and newsdesks 21 have been putting sales before scruples in a way that 22 they would not excuse in any other part of society. The 23 argument is made that it's not possible to define the 24 public interest. In fact, every relevant body has done 25 so, Ofcom, the BBC, the Press Complaints Commission to</p> <p style="text-align: center;">Page 152</p>

<p>1 name just three.</p> <p>2 Some of their definitions are fuller than others but</p> <p>3 they are remarkably similar in spirit. Journalists act</p> <p>4 in the public interest: first, when they expose</p> <p>5 wrongdoing and injustice and when they protect the</p> <p>6 public from danger; second, when they prevent the public</p> <p>7 from being misled; third when they reveal information</p> <p>8 which helps the public make decisions of importance.</p> <p>9 It's true that none of the definitions provides</p> <p>10 absolute clarity for all journalists in all</p> <p>11 circumstances but that's asking too much. The most</p> <p>12 carefully crafted contracts can be disputed in courts as</p> <p>13 can acts of Parliament. Such disputes are expected, yet</p> <p>14 we still write contracts, we still pass acts of</p> <p>15 Parliament. There can't be a perfect definition, but</p> <p>16 that doesn't mean we can't have a workable one.</p> <p>17 It's not, in any case, the principles of public</p> <p>18 interest, the words and phrases, that cause us the</p> <p>19 difficulty. More than anything else, it's</p> <p>20 proportionality to illustrate. Could it ever be</p> <p>21 ethically acceptable for journalists to intercept</p> <p>22 voicemail messages? The answer, in my view, is yes, but</p> <p>23 the return on such an invasion of privacy would need to</p> <p>24 be proportionate. The story would have to be one of</p> <p>25 very high public interest, and I'm aware, by the way,</p> <p style="text-align: center;">Page 153</p>	<p>1 the public interest and codes of ethics.</p> <p>2 The existence of this Inquiry is proof of a failure</p> <p>3 of public trust in journalism. Not just a failure of</p> <p>4 trust in one newspaper, either, but, in large parts of</p> <p>5 the industry in its ethical standards, in the mechanisms</p> <p>6 which exist to uphold those standards, and this failure</p> <p>7 didn't just occur in July. It has been coming for</p> <p>8 a long time and it's associated, most recently, with</p> <p>9 scandals. We have heard them mentioned today:</p> <p>10 Robert Murat, Kate and Gerry McCann,</p> <p>11 Christopher Jefferies, there are others.</p> <p>12 In such a crisis, we can't restore trust with denial</p> <p>13 or cover-up. No doubt, a new regulatory regime of some</p> <p>14 sort has a part to play, but I'm convinced that nothing</p> <p>15 will make a greater difference than a change in the</p> <p>16 mindset and habits of journalists themselves, a change</p> <p>17 which notably acknowledges the primacy of public</p> <p>18 interest, the key importance of public interest.</p> <p>19 I'm sure that a majority of journalists, in their</p> <p>20 hearts, are fundamentally motivated by public interest,</p> <p>21 but having it in our hearts isn't enough. As</p> <p>22 journalists, we don't accept that it's enough for MPs or</p> <p>23 doctors or railway operators, or you name it, to mean</p> <p>24 well. We need to know that they operate in ethical and</p> <p>25 socially responsible ways and that they are accountable</p> <p style="text-align: center;">Page 155</p>
<p>1 that there is no public interest defence for hacking,</p> <p>2 I'm giving a view on proportionality.</p> <p>3 The courts are already familiar with the work of</p> <p>4 assessing proportionality and you can find it has been</p> <p>5 mentioned a good example in the judgment given last week</p> <p>6 in the Rio Ferdinand, Sunday Mirror case. The</p> <p>7 footballer's privacy had been breached but was that</p> <p>8 breach justified by the circumstances? I recommend</p> <p>9 that, if you haven't, go and read Mr Justice Nichol's</p> <p>10 judgment in its entirety. He goes through it with great</p> <p>11 care and, in the end, he finds for the newspaper and he</p> <p>12 endorses, as he does so, the paper's arguments about</p> <p>13 hypocrisy and about the England captain standing as</p> <p>14 a role model.</p> <p>15 It's not a revolutionary change in the attitude of</p> <p>16 the bench, it simply isn't. If you read the judgment</p> <p>17 and go through the links, it's built on lots and lots of</p> <p>18 other case law and the process of the intense focus that</p> <p>19 goes into establishing proportionality is very clear.</p> <p>20 Now, only the hardest of hard cases can be left to</p> <p>21 the courts and, in any case, given the very limited</p> <p>22 access to justice in this country, only a small minority</p> <p>23 of cases will find their way there anyway.</p> <p>24 This brings me to the second question I've been</p> <p>25 asked to address, which is about the connections between</p> <p style="text-align: center;">Page 154</p>	<p>1 for what they do. If journalists, when they work on</p> <p>2 stories of all kinds, learn to consider the public</p> <p>3 interest, in the way that they consider, or at least</p> <p>4 that they should consider fairness and accuracy, or the</p> <p>5 risks of libel and contempt, then that would be a step</p> <p>6 towards rebuilding trust.</p> <p>7 Now, many will say they already do that, but we need</p> <p>8 to go further. We need also to be transparent and</p> <p>9 accountable as we ask others to be. For example,</p> <p>10 ethical and public interest considerations should be</p> <p>11 frankly discussed in the newsroom when they arise and</p> <p>12 those discussions, and any decisions that follow, should</p> <p>13 be placed on the record at the time. That way, not only</p> <p>14 might ethics be taken more seriously, but there would be</p> <p>15 proof that it was. Would this slow down newsrooms?</p> <p>16 Perhaps, but not much in the electronic age, and we</p> <p>17 insist that the police and doctors do such things. Are</p> <p>18 we more important than they are?</p> <p>19 Now, that's just an example of a measure to embed</p> <p>20 the public interest and the ethical codes in</p> <p>21 journalistic practice in a way that would help restore</p> <p>22 the public trust that has been lost. It's certainly not</p> <p>23 the only possibility and no doubt others will be</p> <p>24 discussed but, make no mistake, there's no ducking</p> <p>25 change in the culture of journalism now. If these</p> <p style="text-align: center;">Page 156</p>

<p>1 issues continue to be blurred, if the public interest is 2 treated as an afterthought, as a fig leaf to be 3 retro-fitted to stories, for the benefits of the courts, 4 as we know it sometimes is, and if the public is left to 5 continue with the impression that much of our journalism 6 is about what sells and nothing more, then restoring 7 trust will be much more difficult and, inevitably, it 8 would depend much more on the force of regulation. 9 Thank you. 10 SIR DAVID BELL: Thank you very much. So we are going to 11 divide our discussion into two bits: the first bit, 12 picking up where Alan left off and then, after tea, 13 going back to those two presentations about the public 14 interests and the issues that arise from that. 15 Who would like to kick off on the question of the 16 importance of a free press and the points that Alan was 17 making? 18 QUESTIONS FROM THE FLOOR 19 JOHN KAMPFNER: Thank you very much John Kampfner, Index on 20 Censorship. You very kindly invited me to give 21 a presentation next week on free expression, so I just 22 had two points to pick up on Alan Rusbridger's remarks. 23 The first, when he was warning, quite rightly, 24 against notions of licensing, he referred to history, 25 British history. I would also seek to refer the Inquiry</p> <p style="text-align: center;">Page 157</p>	<p>1 still have journalism, in my view, as stenography, huge 2 amounts of valiant exceptions to the rule but that, 3 I would also venture to suggest, is an area to pursue. 4 I'll just end on this tiny anecdote. A political 5 journalist known to us all, who then went off to be head 6 of news at a government department -- and this was in 7 the early 2000s and it was a week when Tony Blair was 8 getting a real kicking across the media about a series 9 of issues going on, and I said to him -- it was his 10 first week in the job, and I said "God, what must it be 11 like in that department, tin hats on, all this kind of 12 stuff", and he laughed and he said "One thing I have 13 come to discover in my new job is that on a good day you 14 lot, journalists, find out perhaps 1 per cent of what 15 went across my desk". So I just simply leave that 16 thought with you, that when one talks about, as 17 legitimately the Inquiry will be doing, all areas of 18 regulation, of public interest, et cetera, also don't 19 forget the inherent weaknesses and the inability of 20 journalism, to use that old cliché, to hold truth to 21 power. 22 ELINOR GOODMAN: I don't think Simon Calder(?) is here and 23 I think he is the only editor that I have read who has 24 endorsed the idea of licensing. I just wonder if there 25 are any other views on the issue of licensing, which</p> <p style="text-align: center;">Page 159</p>
<p>1 and the audience to the present day and to international 2 presidents. We have -- we monitor free expression curbs 3 around the world, and one can always talk rhetorically 4 about Zimbabwe, Syria and countries of a greater 5 censorship. We also have licensing in the 6 European Union, we have extraordinary restrictions in 7 Italy and France and elsewhere, and we have, last year, 8 a new media law in Hungary, that revolved around 9 licensing and it has produced an extreme version of 10 a chill on free expression and the European commission 11 chose to be powerless to do anything about it. 12 The second point, I just wanted to -- again, not to 13 pre-empt either the discussion between the divergent 14 views of Trevor and Brian -- but to talk just a tiny bit 15 about the weaknesses of journalism. In my decade or 16 longer in the lobby, Westminster lobby, but I think it's 17 replicated in City journalism, sports journalism, 18 anything else, it was a weakness of journalism, it was 19 an excessive pliability, gullibility of journalists, 20 a great reluctance to bite the hand that fed. One could 21 read a byline and one knew instantly who the political 22 operator was that planted the story. 23 Often the stories were deliberately false. They 24 were there to do down another politician, "Minister X is 25 performing badly, sources say", and you had and you</p> <p style="text-align: center;">Page 158</p>	<p>1 Alan raised. 2 IAN WALDEN: Ian Walden, Press Complaints Commission. The 3 point I wanted to raise about licensing is, of course, 4 part of the concern of the regulatory regime is what 5 happened with Northern & Shell withdrawing from 6 jurisdiction in respect of the Press Complaints 7 Commission, and there's been talk about how you get the 8 newspapers to participate in a self-regulatory system 9 and, therefore, that is why -- that has driven some of 10 the debate in respect of co-regulation. 11 Of course, any sort of mandated participation, 12 through some sort of subscription system, or some sort 13 of levy, inevitably has a feeling of a licensing scheme, 14 so I think one of the challenges to you as the Inquiry 15 is to see where you can get a line between mandation and 16 participation, whether in co-regulation or 17 self-regulation, without giving a flavour of licensing, 18 without acting as a barrier to entry. 19 Thank you. 20 ELINOR GOODMAN: Any more on licensing? In the front here, 21 Brian. 22 BRIAN CATHCART: Just two observations about licensing. One 23 is, it isn't all that long since most journalism was 24 a post entry closed shop, and you had to have, as you 25 heard earlier, an NUJ card, for the most part, to</p> <p style="text-align: center;">Page 160</p>

<p>1 practice. I'm not in favour of licensing, I don't think 2 it's a good idea, but it's not all that alien from what 3 many people in this room experienced once, for what it 4 is worth, as I say. 5 The observation is about, you know, the -- we talked 6 about the history of the press and Alan rightly referred 7 to events in the 17th century. I would just say that 8 nobody -- I'm second to nobody in my pride in the 9 history of the free press in this country and of the 10 journalists who fought for it, but it would be wrong to 11 imagine that Wilkes and Cobbett went to jail and went 12 into exile to protect the sorts of activities we've been 13 talking about today. 14 GEORGE JONES: When we talk of free press and 15 Trevor Kavanagh mentioned the Daily Telegraph and 16 I think anybody here would agree it's a very bold 17 decision that it took on MPs' expenses. I mean, I don't 18 know whether Tony Gallagher, in terms of what Alan has 19 said, would be prepared to share the kind of thinking 20 that went through his head. I mean, it -- you know, 21 I think other newspapers offered this and said they 22 weren't going to do it because it might break -- 23 would've been breaking the law -- I don't want to place 24 you in an embarrassing position but, since we're talking 25 about a free press, is there any thought you feel you</p> <p style="text-align: center;">Page 161</p>	<p>1 involved at a very early stage in the process in terms 2 of whether we would have law on our side, what happened 3 if an MP sought an injunction and, from the outset, 4 weeks before we went into publication, the lawyers 5 took -- were alongside us and took a very clear view and 6 gave excellent guidance, which we were very happy to 7 follow. 8 GEORGE JONES: Do you think that, as an instance is, 9 something which you know reinforces what you think is 10 a free press and the right of what you would think is 11 the press to possibly "break laws" or take action, which 12 they can defend in the public interest? 13 TONY GALLAGHER: Well, bear in mind that if that information 14 had not come out, a number of MPs would not have gone to 15 jail, so they were covering up information that was 16 incredibly in the public interest. It did enormous 17 damage to a number of MPs in the House of Commons 18 a small number of whom went to jail and some of whom for 19 whom criminal action remains outstanding. So the case 20 for the public interest would be very hard to dispute. 21 GEORGE JONES: Did you think at the time that it would have 22 the explosion, as it were, and the impact that it was? 23 TONY GALLAGHER: Not in a million years. You know, it was 24 the story of -- the story of a lifetime. None of us 25 thought it would have the kind of impact and resonance</p> <p style="text-align: center;">Page 163</p>
<p>1 could give us? Did you have lots of sleepless nights 2 or, in the end, did you just think this is a story, 3 we're gonna go for it? 4 TONY GALLAGHER: I mean, it's only right to say I wasn't the 5 editor at the time the ultimate decision was taken, but 6 I was intimately involved in the process and, I think, 7 put simply, without taking up too much of everybody's 8 time, the case for the public interest was overwhelming, 9 the evidence of what we thought was criminality was very 10 clear and the public's right to know was utterly 11 overwhelming. The fact that other newspapers passed on 12 the disk, I think, is a matter for them, and I can't 13 explain why they -- they chose not -- I mean, various 14 reasons have been advanced for why they declined to 15 publish that information, but I think it's a matter for 16 them to explain why it was that they passed, when we 17 took up the challenge, but we were very clear from 18 an early stage that it was something that we were very 19 keen on. We were determined to do, we wanted to do 20 every MP and we had a lot of discussion about it but 21 I can't pretend we had sleepless nights. 22 ELINOR GOODMAN: Were your lawyers confident that you would 23 be all right? 24 TONY GALLAGHER: Yes, and to come back to a point that 25 I think you were asking earlier, the lawyers were</p> <p style="text-align: center;">Page 162</p>	<p>1 that it would have, to the point where we're still 2 talking about it today and there is still criminal 3 action outstanding against one MP, in my certain 4 knowledge. 5 ELINOR GOODMAN: Can I ask going back to Alan's opening 6 remarks? To what extent do people feel in any way 7 constrained by the existing laws in making it more 8 difficult to hold individuals in governments to account 9 and perform the role as a press. Is that an issue? 10 Some people quote the Defamation Act. 11 TONY GALLAGHER: Do you wish me to respond? 12 ELINOR GOODMAN: Whoever. 13 TONY GALLAGHER: As I have the microphone -- you don't 14 underestimate the extent to which the law has 15 constrained us already. Defamation, libel, 16 superinjunctions, the European Human Rights Act, the 17 checks and balances we go through every day before 18 contentious stories, in particular, make their way into 19 print or online are substantial. 20 ELINOR GOODMAN: How do you think that compares now with ten 21 years ago. If anyone else would like to come in on this 22 one. 23 TONY GALLAGHER: From my point of view, it's far worse than 24 ten years ago, in as much as the effect of a de facto 25 privacy law, European law, the way lawyers will reach</p> <p style="text-align: center;">Page 164</p>

<p>1 for superinjunctions, all make it much harder. I'm sure 2 others will have more experience in that than me though. 3 GEORGE JONES: As a day-to-day editor -- what is the main -- 4 is it what you would see as the privacy or the 5 development from privacy law that now is the most -- 6 impinges most upon you and your time with the lawyers 7 before you publish stories? 8 TONY GALLAGHER: I mean, it's getting it accurate getting it 9 right, rather than any of the above. If you get a story 10 wrong, it's far more onerous than anything else, but 11 it's embedded now in our working lives in a way that 12 these things weren't even five years ago. 13 BOB SATCHWELL: Bob Satchwell Society of Editors. Can 14 I just pick up on that point about the chilling effect 15 of law? 16 Perhaps the simplest way of looking at it -- I mean, 17 I got into journalism 40 years ago and there's a little 18 book called the Essential Law for Journalists. It's 19 about 100 pages thick. Now, you have to have, sort of, 20 half a degree in law to get through all of the -- all of 21 the law which affects journalism and newspapers -- some 22 newspapers probably spend almost as much on their 23 lawyers as they do on their journalists and the chilling 24 effects are, actually, largely to do with costs. 25 I mean, it's not just the bald point about libel, but Page 165</p>	<p>1 Going back to Alan's point, right at the start, 2 about 400 years of fighting for freedom of the press, 3 bear in mind, way back with the Bill of Rights, that's 4 when freedom of expression was mentioned for the first 5 time. 6 100 years later in America, when they came to write 7 their constitution, their First Amendment actually 8 referred, specifically, to the freedom of the press and 9 I think that's one issue that we need to look at, 10 because if you go out into the streets now and you say 11 to the public "Are you in favour of freedom of 12 expression", everyone would say, "Of course, we are in 13 for freedom of expression". If you go out on the street 14 and say "Are you in favour of freedom of the press or 15 freedom of the media" they will say, "yes, but" and 16 therein lies the danger, because, as Alan says, and lots 17 of other people have made the point today, the free 18 press plays a very important part in democracy and we've 19 got to rebuild in the public mind why the press has to 20 be free. 21 LIONEL BARBER: Yes, Lionel Barber, the editor of the 22 Financial Times and a daily reader of the Daily Mail and 23 other tabloids. 24 Could I just offer a couple of observations as 25 an editor covering largely business and financial news Page 167</p>
<p>1 it's contingency fees, no win, no win -- no win, no fee 2 agreements, which basically have stopped newspapers, 3 particularly at all levels, all levels of journalism 4 doing some stories. 5 In some regional papers I know, if a letter arrives 6 from a lawyer, you know they go into a mild panic, or 7 a big panic, actually, and say, "Well, let's get rid of 8 this as quickly as we can", because they won't want the 9 costs to build up. 10 Very good law, the idea of giving people access to 11 justice, and it wasn't meant to constrain journalism but 12 there are these unintended consequences. The unintended 13 consequences of the Bribery Act, where politicians sort 14 of tried to make clear at the outside, I think -- or, 15 certainly, they said to me it's nothing to do with 16 journalism, but I know that there are many journalists 17 now who are concerned they can't buy someone a cup of 18 tea, and they certainly wouldn't be able to pay 19 a whistleblower, where the story was absolutely in the 20 public interest. 21 So the idea that -- the idea that there aren't huge 22 constraints, in fact, they have been building, you know, 23 is quite clear. I think just one -- one -- that 24 probably is the most dangerous point at the moment. 25 That's why we've got to roll back the time. Page 166</p>	<p>1 from around the world. 2 First, libel is a serious problem for us because we 3 cover rich people, sometimes resident in the City of 4 London, who are determined to protect their reputations 5 and who have no interest in the press asking how they 6 acquired their hundreds of millions of pounds, and these 7 people, who can resort to law firms who specialise in 8 what is called "reputation management", who are 9 extremely aggressive and who will demand that articles 10 are removed forthwith, within 12 hours, otherwise 11 proceedings will start, and this can result or does 12 result in regular large amounts of time in dealing with 13 these complaints, but also, referred to it earlier, huge 14 costs. 15 There does come a point where you have to weigh the 16 consideration of cost against the disadvantage of 17 a protracted battle and what happens then is the 18 laundering of reputation and it's extremely concerning 19 to me in my six years as editor of the FT. 20 Second, and I know Alan Rusbridger has been -- has 21 referred to this as well. It's a serious problem about 22 the law of confidentiality in dealing with supposed 23 financial reporting, which is considered by the 24 authorities an abuse of markets. This affects all 25 financial journalists at the moment. It's got more Page 168</p>

<p>1 serious because the regulatory authorities want to 2 abandon soft touch regulation, light touch regulation, 3 and seem to be coming down hard on insider trading. 4 In my view, and this is shared by some editors, the 5 current regulations are seriously detrimental to free 6 speech and the exchange of information, not for 7 investors, not institutions or insiders, but for 8 investors as a whole. So I would ask the panel to take 9 a look at that. 10 Just to sum up, one person -- a very quick personal 11 experience. Financial Times acquired the prospectus for 12 the sale of the Northern Rock after it was collapsed 13 in -- in late 2007, and the financial -- the bank 14 advising Northern Rock took out an injunction and 15 prevented that document from being -- details of it 16 being published, even though this was being circulated 17 to interested parties around the world. We decided not 18 to fight that. I think, in retrospect, it was 19 a mistake. 20 JONATHAN HEAWOOD: John Heawood, English PEN. With Index on 21 Censorship, we were behind the libel reform campaign. 22 I just want to add to the points about the chilling 23 effect on the press, just to, kind of, to emphasise to 24 the panel and to Lord Justice Leveson that, if anyone 25 takes away the impression from the scandal affecting the</p> <p style="text-align: center;">Page 169</p>	<p>1 regulation or organised crime, which they will not go 2 near. So there's a huge at the visit there not just in 3 the day-to-day publishing of the newspapers but in the 4 broader information that is available to the public 5 through very credible book publishers, which is also 6 being simply taken out of the public domain, because of 7 these very threatening and chilling laws. Thanks. 8 ELINOR GOODMAN: Can I just briefly go back to 9 Bob Satchwell? Can you just -- very briefly, what is 10 the problem in the no win, no fees, in relation to the 11 kind of case that you're dealing with? 12 BOB SATCHWELL: Well, in simple terms, it's that balance 13 where -- where it's judged that it's simpler to settle 14 a legal action. When you've got a perfectly -- 15 a perfectly good case, you've got all the facts, all the 16 evidence there. 17 ELINOR GOODMAN: Why does no win, no fee make it worse? 18 BOB SATCHWELL: Well, it makes it worse because the bills 19 build up so fast and so long -- there's no interest in 20 trying to settle the case at an early stage. Some 21 lawyers will probably argue differently, but that's not 22 been the experience of the industry, and it's certainly 23 that there's also the incidence of after the event 24 insurance and so on. The bills become so big and so 25 a simple judgment is made that it's better total than</p> <p style="text-align: center;">Page 171</p>
<p>1 News of the World and, perhaps, other newspapers, the 2 idea that we need tougher media laws, for instance, 3 libel, they need to be very aware that these laws now 4 affect the press. It's only a very small contingent of 5 the people who are chilled and potentially silenced by 6 the laws. We've seen scientists, medical researchers, 7 NGOs, charities, citizen journalists, bloggers and 8 others who are forced to take material down, which may 9 be true, may well represent honest opinion, may well be 10 in the public interest, because they can't afford to 11 defend a libel action. 12 So the Libel Reform Bill, which is now about to go 13 through Parliament, we hope very much will not be 14 derailed by an attempt to find a specific problems about 15 phone hacking, surveillance, and so on, at certain 16 newspapers, which is a very different problem from the 17 problem of the chilling effect of the current libel 18 laws, which actually need to be reformed in the other 19 direction. 20 Just as a very quick example of the chilling effect, 21 I mean, two thirds of book publishers have told the 22 Publishers Association, they won't touch certain 23 subjects, the kinds of subjects that Lionel is talking 24 about in the City. A third of publishers won't touch 25 certain topics, even, whole areas of financial</p> <p style="text-align: center;">Page 170</p>	<p>1 face a huge, huge legal bill. 2 STEPHEN WHITTLE: Stephen Whittle, I'm going to give a very 3 simple example of a CFA in action which affected the BBC 4 when I was controller of editorial policy. It concerned 5 a 12 second piece of speech on a regional news 6 programme. It was the subject of a CFA supported 7 action, which meant that the law firm involved was on 8 uplift of 100 per cent of its fees and the BBC 9 discovered after three months that it was in, 10 potentially, for a bill of £1 million, even if the case 11 never actually reached court. The court, in fact, did 12 get the case, the BBC stuck by its guns and the 13 complainant was not successful, but that's a very huge 14 gamble to take, even for a well funded institution like 15 the BBC. 16 DAVID SEYMOUR: David Seymour, formerly of the Mirror group 17 The thing that worries me, a couple of things -- one 18 is, when Alan talks about getting at the truth, the fact 19 of the matter is there is not absolute truth. It's 20 almost nothing that there is an absolute truth over -- 21 Theresa May's cat is a classic example, depending on 22 which newspaper you read -- what is true and what is not 23 true and Trevor Kavanagh's view on Europe and mine are 24 diametrically opposed and we both think that we're right 25 and the other one is wrong.</p> <p style="text-align: center;">Page 172</p>

<p>1 Also, Tony has been talking about the public 2 interest, for example, the public interest over the 3 publishing of the MPs' expenses. We can all agree that 4 it absolutely was in the public interest to reveal 5 evidence that was evidence of criminality by MPs. On 6 the other hand, was it in the public interest to go on 7 and on and on and to so undermine the work that MPs do 8 and the standing of MPs in society that they've been 9 lowered to worst than journalists? 10 I'm not saying it was wrong and I'm not saying it 11 was right. What I'm saying is I think these are much 12 wider issues and I think almost philosophical issues, 13 and I think there's a danger with what's been going on 14 since the phone hacking broke and with how the Inquiry 15 might go, is to look as if there are absolute answers to 16 things, right or wrong. Frankly, you need the freedom 17 of the press to be able to say whatever it is, whether 18 it's, you know, Trevor and I disagreeing about something 19 or whether it's the MPs disagreeing with the Telegraph 20 or what we do. It's only the freedom of the press which 21 allows that to happen in the free society. 22 SIR DAVID BELL: I wonder if there are any lawyers here who 23 would like to respond any of this, because I think their 24 voice hasn't so far been heard. 25 GRAHAM SHEAR: Hello, my name is Graham Shear, I am Page 173</p>	<p>1 that's part of the dilution, or the reason behind the 2 dilution of the ethical conduct. 3 Let's not forget the reason why we're actually here 4 today and the reason is because of the unacceptable 5 conduct of a section of the print media, and whilst 6 I started by saying I endorse and I believe in a free 7 press, which is absolutely vital, it is the checks and 8 balances that match that freedom, and the way in which 9 it's applied and upheld by those that have the 10 responsibility for undertaking the role of -- within the 11 print media. 12 To use the examples of CFAs as being something that 13 are unacceptable or the unacceptable face of the checks 14 and balances, as a sort of a mantra for why is the press 15 should carry on in the way they're going, is absolutely 16 nonsense, frankly. The only time that a CFA has 17 an effect on a newspaper is when it loses an action. 18 It's not an effect if you actually have a strong and -- 19 a case in which you believe. When the Jackson Inquiry 20 looked at the statistics and they did it empirically, 21 they looked into the statistics of what were the 22 chilling effects of that kind of feature they found, 23 actually, there were relatively few cases. 24 So the point is it comes home to the print media to 25 take on board its responsibility and accountability and Page 175</p>
<p>1 a commercial litigation partner of Berwin Leighton 2 Paisner. I've acted for claimants against the 3 newspapers and other media for about 20 years. I'm also 4 a claimant in the News International actions and I act 5 for several claimants in those actions. 6 I find what's being said this afternoon very 7 interesting. I strongly believe in a free press but 8 what I hear repeated over and over again are the merits 9 of freedom but without the words that should be tagged 10 on of "responsibility" or "accountability", those seem 11 to be missing. 12 When we heard Trevor Kavanagh speak about his vision 13 of the involvement or intrusion of the legislature, of 14 the courts, of the judges, he spoke with disdain and 15 I think he was actually speaking on behalf of the vast 16 majority of the print media here today and it's actually 17 that disdain which has created and furthered 18 an environment of a sense of impunity. 19 This is just my view and the feeling I get when 20 I deal or have dealt with the media over quite a long 21 period, that that has become engendered, in a sense 22 a little like, perhaps, the 70-mile an hour speed limits 23 on our motorways, that it's seen as a perceived 24 impediment that, perhaps, does not have to be taken to 25 heart or felt that it was necessary to live by, and Page 174</p>	<p>1 for us and the Inquiry to find ways and means to have 2 a correct and appropriate balancing effect so that the 3 freedom of the media can continue whilst it remains 4 accountable and we don't have the excesses which caused 5 this Inquiry. 6 GEORGE JONES: Can I just ask, as you raised these two 7 issues of accountability and responsibility, what -- 8 what do you actually want to see? I mean, they're fine 9 words, but in your experience, what would have been the 10 media acting responsibly or accountably? 11 GRAHAM SHEAR: Well, I think, firstly, it's a change in 12 culture where, perhaps, the dilution of ethics, which in 13 certain instances, have led to, not only conduct which 14 is illegal, so far as perhaps privacy is concerned, but 15 unlawful, so far as phone hacking is concerned, are 16 condoned and systemically underwritten. That is 17 unacceptable. You know, when we hear about it being 18 limited or isolated to one area, I mean, what we heard 19 about this morning was actually, the -- what I've always 20 perceived as the relatively small and slightly 21 incestuous village of the print media. 22 I mean, journalists go from institution to 23 institution, from business to business, and whilst some 24 organs of the media are extremely good at ensuring their 25 accountability and their responsibility and the accuracy Page 176</p>

<p>1 of their reporting and, perhaps, have a very strong 2 culture which promotes that, others perhaps have not 3 acted in -- with such principles in mind, and that that 4 has led to the dilution of that. 5 Now you ask what can one do about it? Well, you 6 know, the PCC, I hate to be -- I hate to be critical of 7 them, because they're sitting right behind me, but 8 I just don't believe that they have been an effective 9 organ, especially when you get a situation where -- it 10 is by self-regulation, they can't be compared to, for 11 example, the RICS or a regulatory body, such as the FSA 12 or perhaps the Law Society. 13 I would suggest that one of the things that the 14 print media should be doing is actually looking at 15 creating a regulator that actually has real teeth, so 16 that it can impose the sense of ethics that the notion 17 of accountability and credibility requires for the 18 continuation of your business. You know, the public 19 have lost trust and confidence because of these issues 20 and I actually think that if it's not corrected you will 21 no long be able to differentiate between the free media 22 that is obtainable on the Internet, as opposed to the 23 credible and accountable and valuable paid for media 24 that you are actually investing in and selling. 25 That's the difference. Page 177</p>	<p>1 less worried about getting the apology for what is in 2 print and much more concerned about getting you to 3 change what is there, already on the web. So it's about 4 curation. 5 So when you're thinking about freedom of expression 6 and we look back over the last 300 or 400 years and 7 you're setting things for the future, you absolutely 8 have to be quite clear about how the web the changes the 9 way we think and the speed with which people have to 10 make decisions. 11 TREVOR KAVANAGH: Yes, thank you. I just wanted to respond 12 to our friend the lawyer over here who seems to have 13 been only partially present during the debates today. 14 For instance, in my case -- I actually quoted a much 15 more eloquent view of the European judges, which was 16 Lord Justice Hoffmann, who put in words, better than 17 I could possibly have done, his view of their 18 high-handed attitude towards the customs and practices, 19 which they don't understand in Britain. 20 As for the question of responsibility, I think that 21 just about every speaker today has pointed out that 22 there are responsibilities as well as rights when it 23 comes to freedom of the press and I did too. When it 24 comes to comparing, say, the PCC with the -- the FSA it 25 was the FSA that decided to let off the Royal Bank of Page 179</p>
<p>1 CHRISTOPHER ELLIOTT: Chris Elliott, I'm the readers editor 2 for the Guardian, which is a kind of an internal 3 ombudsman and I was a managing editor before that, and 4 reporter for millions of years before that, that's the 5 way it felt, anyway. 6 One thing which I don't think we really are taking 7 on board here, I realise we're talking about the 8 principles of the freedom of the press and freedom of 9 expression but it's quite important that -- everyone 10 keeps talking about the print, the press, the print 11 media -- the web, the effect of the web, I mean, a lot 12 of what we're looking at, even since the whole business 13 of phone hacking, when we think those first few dates 14 four or five years ago, the way the web has come 15 forward, most of the major national newspapers now have 16 tens of millions of people on their websites, and the 17 speed with which decisions have to be made, in terms of 18 the web, in terms of doing the right thing -- 19 Bob talked about Essential Law for Journalists. 20 When I started, there were about 12 Acts, there are 21 about 40 and Essential Law for Journalists is that 22 thick. So, as an internal ombudsman, I get about 100 23 emails a day and nearly all of those are about things 24 that people have read on the web and when companies, 25 organisations and individuals are concerned, they are Page 178</p>	<p>1 Scotland with a 173 word report about the appalling 2 practices which brought down the British -- almost 3 brought down the British economy. I don't think there's 4 a comparison there. 5 LIZ HARTLEY: My name is Liz Hartley. I'm now an in-house 6 legal advisor for Associated Newspapers and have been 7 for the past three years. Before that, I was in private 8 practice for 27 years as a partner of a law firm, 9 Reynolds Porter Chamberlain. 10 What I would like to say and what I would urge this 11 Inquiry to seriously consider is obtaining expert 12 evidence from an assessor on the practices in newsrooms, 13 because what I'm hearing today just conveys to me that 14 there is a real misconception about the standards of 15 care taken in relation to accuracy and the importance, 16 where public interest is relevant -- and it isn't always 17 relevant. There is, after all, an enshrined right on 18 the freedom to impart and receive information, but where 19 public interest is a relevant factor, it is considered 20 and we've made submissions to Lord Justice Leveson that 21 it would be appropriate for somebody with news expertise 22 to be appointed as an assessor and I very much hope that 23 will be given serious consideration. 24 Thank you. 25 MARTIN MOORE: Martin Moore from the Media Standards Trust Page 180</p>

<p>1 To back up to some of the things that have been said 2 already in terms of the need for greater freedom for 3 public interest journalism, I think there is 4 an extremely strong case for that, for reform for 5 greater protection and in cases such as Amelia Hills who 6 is here today and for protection for journalistic 7 sources. But I think we need to distinguish that, as 8 I'm sure we're going to do later this afternoon, from 9 freedom around intrusion on privacy and, in particular, 10 phone hacking and the fact that what we're really 11 talking about here is, in some ways, too much freedom in 12 one particular newsroom and possibly more, and 13 especially, in terms of freedom, it seems from almost 14 any accountability and Alan Rusbridger spoke eloquently 15 about the lack of accountability from regulators, from 16 police from politicians and from all of the press. 17 Just to bring in, if I could, the public have been 18 mentioned quite a few times today, the public interest 19 and also what the public believe. I thought it was 20 worth quoting a couple of statistics of what the public 21 actually responded, and these were gathered before the 22 first revelations about phone hacking, so these were 23 gathered in 2009, a few months before Nick Davies' first 24 revelations. 25 The first is to do with -- in answer to the Page 181</p>	<p>1 be based on, what are the pillars? 2 It was very interesting listening earlier this 3 afternoon that there were some people who were saying 4 all newsrooms are actually the same and the values and 5 the process is very similar, whoever you're working for, 6 and others who were saying that absolutely is not the 7 case, and it would be very helpful for us to explore 8 this issue of whether there is a kind of corpus(?) basic 9 journalistic ethic and, if so, what everybody feels 10 should be part of it, which was the second half of what 11 we were going to be talking about this afternoon. Maybe 12 we could focus on that and we thought it might be 13 interesting to start -- is Stewart Purvis here? 14 STEWART PURVIS: Yes. 15 SIR DAVID BELL: Simply to look at another environment in 16 which the ethics, the ethical code is, if you like, more 17 set out, in contrast to the way it is in newspapers, and 18 just to take it from there. So would you mind starting 19 off? 20 STEWART PURVIS: Well, David, just to explain to those who 21 don't know me, my background is in broadcast journalism 22 but I have been involved in the print media from time to 23 time. In fact, I have to confess that my first job in 24 journalism was working for a provincial news agency in 25 Devon that used to sell stories about dirty vicars to Page 183</p>
<p>1 question: do you think there are far too many instances 2 of peoples' privacy being invaded by newspaper 3 journalists? 70 per cent of people said "Yes, there 4 was". The second is very relevant to the question about 5 judges and judges' right and responsibilities to make 6 judgments around privacy. The opinion survey by 7 Ipsos Mori asked: "Do you think newspaper editors can be 8 trusted to ensure their journalists act in the public 9 interest?" 10 per cent of people said, "Yes, they 10 could". 11 SIR DAVID BELL: I think that is time for us to break for 12 a cup of tea and then come back and continue. This will 13 move seamlessly into the debate around what Trevor and 14 Brian said. So, we reckon, a quarter of an hour? 15 A quarter of an hour for tea. Tea is downstairs where 16 we had lunch. See you back at quarter to four. 17 (3.32 pm) 18 (A short break) 19 (4.00 pm) 20 SIR DAVID BELL: Okay, I think it's about 4 o'clock, so if 21 we could resume. We thought that it would be good for 22 this session if we could focus quite hard on the second 23 half of the question that was the subject of this 24 afternoon's seminar, which is: can we arrive at a common 25 view of journalistic ethics and, if so, what should it Page 182</p>	<p>1 Sunday papers, which is about as down below as you can 2 get. 3 So, against that background, it is worth saying 4 quite clearly that there are two completely different 5 traditions. The tradition of the broadcast regulated 6 space, based on scarce spectrum, based on the fact that 7 if you wanted to broadcast there was only so much 8 capacity and, therefore, there had to be a regulatory 9 regime put in to decide who could broadcast, and the 10 responsibilities that went with that broadcasting. 11 Then, the non-broadcast space which says, actually, 12 there's no comparable sense of spectrum scarcity, 13 there's only so much paper in the world, but there's no 14 real limit to how much people can express themselves in 15 that space. 16 The interesting thing the United States, they don't 17 see it like that. The concept of impartiality being 18 effectively a state doctrine breaches a whole number of 19 areas in the American constitution. So the kind of 20 impartiality code we have in broadcasting I think is 21 actually unconstitutional and has never really applied 22 in the United States. So again you have a sense that 23 there's a British model -- in a sense, it's a European 24 model -- of what broadcast regulation looks like and 25 there's certainly a North American, certainly Page 184</p>

<p>1 a United States model, which is completely different, 2 and obviously in Commonwealth countries people have 3 tended to follow the British model. 4 Now, what is quite striking to somebody who has 5 mostly been in broadcasting but has been in print as 6 well is how surprisingly comfortable the two separate 7 traditions sit alongside. I do remember once being on 8 a flight with David English and Max Hastings and 9 John Birt and we were the two broadcasters sitting on 10 one side of the aircraft and sitting next to us were 11 English (inaudible) and they absolutely hammered us. 12 They saw us as being weak, basically not being prepared 13 to get up and attack people, not having an agenda. So 14 I'm not saying there aren't tensions between the two 15 but, by and large, they sat alongside each other. 16 But for those who are inside the broadcasting 17 regulation framework, they absolutely understand the 18 rules of the game. The most striking example of this is 19 Richard Desmond, who does not recognise the jurisdiction 20 of the PCC in any way shape or size, completely 21 recognises the jurisdiction of Ofcom. He meets Ofcom, 22 he obeys Ofcom rules occasionally when his adult 23 channels have breached Ofcom rules they have eventually 24 paid their fines, et cetera. So he doesn't appear to 25 have a problem with regulation when it's a part of the Page 185</p>	<p>1 within that regulatory space. 2 So I think that is possibly a challenge to be taken 3 up, could you have the best of both worlds, if you like, 4 something which is recognised, which has incentives to 5 belong to it, but isn't actually the kind of 6 interventionist state regulation that the press fears so 7 much. 8 So, in conclusion, you would be surprised how many 9 people, how many active broadcast journalists, quite 10 like being within the Ofcom style regime, given that 11 some of them came from a regime which is much more 12 relaxed and much loser. Why do they do that? I think, 13 frankly, the regulator -- I don't work there any longer, 14 and I just happen to be sitting next to the chief 15 executive, but that's a coincidence, he just sat down -- 16 they respect the regime, they respect the people who run 17 it, they respect the judgments that go with it and when 18 I, for instance, have argued for a more deregulatory 19 regime, which I did in a lecture last year, hardly 20 anybody took up a cry for a deregulated content 21 regulation system within broadcasting. I was very 22 surprised. 23 You can conclude from that that there are a whole 24 group of people who have become so sated with statutory 25 regulatory they just don't know any other version of it, Page 187</p>
<p>1 way of doing business, he appeared to have problems 2 about the PCC and the way it works and outside that, it 3 seems to me to be a serious problem which any future 4 model has to resolve, if you like, the Richard Desmond 5 issue. 6 But for those inside the broadcast model -- I think 7 the interesting thing -- Steve Barnett may want to speak 8 to this -- it's interesting whether broadcast 9 journalists feel as inhibited by the law which applies 10 to both, as was implied in the session just before. My 11 instinct is that they don't feel that this chilling 12 effect is quite so chilling. They feel that they know 13 what the Ofcom rules are, they know they have to follow 14 them and they know that litigation can apply to them the 15 same way it would to the press, but if they were here 16 they would put a different perspective on it. 17 So where does that take us? It takes us to the fact 18 that, to me, the challenge is whether you can have 19 a regime which is statutory but which the state does not 20 get involved in and I'm organising an event later, 21 1 November, where I'm bringing over a couple of people, 22 including one from Ireland, where there is a regime 23 which is not statutory in the sense that the state runs 24 the regulatory system but it recognises the regulatory 25 system and it provides incentives for people to work Page 186</p>	<p>1 or they know the system they don't want a different 2 system, but there is no outcry saying "Release us from 3 these terrible statutory regulatory bonds and allow us 4 to be regulated in the same way that newspapers are". 5 I hope that's helpful. 6 MARK JEMPSON: Mark Jempson, again. I thought it would be 7 interesting working in lots of different countries and 8 looking at the different regulatory codes. In answer to 9 your question, there are a number that appear in almost 10 every single one. I just jotted down: one of them is 11 accuracy and putting things right, it's usually right at 12 the top; defending press freedom is in there and that 13 includes defending sources; avoiding plagiarism is 14 an interesting one that crops up less here and more 15 elsewhere, but that is partly to protect peoples' 16 livelihood; respecting privacy appears in one form or 17 another; avoiding discrimination and distinguishing 18 between facts and comment, I would have said those are 19 the key elements of almost every single code that exists 20 around the world. 21 STEVE BARNETT: Steve Barnett. Just following up from what 22 Stewart was saying, I just want to emphasise that, for 23 me, the important thing about broadcast journalism is -- 24 and what we might learn, in terms of a read across, is 25 not about the impartiality regime, and I think the Page 188</p>

<p>1 answer to Stewart's question about why there wasn't 2 a follow-up to his call for deregulation is that, 3 actually -- and Elinor might have a view on this -- 4 an awful lot of television journalists understand that 5 regulation act as a liberating mechanism for an awful 6 lot of good television journalism. Because the 7 regulatory structures are, there you can have programmes 8 like Dispatches on Channel 4 and nobody would accuse 9 Channel 4 of being chilled, in terms of its approach to 10 current affairs and free speech. 11 So if the argument against some kind of stricter 12 regulation is it will chill free speech, it will prevent 13 watchdog journalism, television demonstrates that is 14 simply not the case and television journalists, as 15 Stewart has said, are not only comfortable within those 16 structures, they like those structures because they see 17 them as liberating. A quick commercial break: 18 I actually have a book coming out on television 19 journalism next month, which is -- if Claire can do it 20 this morning, I can do it this afternoon. 21 Just one more point, if I may. I don't actually 22 think there is a direct read across in terms of having 23 Ofcom -- an Ofcom-type structure, an Ofpress. I really 24 don't. There is a compromise and I hope that this 25 committee will see the grey areas between the black of Page 189</p>	<p>1 obvious point that, certainly, the area of impartiality, 2 with the multiplicity of video outlets through the 3 Internet, and elsewhere, there clearly comes a point 4 where, to apply the sort of restrictions on due 5 impartiality that govern ourselves and ITV and Channel 4 6 and the BBC, wouldn't be appropriate. I mean it still 7 beats me why Guido Fawkes(?), whoever it is, can't 8 actually get it together to have a channel with their 9 particular sort of political opinion and I certainly 10 wouldn't want to stop that. 11 I mean, it does seem to me, perhaps it's because you 12 phrased this afternoon in terms of interest, that 13 everyone is getting tied up a little bit in knots. 14 I mean, what we do in television, I think, is we seek to 15 inform and, you know, people can decide afterwards 16 whether it's in their interests or whether, indeed, they 17 are interested in it and I suspect that that is really 18 what much of the print media do as well, and the 19 question which slightly worried me, in some of the 20 friendly fire coming in, you know, the mention was made 21 of, well, we had the closed shop a few years ago, well, 22 we didn't think the closed shop was a particularly good 23 thing. I don't think that's a particular reason for 24 bringing it back. 25 As far as sanctions, you know, you -- people perform Page 191</p>
<p>1 statutory regulation on the one hand and the white of 2 complete self-regulation on the other. 3 For me, one of the models is the way the law is -- 4 the way lawyers are now regulated. They were dragged 5 kicking and screaming into the 20th century through the 6 Clamenti report. They are now -- solicitors, as 7 I understand it, are now self-regulated through the SRA 8 and that is the way -- we can have a system of 9 self-regulation. Behind the SRA sits the legal services 10 board, which does have statutory -- is bound by statute. 11 Parliament has dictated what the LSB should do, but 12 a reconstituted PCC or a genuine self-regulation, which 13 is meaningful, which has sanctions, which the editors 14 really do abide by, they should hold no fear if they are 15 told that, behind that, there is a statutory body 16 because they've said they want to do it anyway. 17 SIR DAVID BELL: I will come in on this issue, which is very 18 important. Adam, could I ask your perspective as 19 a television person? 20 ADAM BOULTON: Yes. Adam Boulton from Sky News, and I am 21 one of those journalists who likes working in 22 television, and isn't particularly bothered by the 23 regulatory regime, although I think it is right to point 24 out that my bosses, if you like, both John Riley(?), the 25 head of Sky News, and James Murdoch have both made the Page 190</p>	<p>1 journalistically badly, they can get sacked or they can 2 get prosecuted. I don't understand why there seems such 3 an obsession, in certain corners of this room, to create 4 a whole new legislative framework. I mean, you know, it 5 seems to me that common law and professional standards 6 are the way to do this. 7 SIR DAVID BELL: We don't want to lose sight of this 8 question of ethics, really because that was the subject. 9 Yes. 10 STEVEN WHITTLE: Steven Whittle. I should say, from the 11 outset, a negative identification because hard pressed 12 people who Google will get a Steven Whittle who is 13 a campaigner for transgender issues. I could make it 14 clear, immediately, that's not me. I was controller of 15 editorial policy at the BBC and was author with Glenda 16 of a Reuters Institute report on privacy, probity and 17 public interest. 18 To follow what Stewart has been saying, we found no 19 evidence that broadcasters felt in the least bit 20 inhibited around the regulatory regime in relation to 21 infringements of privacy. It didn't prevent or hinder 22 very important investigations in the public interest. 23 That is because Ofcom applies a two stage test, if 24 you like, and I think this is the principle to hold of, 25 not whether there is a statutory regulator, but the Page 192</p>

<p>1 principles that lie at the heart of this and the two 2 stage process is, first of all, can you justify the 3 infringement in the first place and, secondly, can you 4 justify what you then went on to broadcast? That brings 5 with it, in the wake of that principle, certain 6 practical actions which have to do with what Brian was 7 talking about earlier, in terms of proportionality, and 8 that is, first of all, you have some reasonable evidence 9 to pursue the cause you are pursuing, secondly you are 10 doing it in a proportionate way, thirdly that you can 11 demonstrate the process that you went through, in order 12 to get to where you got and in order to get to what you 13 published. 14 That is not an infringement on freedom but 15 a demonstration of responsibility and accountability and 16 I don't think there's been a single major broadcast 17 investigation that has, in any way, fallen foul, whether 18 it's Olympic fixing, whether it's the investigation of 19 the police and racism, whether it's the investigation of 20 counterfeit forges, it's the principle of being able to 21 demonstrate that what you're doing is clearly in the 22 public interest and, of course, the difficulty is around 23 the question between the public -- the important public 24 good around private life and the important public good 25 around freedom of information. Page 193</p>	<p>1 In a previous role at Bournemouth Media School, 2 I did some research on how people interview people, how 3 journalists interview people, and one of the big things 4 that came out of that research was an industry-wide 5 reluctance to talk about these issues through. So 6 a standard response would be "Ah, well, it's all common 7 sense, it's a journalist who has been doing that for 8 15 years". But in another part of the interview, when 9 I asked what was it like the first time you had to do 10 a death mark and knock on a family's door and find out 11 what happened, they would say, "Oh, it was terrible, 12 I didn't know what to do, I hid in the toilet, 13 I couldn't work out to say". So that common sense came 14 through 15 years of professional practice and it wasn't 15 discussed. 16 So Brian said this earlier today, it is really 17 initially to do with the profession owning its own 18 ethical codes as well. So, kind of, put regulation 19 aside for one moment and it is a question of training 20 and how individual journalists own these issues, and to 21 the extent that they talk about them, and whether they 22 can find ways of resisting pressure from perhaps editors 23 and other people to follow best practice. 24 Last week, I was in Northern Ireland and I was 25 attending workshop with journalists who had spent Page 195</p>
<p>1 There are checks and balances which have to be 2 applied by someone. Currently, they are being applied 3 by judges when news organisations get it wrong. Far 4 better if news organisations get the test right 5 themselves in the first place. 6 SIR DAVID BELL: Yes. 7 GAVIN REES: My name is Gavin Rees and I work for the Dart 8 Centre for Journalism and Trauma. We're basically 9 opening(?) a global think-tank based at Colombia 10 Graduate School of Journalism in New York and we work 11 with journalists who cover stories about violence and 12 trauma so that can be anything from local crime to war 13 stories or to disaster stories, things like Soham, 14 particularly, the McCann story, all those spring to 15 mind. 16 If the question is how do we make this discussion 17 about ethics, then I think we have to be very wary of 18 approaching these stories from a great height, you know, 19 from like an aeroplane, a thousand feet in the sky, and 20 bring it down to very, kind of, practical real issues, 21 which are to do with the actual interactions that 22 journalists have. So the question would be: how does 23 a journalist approach a family that has been affected by 24 trauma? How do they contain the traumatic reactions 25 they themselves may have if they are involved in story? Page 194</p>	<p>1 25/30 years covering the Troubles and it wasn't so much 2 the cases in which they'd been shot at or received death 3 threats that they really wanted to talk about, it was 4 the times when they turned up at funerals or turned up 5 at houses and felt that they had pressure to steal 6 photographs or they had pressure to intrude on peoples' 7 grief and it was just from a personal impact. 8 So there is a interesting concept that's worth 9 thinking a bit about in terms of all the well being of 10 us as journalists and practising journalists doing these 11 stories and that's the question of moral injury. 12 So in trauma science is this new concept in which 13 people used to think that the thing that wore people 14 down and caused burnout and caused people to become 15 alcoholics was fear and inability to contain the threat 16 against them. 17 Now, I work looking at soldiers and police officers, 18 doing things like child protection stories I have 19 realised that actually it's often the sense of not doing 20 the right thing by other people, a sense of moral 21 betrayal that can be particularly wearing. So there is 22 also a health issue in the way that we approach people 23 and work. In some reporting on the hacking affair, 24 there were -- it came out in some of the stories and, 25 kind of, personal testimonies of some of the Page 196</p>

1 journalists, who admitted to doing things that they felt
 2 perhaps they shouldn't have done, was how it hadn't
 3 improved them.
 4 So I think it's a question of having these
 5 conversations because if we don't talk about real
 6 interactions with real people then we can't work out
 7 what the ethical considerations are, unless we know what
 8 the practical realities of those interactions are like.
 9 SIR DAVID BELL: Can I ask Peter Wright how you would deal
 10 with those issues? If you could stand up.
 11 PETER WRIGHT: Sorry. I mean, I think every time that you
 12 ask your journalists to seek an interview with someone
 13 who has been through some sort of trauma, it is a unique
 14 situation, there aren't really any rules.
 15 All you can do, and early in my career I did quite
 16 a lot of this myself, is to be as polite as possible, as
 17 sympathetic as possible, and not to have any expectation
 18 of the type of response you're going to get, and I --
 19 I discovered as a young reporter that there were
 20 certainly some people who absolutely didn't want to see
 21 you, and sent you away, usually with a flea in your ear,
 22 and that on those occasions you should disappear as fast
 23 as possible. There were many other people who welcomed
 24 you into their home and who actually relish the
 25 opportunity to talk about what had happened, to share

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1 their experiences and -- and who regarded -- this was on
 2 a local paper -- regarded a local institution which they
 3 respected taking an interest in the death of a loved
 4 one, as a way of society marking respect.
 5 Somewhat to my surprise, I would say that in 60 or
 6 70 per cent of the cases where I had to visit the
 7 relatives of people who died, that was the response
 8 I got. In the others, you could really do nothing but
 9 be polite and go back down the garden path as fast as
 10 you could.
 11 SIR DAVID BELL: I think there is somebody right at the
 12 back. Yes.
 13 MARK LEWIS: I am Mark Lewis. I am a solicitor. I wonder
 14 what ethical code is needed to stop people hacking into
 15 the phone of a murdered schoolgirl or to stop hacking
 16 into the phone of other people? This is all about
 17 access to justice and people -- I know Bob talked about
 18 CFAs but when we're talking about CFAs, no win, no fee
 19 agreements, are they the ones that were against or the
 20 ones that used to defend the Daily Telegraph? Are they
 21 the ones who used to defend a British cardiologist who
 22 was sued by American companies? Are they the ones that
 23 are used to defend people who are Sheffield Wednesday
 24 fans, who are sued(?) by Sheffield Wednesday?
 25 These are all issues of access to justice and if we

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1 stop CFAs, which is a great move amongst the popular
 2 person, amongst the politicians, then when what happens
 3 is that the News of the World would be still out, it
 4 would come out on Sunday and people could talk about,
 5 over breakfast, who else's life is ruined. Ethics
 6 wouldn't even apply and we'd have a huge, huge problem
 7 that they would trammel on peoples' lives.
 8 Everybody knows -- everybody knows that they
 9 shouldn't have hacked Milly Dowler's phone. Everybody
 10 knows that the cases that have come out over the last
 11 couple of days, that we've read about, shouldn't have
 12 happened. That is nothing to do with ethical
 13 considerations. It's to do with access to justice
 14 people are able to fight back. Sometimes they have to,
 15 to defend themselves, to defend themselves by pursuing
 16 a claim and to defend themselves as newspapers are
 17 allowed to do. If newspapers want to use CFAs then they
 18 can do. The Daily Telegraph does.
 19 Thank you.
 20 JOAN SMITH: Joan Smith. I'm here in a sort of dual
 21 capacity because I've been a journalist all my working
 22 life and I'm now a columnist on the Independent titles.
 23 I am also a claimant against MGM(?) operation, having
 24 been contacted by Operation Weeting back in April.
 25 When I started out in journalism, I worked for

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1 The Sunday Times insight team. We did a lot of stories
 2 which involved the relatives of people who had been
 3 bereaved -- people who died in police custody, things
 4 like that. There was a period in my life when, in the
 5 space of 24 hours, I interviewed three of the surviving
 6 victims of the Yorkshire Ripper and it was very
 7 traumatic for them, it was very traumatic for me to do
 8 that.
 9 What I always did was say to people, I would like to
 10 talk to you, if you don't want to talk me I will go away
 11 and that seemed a simple matter of humanity. What seems
 12 to me to have happened over the years and what's really
 13 shocked me about the whole hacking business is that some
 14 journalists seem to have lost their sense that the
 15 people they are dealing with are human beings, whether
 16 they're celebrities, whether they're victims of crime.
 17 They seem to have this idea that these people are not
 18 people at all, they're simply a story.
 19 Early this year, I was out in Australia at
 20 a university, where I've done some teaching in the past,
 21 in western Australia and I was talking to journalism
 22 students and what I was really impressed by was the fact
 23 that the impact of their journalism and their -- on both
 24 themselves, in traumatic circumstances, and on the
 25 people they were interviewing, who were involved in the

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<p>1 stories they were writing about, was the core part of 2 their education at the university, and it was a subject 3 they raised with me because they wanted to know how 4 I handled it in the past. 5 But these kids, who are 20/21 were already thinking 6 about this and so that's -- one of the things I would 7 like to say is I think there should be much more of this 8 kind of looking at the impact of trauma and journalism 9 in the actual education of journalists at a very early 10 stage. Thanks. 11 ELINOR GOODMAN: Could I just come in and ask some of the 12 other editors here whether or not they do consider the 13 impact of their stories on the people they're talking 14 about? I have the press code in front of me and it 15 says, for example -- it governs the way you should deal 16 with intrusions into grief or shock. Is that 17 a consideration that you take into account when you're 18 considering the story or is the public interest in 19 knowing always going to outweigh that? Is there anyone 20 who would like to answer that? There must be somebody. 21 Thank you. 22 PETER WRIGHT: In default of others, yes, it is 23 a consideration and I'm not -- I can't, I'm afraid, give 24 any details because there are stories we didn't publish 25 because I thought they would cause damage either to the Page 201</p>	<p>1 What about trust and friendship? I had contacts 2 who -- sources at the House of Commons, civil servants 3 and politicians who became quite good friends. 4 Nonetheless, good journalism required, and this harks 5 back to the point raised by John Kampfner that, from 6 time to time, I wrote stories that could and did give 7 offence or did real damage. Now, biting the hand that 8 feeds you is not normally regarded the code of good 9 behaviour, yet for healthy journalism it is essential. 10 Final point, we come to the question of the limits 11 of the law and a good journalist will, from time to 12 time, without romanticising the thing too much, test the 13 law or the rules to the limits and that inevitably 14 means, does it not, that that limit might be crossed 15 accidentally or be subject to legal challenge. 16 My final point is that this carries us, I think, 17 into the area described by Lord Leveson as, and I quote 18 "the wider practice of the public good". It's in that 19 wider realm, outside some of the normal conventions, 20 that journalists can, paradoxically, sometimes be at 21 their best as citizens and that is why I do worry about 22 attempts to fetter. 23 GEORGE JONES: If I could ask Trevor a point. It was 24 interesting, when we had Kevin Maguire this morning 25 talking about the fact that he worked on the Page 203</p>
<p>1 individuals involved or to their relatives, but there 2 have been stories that we could have published in the 3 last year and have not done so, simply for that reason. 4 There would have been a good public interest defence for 5 publishing these stories, but when I had considered, as 6 best I could, what I knew about the circumstances of the 7 people at the centre of them, I thought that possible 8 damage would be greater than the benefit in the public 9 knowing the thing which had taken place. 10 CHARLES REISS: Charles Reiss, formally Evening Standard. 11 I'd like to pick up on something Brian Cathcart said 12 earlier. I think my note is correct: 13 "If journalists are citizens like everyone else they 14 can't choose when to obey laws and when not." 15 Of course, that's true and I share his concerns 16 about the lack of trust, but I do think that is, 17 ethically, only part of the story. If you consider 18 a good citizen, the good citizen is never dishonest, 19 a good citizen can be trusted at all times as a reliable 20 friend, loyal and reliable, the good citizen doesn't 21 test the laws and regulations to their limits. But good 22 journalism at times breaks all these codes. Legitimate 23 journalism can and sometimes does involve dishonesty, if 24 only in a small way. I could give an example but, at 25 the moment, time forbids. Page 202</p>	<p>1 Daily Mirror, the Guardian, the Daily Telegraph, back on 2 the Daily Mirror, and felt he could immediately fit into 3 either newsroom and working -- that there wasn't 4 anything greatly different between working as 5 a journalist on those papers or not. 6 I was wondering whether Trevor would feel that he 7 could go and work for Alan Rusbridger, and work on the 8 Guardian, and do you feel that there is any difference 9 or that -- can you try and explain to us what it is in 10 an active Sun newsroom, which may be different from 11 a Guardian newsroom or a Daily Telegraph newsroom? Do 12 you think there is something different that the Inquiry 13 kind of needs to take account of? 14 TREVOR KAVANAGH: Well, I have been offered jobs by various 15 other newspapers, but the Sun's just too much fun to 16 work for and so I haven't taken them up and so I guess 17 they must have thought I could work for a different 18 newspaper or agency or television even. As for the 19 Guardian, I think the thing that would bar me from 20 working for the Guardian is a political situation, since 21 I really only do politics these days, and I don't think 22 the Guardian would offer me a job, either as a columnist 23 or as a reporter so the situation doesn't arise. 24 In terms of the simple process of writing, I think 25 a story, is a story, is a story, and you should be able Page 204</p>

<p>1 to write it and one of the things working for tabloids 2 does for you is to train you to be succinct, and I think 3 that is an element of journalism which is not 4 necessarily the case in areas where they have more space 5 to indulge themselves, but apart from that, I don't 6 think there's any problem with a crossover. 7 GEORGE JONES: In terms of ethics, do you think there is 8 a different set of ethics, a different sort of 9 journalistic approach in, you know, if you tabloid, it 10 seems as though -- I don't want to use a pejorative 11 expression -- but in a newsroom like the Sun it is 12 different -- do you think journalists are operating to 13 a different set of ethics than they are on, say, the 14 Guardian or the Telegraph? Do they think they are and 15 is there something there that needs to be taken account 16 of? 17 TREVOR KAVANAGH: Again, this worries me, George, because 18 the implication or the inference to be drawn from what 19 you're saying is that there is a difference in ethics 20 between -- 21 GEORGE JONES: Well, the difference has been made by some 22 people in the audience and that's why I'm trying to draw 23 out whether you feel, as a journalist, a successful 24 journalist on a tabloid newspaper, that there is 25 something we need to take account of? It's purely Page 205</p>	<p>1 job for the Inquiry to find out. I think it's probably 2 not helpful to be making distinctions between 3 (inaudible) broadsheets and tabloids and that 4 language -- it becomes complicated. I mean, I think the 5 code that we all sign up to is a good code. I was 6 perfectly happy to serve on the code committee of the 7 PCC because I think it is a good articulation of the 8 professional standards and ethics that we all aspire to, 9 so that the problem comes in the observance of that code 10 and whether people genuinely believe it or not. 11 I think the interesting thing in the privacy cases 12 that were fought this spring -- there was a lot of heat 13 around those and warnings that we were marching into 14 a (inaudible) police state, and so on and so forth -- 15 but there is a link between the work of the courts and 16 the PCC which was articulated in the Human Rights Act 17 and which was put in error at the request of the press, 18 which was section 12, which asks the judges to look at 19 the relevant code. That's what the judges do and if you 20 read all these judgments they always turn to the 21 newspapers and say, are you pleading the public interest 22 under the code? The interesting thing is that, in the 23 majority of the cases that broke out in the spring, the 24 newspapers didn't plead the public interest under the 25 code. Page 207</p>
<p>1 seeking information, not trying to make any judgment. 2 TREVOR KAVANAGH: Well, I don't think, frankly, that good 3 journalists, who go about the practice of journalism 4 professionally are any different, ethically, from one 5 paper to another. We may have a different writing 6 style, we may have a different emphasis, we may have 7 a different interpretation of things but we don't set 8 out to distort a story, we set out, I think, to try to 9 inform and enlighten our readers and it may be that, as 10 I point out, the difference between the Guardian and 11 the Sun is one of a political dimension, but every 12 newspaper needs to have its own political character, its 13 own personality and it's that that people buy the 14 newspaper for, in many cases, not always, but certainly 15 partly. I think that they are -- those ethics or 16 whatever it is, the Code of Practice, or perhaps just 17 good conduct, good behaviour, is translatable across all 18 the media. 19 SIR DAVID BELL: Do you think I might ask Alan Rusbridger, 20 Alan, do you -- I mean, leaving aside whether you would 21 hire Trevor or not -- but do you feel that there is 22 a Code of Conduct issue here or an ethical issue or do 23 you think it's right that, actually, it's the same right 24 across the whole waterfront? 25 ALAN RUSBRIDGER: I don't know. That's going to be the big Page 206</p>	<p>1 So I think that the code is not the problem, I think 2 it is a good code and it would be perfectly workable 3 code to go into the future. The question is, and 4 I think Brian Cathcart hinted at this, is whether people 5 are observing this code in the spirit, and the 6 interesting thing, as I say, about those cases that were 7 fought during the spring was that, in the majority of 8 the cases, actually people weren't arguing for the 9 public interest. Then, you know, then the judge is in 10 a very difficult position because he has been asked, at 11 the request of the press to pay attention to the code 12 and certain newspapers say "No, we are not arguing this, 13 this isn't in the public interest", it makes it 14 difficult to get over that hurdle. 15 So I think -- you know, I think that: (a) the code 16 is okay; and (b) let's not make broad brush distinctions 17 between tabloids and broadsheets, because I would 18 probably agree with Trevor, I think. There's no reason 19 why Trevor couldn't join the Guardian, apart from his 20 batty views on Europe. 21 ELINOR GOODMAN: Could I just ask one of the editors of the 22 tabloid papers whether the nature of celebrity 23 journalism means that you have to press the privacy laws 24 further than somebody who is dealing with some other 25 kinds of stories. Is it implicit in tabloid journalism? Page 208</p>

<p>1 I think there is somebody there.</p> <p>2 RICHARD CASEBY: No, it's not really -- my name is</p> <p>3 Richard Caseby. I was managing editor of The Sunday</p> <p>4 Times for 13 years and I'm now managing editor of the</p> <p>5 Sun, so I would like to address the question of whether</p> <p>6 there are two different types of newsrooms or two</p> <p>7 different types of ethics there. So having been walking</p> <p>8 around some of the upstairs rooms at Downton Abbey, I am</p> <p>9 now downstairs and, if anything, what I have seen is</p> <p>10 that, because there is a tougher tightrope to walk in</p> <p>11 tabloid or mass market newspapers, regarding celebrity,</p> <p>12 regarding privacy, the sort of decision-making process</p> <p>13 is much, much more thorough sometimes than it is</p> <p>14 necessarily found in a so-called quality newspaper, and</p> <p>15 I've been really impressed by that on The Sun newspaper.</p> <p>16 I also say that every Sun journalist signs up to the</p> <p>17 PCC code and they will be subject to disciplinary</p> <p>18 procedures should they breach it in any way. I am</p> <p>19 pleased to see that there have been disciplinaries to</p> <p>20 enforce that code. It's a good code, as Alan Rusbridger</p> <p>21 said, it's a very workable code. It's a code that's</p> <p>22 revised. The only criticism I would ever have made of</p> <p>23 the PCC is I think, during the last year or so, it</p> <p>24 could've done with much stronger leadership, but the</p> <p>25 code is a good code and the vast, vast majority of</p> <p style="text-align: center;">Page 209</p>	<p>1 implemented.</p> <p>2 Most mass market newspapers pay for stories, they</p> <p>3 pay tips to people and you don't necessarily know who</p> <p>4 those people are. Well, as a consequence of that and</p> <p>5 a consequence of the Bribery Act, one has had to put in</p> <p>6 put in a whole new set of governance as to how those</p> <p>7 payments might be made, and we have done so at the Sun</p> <p>8 and I am quite proud of the way that that process has</p> <p>9 been put in force. But I have to say these are the</p> <p>10 sorts of tightropes that people walk on a mass market</p> <p>11 newspapers on a popular newspaper that broadsheets don't</p> <p>12 even have to think about and those are some of the</p> <p>13 things we were dealing with just this summer.</p> <p>14 GEORGE JONES: In terms of the PCC code that you mentioned,</p> <p>15 and journalists being banned by it, when they come and</p> <p>16 joined the newspaper and signed a contract, they then</p> <p>17 signed a contract and agreed to be bound by it, is there</p> <p>18 any kind of ongoing --</p> <p>19 RICHARD CASEBY: Absolutely, we've had numerous seminars by</p> <p>20 the PCC. They come in and we go through particular case</p> <p>21 histories of stories, and we present our own sort of</p> <p>22 dilemmas and they will talk to us about those and we'll</p> <p>23 thrash those out. There have been numerous seminars at</p> <p>24 the Sun.</p> <p>25 GEORGE JONES: Executives or the journalists?</p> <p style="text-align: center;">Page 211</p>
<p>1 journalists adhere to it.</p> <p>2 Just before the break, I think someone from the</p> <p>3 Media Trust gave an example of a survey of people of</p> <p>4 what they thought about celebrity journalism or privacy</p> <p>5 and that sort of thing and how they all thought it was</p> <p>6 a terrible, terrible thing. Well, every day the Sun has</p> <p>7 its own poll, it sells just shy of 3 million copies</p> <p>8 every single day, it has a readership confirmed by the</p> <p>9 NRS of about 7.8 million. In the past year, 19 million</p> <p>10 people have read a copy of the Sun. That's 38 per cent</p> <p>11 of the entire adult population and I hope that many of</p> <p>12 the assessors fit into that 38 per cent and they have</p> <p>13 read a copy of the Sun. I would say that I have been</p> <p>14 tremendously impressed by what I've seen in the brief</p> <p>15 time I've actually been there.</p> <p>16 ELINOR GOODMAN: When you talked about the tougher checks,</p> <p>17 how would they manifest themselves those checks, the</p> <p>18 thing that's impressed you so much?</p> <p>19 RICHARD CASEBY: For example, in recent months, two years</p> <p>20 ago we had the Fraud Act and recently, this summer, we</p> <p>21 had the Bribery Act. The Bribery Act is very, very</p> <p>22 broad indeed. In fact, it's so broad, I don't think it</p> <p>23 was necessarily written to capture journalists but the</p> <p>24 way it has been written it looks as though it does</p> <p>25 capture journalists so we will have to see how it's</p> <p style="text-align: center;">Page 210</p>	<p>1 RICHARD CASEBY: The journalists obviously because those are</p> <p>2 the people at the sharp end who are writing the stories.</p> <p>3 We had health professionals coming into the Sun, for</p> <p>4 example, on Broadmoor one must always talk about</p> <p>5 "patients" and don't talk about "cons" and things like</p> <p>6 that and we have a constant educational service, almost,</p> <p>7 to journalists of education. I don't think this is</p> <p>8 either known or it's not something we shout about but</p> <p>9 perhaps we should do.</p> <p>10 One other thing I would just like to address, I hope</p> <p>11 I don't take up too much time, on mass market</p> <p>12 newspapers. I was rather disturbed by some of the</p> <p>13 things that Brian Cathcart was saying about public</p> <p>14 interest. Public interest, as defined by the PCC code</p> <p>15 is a good definition, it's a great definition and we all</p> <p>16 abide by it but there is a wider public interest in the</p> <p>17 nature of the mass market popular newspapers. Yes, they</p> <p>18 make money but they are an important way of</p> <p>19 disseminating information on the issues of the day to a</p> <p>20 mass market readership and to sometimes do that you have</p> <p>21 to mix the sort of things that you might find vulgar.</p> <p>22 For example, I think about one issue in July. It</p> <p>23 had a great double page spread, the Sun, on the Greek</p> <p>24 debt crisis and the £1 billion European bailout, and it</p> <p>25 was headlined "I owe ouzo". It was great fun, great</p> <p style="text-align: center;">Page 212</p>

<p>1 graphic, great detail, great percentage GDPs, it was 2 lovely, great example of popular journalism. Right next 3 to it, on the next page, was a story about Lady Gaga's 4 father, about how he had hired a stripper to teach her 5 the piano when she was a child. 6 Yeah, you can get that mix of stories, and as this 7 morning we heard, it's about the package. You've got to 8 give the package to get the mass market readership to 9 get the story about the Greek bailout and there's a real 10 public interest in a functioning democracy to get those 11 sorts of issues to people at their breakfast table every 12 day. Thank you. 13 SIR DAVID BELL: Mark Damazer, do you want to say something? 14 MARK DAMAZER: I just want to return to the question about 15 public interest and interest of the public and, 16 actually, go back to something that was said right at 17 the beginning of the day by Phil Hall and somewhat 18 amplified by Trevor Kavanagh later on, which is about 19 hypocrisy, the way it justifies putting into the domain 20 stories about private live of public figures and, 21 sometimes, clearly times that must be right. 22 I also want to say that it's absolutely clear that 23 without the tabloid press, a tremendous amount of 24 fantastically important stories would not have been 25 broken and would not have been amplified subsequently by</p> <p style="text-align: center;">Page 213</p>	<p>1 obviously, significantly in the public interest. I'm 2 not John Prescott's agent, in fact, I've never spoken to 3 him, but I'm not entirely clear in my own mind's eye 4 whether Prescott was guilty of great hypocrisy, whether 5 he was guilty of incompetence, because he was spending 6 some time with his mistress, or whether it was that he 7 was a figure of fun and any politician is fair game, no 8 matter what is said about them. 9 There may be any number of dimensions, which either 10 justify it or don't, but I don't accept as an axiom that 11 any fall from grace, from any figure who is in the 12 public eye justifies the publication of that story. In 13 many cases, it is, but I don't think it's blanket, and 14 the suggestion, I think, that has been made one or twice 15 during the course of the day is that any form of 16 hypocrisy justifies any form of publication, and I just 17 wish to challenge that, not that I wish to legislate 18 against it, because I wouldn't be in favour of that. 19 GRAHAM MATHER: Graham Mather, European Policy Forum. If 20 I could just follow Mark's point, which I think leads 21 exactly back to Stephen Whittle's final point, about how 22 do we decide what the public interest is. 23 I'd like to draw the Inquiry's attention to the fact 24 that this does occur in other sectors. In the area of 25 takeovers and mergers, for example, there's a long</p> <p style="text-align: center;">Page 215</p>
<p>1 the BBC, who did not break those stories. Let's just 2 remind everybody, I'm not speaking for the BBC, I'm now 3 at Oxford. 4 But the notion that any kind of hypocrisy justifies 5 any kind of invasion of a public figure is one that 6 I think at least invites scrutiny. If we were all put 7 to the highest possible standard of leading a singular 8 and unified life around the purest of moral codes none 9 of us would be able to get out of this room very easily. 10 There are obvious cases where intrusion seems to be to 11 be justified in publication. 12 You could certainly say that somebody who uses in 13 their election literature a tremendous amount of stuff 14 about their family inviting trouble. You can say that 15 a celebrity who has made a fortune out of selling images 16 of their family to celebrity magazines is asking for 17 trouble. It's not clear to me that each and every case 18 that happened over the last 20 years, whether it has 19 been published first by a tabloid or a broadsheet, and 20 whether it had been subsequently amplified by the BBC or 21 not, falls into that criterion. 22 The 1990s John Major back-to-basics case were all 23 posited around the fact that Major had invited a degree 24 of scrutiny that justified publication. Well, maybe. 25 The Charlie Kennedy case on drink, open and shut case,</p> <p style="text-align: center;">Page 214</p>	<p>1 history of decision-taking by the Monopolies Commission, 2 the Competition Commission, on what is or is not in the 3 public interest and, in that area, it's actually 4 probably more difficult to define than in this area. 5 We've heard that there are, sort of, three codes, the 6 Ofcom, the PCC and so on, which define it quite tightly 7 in this area. In the world of takeovers, the 8 legislation was very broad. Panels could take into 9 account anything they thought was in the public 10 interest, and that might be quite useful, because it 11 allows you to capture the changing public mood and 12 attitude. 13 I think there are only two caveats to this useful 14 learning experience from another sector. One is that, 15 for it to work, those deciding what is in the public 16 interest, obviously have to have no conflicts of 17 interest, they have to be purely independent. Secondly, 18 the legislation itself has changed recently and moved 19 away from the public interest to a narrow competition 20 test. What was interesting when that happened was that 21 the public interest almost immediately reappeared. 22 Legislators decided that you couldn't just decide things 23 on competition if, for example, a takeover might damage 24 the security of the nation or upset financial stability. 25 So the public interest immediately reappeared in that</p> <p style="text-align: center;">Page 216</p>

<p>1 area.</p> <p>2 So my offering is simply to say I think these</p> <p>3 broader lessons and these other legal histories,</p> <p>4 histories of cases, may help the Inquiry.</p> <p>5 JOHN KAMPFNER: I am John Kampfner. I just want to come</p> <p>6 back to something Charles Reiss said earlier but it</p> <p>7 follows on from this discussion we are just having now</p> <p>8 about public interest. Ultimately, pretty much</p> <p>9 everything comes down to a determination of public</p> <p>10 interest. Underhand behaviour, unethical behaviour,</p> <p>11 illegal behaviour can, in the right circumstances, be</p> <p>12 justified by a public interest defence, so whether</p> <p>13 that's secret filming, secret recording, listening to</p> <p>14 telephone calls or impersonation, everybody, for</p> <p>15 example, look at -- everybody talks now about the</p> <p>16 Telegraph and MPs' expenses, slam dunk, good story.</p> <p>17 Look at the Vince Cable impersonation story, I would</p> <p>18 reckon if you did a straw poll in this room, people</p> <p>19 would come down 50-50 on that one. That was a public</p> <p>20 interest determination.</p> <p>21 Just a little anecdote, which I think shows</p> <p>22 a delicious irony. I was doing, at the height of</p> <p>23 hackgate, a quick two-way on the BBC News channel and</p> <p>24 they played into the interview with me something they</p> <p>25 literally just got, which was an audio recording, secret</p> <p style="text-align: center;">Page 217</p>	<p>1 objective. The subjective test is I say to them:</p> <p>2 "Look, ask yourself this question: if you use this</p> <p>3 underhand method and then the story goes out then the</p> <p>4 underhand method is revealed for one reason or another,</p> <p>5 would you feel comfortable, would you think that the</p> <p>6 story you obtained justified that method or would you --</p> <p>7 once you're in the 'I'm not sure' camp, then don't do</p> <p>8 it, but if you are convinced that this story merits what</p> <p>9 you're doing, then I think that's not a bad way to move</p> <p>10 forward but, ultimately, it comes down to your sense of</p> <p>11 is this right is this wrong."</p> <p>12 That involves a whole other range of ethical</p> <p>13 considerations, but it's a start and I don't think we</p> <p>14 should underestimate young journalists' interests in</p> <p>15 these matters. It's not just people who sit around in</p> <p>16 meetings in this, people going into journalism are</p> <p>17 concerned and worried and take these issues very</p> <p>18 seriously.</p> <p>19 ALAN RUSBRIDGER: Just one thing which we inserted in the</p> <p>20 Guardian's code, which came, actually, from a completely</p> <p>21 different world, which was the intelligence world,</p> <p>22 because journalists are obviously not the people who</p> <p>23 grapple with these interests, with these complex ethical</p> <p>24 decisions, especially involving intrusion. I was sent</p> <p>25 a five point test that Sir David Oman who used to run</p> <p style="text-align: center;">Page 219</p>
<p>1 recording of a pep talk to staff by Rebecca Brooks,</p> <p>2 trying to -- just before she resigned, trying to justify</p> <p>3 what she was doing. She presaged her remarks, according</p> <p>4 to this audio recording by saying: "Please can I entreat</p> <p>5 everybody here not to record this and not to publicise</p> <p>6 it". So they play this and the obvious point which</p> <p>7 I made at the beginning of my remarks was, you have just</p> <p>8 done something underhand, but you have done it, you have</p> <p>9 made a determination on public interest.</p> <p>10 So it's these areas, it's -- it is try -- I don't</p> <p>11 accept the view that the press -- the PCC's</p> <p>12 determination -- current definition of public interest</p> <p>13 is good enough. I think a considerable amount of work</p> <p>14 on all these issues, particularly those that pertain to</p> <p>15 investigative journalism, needs to focus on that</p> <p>16 specific determination.</p> <p>17 IVOR GABER: Ivor Gaber. I wonder if I could give a quick</p> <p>18 rule of thumb picking up on John and Charles' point.</p> <p>19 It's not as elegant as the PCC code, but when I teach</p> <p>20 students, one of the first questions -- and Joan picked</p> <p>21 up this point -- they are very keen to know about the</p> <p>22 ethical issues and how can you justify breaking the law</p> <p>23 or not telling people exactly what you are investigating</p> <p>24 whatever, and I say that, essentially, there is</p> <p>25 a subjective test, which becomes, if you like,</p> <p style="text-align: center;">Page 218</p>	<p>1 GCHQ, had floated in a lecture. They seemed to me five</p> <p>2 good points that any journalist could ask themselves.</p> <p>3 The first one is the harm, ask yourself about the</p> <p>4 harm that is going to be caused by your story, which,</p> <p>5 you know, includes distress but does what are you going</p> <p>6 to do justify the harm that is going to be caused.</p> <p>7 The second is the public good that is going to be</p> <p>8 caused. So you want to measure the harm against the</p> <p>9 public good.</p> <p>10 The third is proportionality, the methods that you</p> <p>11 are thinking of applying. Are they proportionate, are</p> <p>12 they the minimum possible methods in order to get the</p> <p>13 story that you want?</p> <p>14 The fourth is about the chain of command and the</p> <p>15 proper authority and oversight, which in the light of</p> <p>16 phone hacking is an incredibly interesting question to</p> <p>17 be asking.</p> <p>18 The fifth is about fishing expeditions, no fishing</p> <p>19 expeditions.</p> <p>20 I thought they was a five simple easily memorable</p> <p>21 tests. A, sort of, five-bar gate which any journalist</p> <p>22 could easily ask themselves and, if you go to</p> <p>23 Brian Cathcart's point, could be noted, in advance of</p> <p>24 any story being published so that you have an audit</p> <p>25 trail and I thought they were rather thoughtful things</p> <p style="text-align: center;">Page 220</p>

1 by a rather thoughtful man from the intelligence world,
 2 which read across quite easily into the journalist
 3 world.
 4 SIR DAVID BELL: I don't know if there are any other
 5 questions anybody wants to raise, any points?
 6 MIKE JEMPSON: I just wanted to go back to the beginning of
 7 today and talk about money again, because one of the
 8 justifications for a lot of stories that the tabloids
 9 publish is that the public are just interested and one
 10 of the ways they prove this is by asking people to sell
 11 them information. If you look on their website, they
 12 encourage people, if they think they've got a story that
 13 might be of interest to their readers, slightly
 14 different thing to the public interest, get in touch and
 15 we'll look after you.
 16 Subsequently, if there are problems with these
 17 stories, editors frequently will say "Oh, well, it's
 18 because they were after the money", and there have been
 19 numerous cases of that. So I think you have to be
 20 looking at those issues. What is the notion of selling,
 21 encouraging people to sell stories because they slept
 22 with a footballer or whatever?
 23 There was another financial area that was beginning
 24 to be touched on this afternoon, which I think needs to
 25 be looked at, which is the cost of in-house lawyers and

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1 the sorts of decisions that we heard from the Murdoch
 2 crew in Parliament, about how they make their decisions
 3 about whether or not to pay somebody off. We never know
 4 how many cases are settled out of court, rather than
 5 risk running up huge legal bills.
 6 Maybe if newspapers had a bit more temerity and
 7 published a list of the stories, or the arrangements
 8 they made with people who are challenging them and
 9 saying "We've paid them off, we're not gonna publish
 10 this story about them", maybe we would have few fewer of
 11 those, then they wouldn't be quite so chilled by the
 12 libel laws.
 13 **CONCLUDING REMARKS**
 14 SIR DAVID BELL: Well, we thought we would probably finish
 15 at about five o'clock and it looks to me as though we
 16 are pretty well close to 5. Unless there's anything
 17 anybody else wants to raise, please feel free to do so.
 18 If not, before I ask Lord Justice Leveson to close up,
 19 I just wanted to say one or two thank yous. First of
 20 all, to all of our speakers who prepared what they had
 21 to say, really, with very little notice and I thought
 22 did a really excellent job; to Elinor and George for
 23 being here; and to the broadcast team who are all around
 24 us, whose work we'll be able to see very shortly on the
 25 web; finally to Ruby, Kate, John, Amanda and Rachel who

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1 are part of the team that are behind this Inquiry, who
 2 have put a huge amount of time into getting this to work
 3 in what is, by the standards of inquiries like this,
 4 an incredibly short time. So I just wanted to thank all
 5 of them and anybody else who has been involved, who
 6 I haven't mentioned, for having got us to this quite
 7 remarkable day, I think. With that --
 8 LORD JUSTICE LEVESON: Well, those who have managed to
 9 struggle through to the end, this seminar has achieved
 10 what I wished for it. That is to say, a broad and open
 11 discussion of a number of very important issues. I am
 12 very grateful to everyone, not only for making time to
 13 attend, but also for doing so much to contribute to the
 14 debate and provide the different perspectives which they
 15 have.
 16 The context for this part of the Inquiry is
 17 therefore much clearer. I do hope that you'll all feel
 18 able to return on 12 October when we discuss approaches
 19 to regulation, supporting the free press and high
 20 standards.
 21 Equally, and dealing with an issue that was raised
 22 this morning, I assure you that I will pass on to
 23 modules which deal with relationships between the press
 24 and the police, and relationships between the press and
 25 politicians, and I may well seek to organise further

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1 seminars on these topics in the future.
 2 Can I end by thanking David Bell, Elinor Goodman and
 3 George Jones for maintaining the flow of these important
 4 discussions and repeat my thanks to each one of you for
 5 the very real care that you have taken in the
 6 contributions that you've made.
 7 Thank you very much.
 8 (5.00 pm)
 9 (The hearing concluded)
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