MR JAY: Mr Whittow, the future for regulation of this
industry. Could you assist us, please, with your views
as to that?
A. I'll try my best. I've obviously read some of the
transcripts and I can see which way we think we're
heading.
LORD JUSTICE LEVESON: Well, don't read too much into that,
because, as I've said to several people, I'm keen to get
ideas, to throw out ideas for everybody to consider.
A. Yes.
LORD JUSTICE LEVESON: Ultimately, I will reach some
conclusions, which the government will then decide
whether they accept or they don't accept. Equally, the
trade, the business, the profession, whatever you want
to call journalists and newspapers, will have to decide.
But I want everybody to be part of the exercise of
thinking about it.
So when I've made suggestions, asked questions, it
is so that everybody can go back and think about the
ideas that I'm throwing out. I haven't made any
decision at all --
A. Okay.
LORD JUSTICE LEVESON: -- but I am very concerned to ensure
Page 1
the system works, not merely for journalists, not merely for all the titles, but also for the public.
A. Yes.

LORD JUSTICE LEVESON: You will have formed your own view about the reaction to what's emerged over the last few months.
A. Yes. I saw that you did say there needs to be more than tinkering around the edges.
LORD JUSTICE LEVESON: That's my present view.
A. That's your present view. I think that -- I don't think there should be any state or government intervention. I think that we're probably more than capable of sorting out our own business.

In the main, things have worked very well. There have been some rogue incidents which have brought us to this stage.

I would think that it needs a powerful body, probably with more powers. I don't know what those powers are, I must admit. I think that it should comprise of laymen, some professional people and some -obviously some journalists, because they know what the business is all about. I can tell by some of the answers and the questions here that there are certain things which people don't understand go on in the newsroom. That's not a criticism at all. It's just the

Page 2
same that I wouldn't know what goes on in a legal chambers.

So it does need journalists, probably former editors, something like that, and people who can react to certain situations. And possibly, possibly bring pressure to bear if things get out of hand, and also handle things quickly.

But the one thing that does really concern me is the Internet. I don't know -- it's not part of my life, to tell you the truth. I'm aware it's there, but I know that younger people are using it all the time and so much flashes around the Internet. How you'll be able to control that, I just do not know.

There's one story out there at the moment, which, wherever I go, everybody asks me about that one particular story. I'm not going to say what it is, but they want to know what happened to so-and-so. You go on the Internet and you can see about 20 different versions about what this particular person is supposed to have done. None of them are correct, apparently, but yet that's having an influence on the British public.
LORD JUSTICE LEVESON: But isn't what journalists do -A. I'm sorry?

LORD JUSTICE LEVESON: Is not what journalists do, or at least what journalists should do --

Page 3

## A. Yes?

LORD JUSTICE LEVESON: -- is provide access to what is verified information?
A. Well, that's what I'm saying. So you're getting all these -- the reports on the Internet, that's what I'm trying to say, so you need an accurate version in the paper, and the only way that you're going to be able to get that is if you give the press a certain amount of freedom. If you shackle us too much -- there are so many laws at the moment. You know, there are an incredible number of things that we abide to on a daily basis, and in the main it's quite well run.
LORD JUSTICE LEVESON: It's not terribly sensible, is it, that a very important organ of the press feels so strongly about the body that is supposed to provide some oversight that it withdraws from it?
A. I understand that, but perhaps that particular -perhaps -- you're obviously talking about something else, which will come later, but perhaps there were reasons for doing it.
LORD JUSTICE LEVESON: Oh yes. No, I'm not --
A. Perhaps we didn't think it was being run correctly.

LORD JUSTICE LEVESON: I'm not --
A. Perhaps we want more powers.

LORD JUSTICE LEVESON: I'm not challenging the decision. Page 4

That was a decision which the group was perfectly entitled to make.
A. Yes.

LORD JUSTICE LEVESON: What I am saying is something rather
different: that if you want a system that works, it has
to be so organised that everybody thinks it's a good
idea to take part.
A. Well, that could well be the case. But if something --
if you're not happy with something at that particular
time, you do withdraw from it.
LORD JUSTICE LEVESON: I understand.
A. But that doesn't mean to say that it's off limits
forever, but, your Honour, that's not my decision. But
I know where you're coming from.
MR JAY: Thank you very much, Mr Whittow.
A. Thank you.

MR JAY: Sir, the next witness it is Mr Peter Hill.
MR PETER HILL (sworn)
Questions by Mr Jay
MR JAY: Mr Hill, please sit down and make yourself
comfortable. Your full name please, Mr Hill.
A. Peter Whitehead Hill.
Q. You've given us two witness statements. They straddle our lever arch files.
A. Yes.

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Q. If you could look at the first file, which I think is that one there, and go to tab 21, you'll find your first statement dated 15 September of last year. I hope.
A. Yes. Got it.
Q. That is signed by you and has a statement of truth on
it. If you go to the second file under tab 23, you'll
find your second statement. Keep that one open, please.
A. Okay.
Q. We're going to go back to it.
A. Yes.
Q. Your second statement is dated 13 December 2011 and again is signed and has a statement of truth?
A. Yes.
Q. Do you follow me?
A. Yes.
Q. So this is your true evidence, is it, Mr Hill?
A. Yes.
Q. First of all, questions about you. You were editor of the Daily Express between December 2003 and February 2011; is that right?
A. Correct.
Q. But before then, you worked at a number of papers, the Mirror then the Star. You became editor of the Daily Star in 1998.
A. Yes.

Page 6
Q. And moved across to the Daily Express in December 2003; is that right?
A. Yes.
Q. What are --
A. I worked at many other newspapers than that, though, in my life. In the Daily Telegraph, the Sunday People, many local newspapers.
Q. Thank you. Those other national newspapers you haven't mentioned, it doesn't matter, but it's right that you tell us. And it's an entree into my next question. What are the differences in culture, if any, that you've perceived between the different papers for whom you've worked?
A. They're all extremely different. They all have a different world view, they all have a different interpretation of the news, and they're all part of the marvellous variety that there is in the British press and which contributes to I think probably the most marvellous newspaper groups in the world, because we have a great press, we have great newspapers.
Q. Apart from differences in world view, which I think we fully understand, are there differences in what one might call organisational ethos or culture which you're able to define or not, between these different papers?
A. In organisation, I think all newspapers are very much Page 7
the same, because newspapers have existed for a very long time and they've developed certain ways of doing things, and newspaper men have gone from one organisation to another and they've taken their methods with them and I think there is a consensus in the way that newspapers are run, very much.
Q. Thank you. May I ask you just one question about the Daily Star?
A. Oh yes.
Q. You made it into a very successful paper, I believe. You were editor of the year in 2002. Part of your success, is this right, was built on reality TV and reporting that, is that fair?
A. Well, reality TV became the most important thing for red top tabloid newspapers around that time, when Big Brother was launched, and it was immensely popular and still is immensely popular all these years later. We recognised this, I think, probably more than anybody at the Daily Star at the time and we got a lot of new readers by reporting on it.
Q. Did you persist with stories over a long period of time more than your competitors?
A. Yes. People in the business were astonished that I splashed the front page on it 28 days on a run, but it was the right thing to do because that's what the Page 8
Q. Can you be a bit more specific? You told us earlier they were no longer doing the job it needed to do. You've told us a moment ago it was no longer being run in the right way -- I paraphrase -- by certain individuals.
A. Yes.
Q. Can you be more explicit?
A. I don't want to go into the individuals.
Q. Okay. What about no longer doing the job it needed to do?
A. I've explained to you that in the beginning it was meant to be completely self-regulatory, but it -- and that it was instead of the law. It was instead of people going to -- it was to try to stop people -- ridiculous -having to go into ridiculously expensive court proceedings and to resolve things in a more amicable way. For a long time that did work, but in the end we got -- instead of individuals complaining, you got lots of legal firms getting involved and it all got much more legal than it had ever been. It used to be much more of a lay thing, but it became a legal thing. So whereas at one time I might well deal with complaints myself, or the managing editor might deal with it, in the end we simply had to get the legal department to do all the complaints, because it was all legal.

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LORD JUSTICE LEVESON: But could the PCC award compensationP
A. No. No, the PCC could not award --
LORD JUSTICE LEVESON:Therefore, how could it ever stand in
    place of the law, which could?
A. It was for people who were not primarily concerned with
    getting compensation, but wanted redress of a different
    sort, such as an acknowledgment that a mistake had been
    made and a correction in the newspaper. Because not
    everybody wants to have a financial settlement.
MR JAY: I don't at the moment quite understand what the
    problem is here. You have two different but
    complementary systems. You have the PCC, which can't
    award compensation but which can achieve a form of
    recompense in terms of an apology and an adjudication.
A. Yes.
Q. And you have the civil law, which obviously is
    interested in compensation. Many people might not want
    compensation, they might only want what the PCC can
    offer; are we agreed?
A. Yes.
Q. But if the PCC makes a decision which is to the effect
    that the complaint is rejected, is not the advantage
    then that you're unlikely to get a defamation claim or
    a privacy claim subsequently?
A. Not necessarily. There was nothing to stop anyone
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Page 11
disagreeing with the PCC and being dissatisfied with it.
Q. Logically that must be right, but if the PCC has considered the complaint and rejected it, you would be less likely to get a legal complaint, wouldn't you?
A. Yes, I would have thought so.
Q. And it works the other way, that if the PCC accepts, upholds the complaint, although that can't be determinative, it gives the parties a pretty fair steer as to what might happen in a civil litigation, doesn't it?
A. Except as I explained to you, there was a convention that people who went to the PCC -- and it was no more than a convention, but people who went to the PCC did not subsequently go to law.
Q. That may have been your understanding, but --
A. Well, it was the practice.
Q. But do you agree with me that there's nothing to stop --
A. No.
Q. -- a complainant going off to law? And the advantage of the system was that if the PCC upheld the adjudication, although that wouldn't be conclusive or determinative, you at the newspaper and the complainant would have a reasonable idea what the outcome might be in civil proceedings, are we agreed?
A. Correct.
Q. Isn't all that an advantage rather than a disadvantage?
A. No, because what's the point of the PCC if people are simply going to go to law anyway? Might as well just go straight there.
Q. Okay.
A. Stop wasting everyone's time.
Q. I'm not going to ask you general questions about the editorship of the Daily Express, because we've covered that ground and your evidence is very similar to that of the previous witness. I'm just going to focus on a few matters before turning to the McCann case. Unless, that is, there's anything you want to say which you feel Mr Whittow has not covered in terms of the general position of the editor of the Daily Express, or you might want to contradict?
A. I don't know what Mr Whittow said, because I was travelling.
Q. Okay, my apologies. Can I ask you about private investigators, paragraph 22 of your first statement.
A. Yes.
Q. You say you were not aware of ever using a private investigator at the Daily Express.
A. No.
Q. To be clear, you did not become editor, as you've told us, until December 2003, and Mr Whittamore was arrested Page 13
in February 2003.
A. Right.
Q. When did you become aware of the Information Commissioner's reports?
A. I'm not aware of them.
Q. Even now? These are the reports "What price privacy?" and "What price privacy now?".
A. No, I can't remember reading it.
Q. Did they ever enter your radar, Mr --
A. No, because it was never relevant to me. We never, to my knowledge, used anything of that kind.
Q. Because although it wasn't during your superintendence of the paper because it was beforehand, he identified a number of transactions which he thought were illegal transactions of the Daily Express, and a number of journalists. I think it was seven journalists and 20-something transactions. Wouldn't that information at least have been of interest to you?
A. No, because it was nothing -- I didn't follow any of those practices. The regime completely changed when I became the editor.
Q. What changes did you bring in?
A. Well, they were really changes in the way and the tone in which the newspaper was run.
Q. But how did those changes, and you haven't yet been

Page 14
specific about them, bear, if at all, on whether or not private investigators would have been used?
A. I would have expected the news desk to tell me if anything of that kind was going on.
Q. If it was going on before, it might have continued, mightn't it, and why would they tell you?
A. It was a completely different group of people who were involved. All those people, as far as I know, had left the organisation.
Q. Who are the people you are referring to?
A. I don't know. I can't remember their names, I'm sorry, it's a long time ago.
Q. Is it your evidence that a number of people left, and therefore, because they left, you could be sure that private investigators were no longer being used? Or is it your evidence that you have no idea at all as to whether private investigators were ever used?
A. I have no idea.
Q. Okay. Can I ask you about public interest issues, paragraph 27. You were asked to identify the factors you took into account in balancing the private interest of individuals against the public interest when publishing stories, and your answer is:
"When making editorial decisions, I always used my long experience in the newspaper industry to weigh up Page 15
the question and come up with a decision on whether to run the story."

You haven't identified, though, any factors; you've merely referred to the fact, which is undoubtedly the case, that you've got a lot of experience. Are you able to assist at all as to the factors which you took into account and put into the balance?
A. Every story's different from every other story, and you can't make rules on these matters because the line between the public interest and the interest of the public is sometimes quite vague, and you have to make a judgment on each story. And you do that on the basis of your experience and your knowledge. And discussion with your colleagues and your legal department.
Q. You haven't referred here to any of the principles laid down in the PCC code, have you?
A. Well, I take those as read.
Q. Okay. Can I ask you some general questions about politics? We've heard from another witness that the Daily Express moved its allegiance from the Labour Party to the Conservative Party, you think, I believe, it was some time before 2005 but can't recall the exact date and the exact date is not going to matter.
A. No.
Q. But it was before Mr Cameron became the leader of the

Page 16
opposition; is that right?
A. Yes.
Q. Who made that decision to switch allegiance?
A. I made the decision.
Q. And in your own words, why did you make that decision?
A. Because the entire history of the Daily Express had been that of a right-of-centre newspaper. It had an enormous constituency of readers who supported that view, and I felt that it had been a huge mistake to move the newspaper to support the Labour Party, which had been done by previous editors and administrations, and it had, in fact, cost the newspaper an enormous number of readers who had abandoned it in despair. So I decided that it was absolutely vital to return to its traditional constituency.
Q. Was that decision taken with board approval?
A. Yes.
Q. Did it have the support of the board or not?
A. It had qualified support, because the chairman,

Mr Desmond, was a strong supporter of Mr Blair, who was then the Prime Minister, and he was not really a -- he was not a supporter of the Conservative Party, but he accepted that this was the appropriate thing to do.
Q. I think you're making --
A. And the board accepted that.
Q. Yes. I think it's clear from what you're saying that the initiative came from you --
A. Yes.
Q. -- and not from the board; is that right?
A. From me.
Q. As for your dealings with politicians, and we're talking of those in very high office, or in opposition in like category, how often did you meet with Mr Blair, Mr Browne and Mr Cameron, for example?
A. A couple of times a year.
Q. Were these one-to-one meetings?
A. Yes.
Q. And from your perspective, what was the purpose of the meeting, if any?
A. To exchange ideas and opinions.
Q. Insofar as you could tell, what was the purpose from their perspective?
A. To find out what my readers thought.
Q. With what objective?
A. To producing the right policies for themselves.
Q. Was it in any sense in one case to keep you onside, or in the other cases to try and get you to change your allegiance?
A. They never tried to get me to change my allegiance, but clearly politicians would rather you were a friend than

Page 18
an enemy.
Q. Yes. Thank you. Your second statement, Mr Hill, deals with the McCanns.
A. Oh yes.
Q. Of course, you've given evidence to the Parliamentary Select Committee about this, haven't you?
A. Yes, extensively.
Q. Can I take you to that statement and refer to a number of points.

At paragraph 2 --
A. What --
Q. This is in the second file under tab 23.
A. Oh, 23. Okay. Yes, paragraph 2.
Q. The question which was asked of you was in effect what fact checking your paper indulged in. Your answer was:
"That is a very, very good question. In this particular case, as I explained to you, the Portuguese police were unable, because of the legal restrictions in Portugal, to make any official comment on the case."

Then I paraphrase: they leaked things to the press and therefore checking the stories was not very easy. And then you went on to say newspapers operate at high speed, et cetera.

I think the question I have is that those very circumstances, that you were dealing with leaks to the Page 19

Portuguese press, together with the fact that you knew at the time that it was going to be next to impossible to verify the truth of the leaks, meant that you were running a very high risk by running these stories at all, weren't you?
A. Yes.
Q. May I ask you, given that answer, why did you run that risk?
A. Because this was an unprecedented story that in my 50 years of experience I can't remember the like. There was an enormous clamour for information and there was enormous -- there was an enormous push for information. It was an international story, on an enormous scale, and there had not been a story involving individuals, as opposed to huge events, like that in my experience and it was not a story that you could ignore and you simply had to try to cover it as best you could.
Q. You often published the same sort of story on the front pages, though, didn't you, sometimes on consecutive days?
A. Of course.
Q. Did you at any time, given your assessment of the level of risk, which was a high risk, put into account the position of the McCanns?
A. Of course. We published many, many, many, many stories Page 20

1 A. I felt that the stories should be published because
there was reason to believe that they might possibly be true.
Q. So that was a sufficient basis: reason to believe that they might possibly be true, so we'll whack it in the paper. That's true, isn't it?
A. I don't use expressions like "whack it in the paper".

I find that to be a very judgmental expression.
Q. Yes, well, I don't actually apologise for it. I'm going to carry on.
At the same time, Mr Hill, you knew --
A. The fact of the matter is that this is a public Inquiry and I do not believe that I am on trial.
Q. I'm sorry, Mr Hill, I'm just going to carry on.
A. But I think you are putting me on trial.

LORD JUSTICE LEVESON: You're not on trial, Mr Hill. What we're looking at is the culture, practices and ethics of the press.
A. Yes.

LORD JUSTICE LEVESON: That includes the newspaper which you 20 had the responsibility and doubtless the honour to edit for many years.
A. Indeed.

LORD JUSTICE LEVESON: And therefore, looking at the way in which you are conducting that responsibility is

Page 22
important, and in relation to the McCanns, the question does arise, given that you knew that officially the Portuguese police were not allowed to talk to the press, what you should be doing to check up or to work on the validity of stories that were being leaked.
A. Indeed.

MR JAY: And the answer is what? What did you do to check on the validity of those stories?
A. We did the best that we could do, which was not very much.
Q. Which was nothing, wasn't it?
A. I'm not saying it was nothing, but we tried our best.
Q. Okay. But against that, of course, you had another eye on the circulation figures, didn't you?
A. One always has an eye on the circulation figures.
Q. You told the committee, I think it's also your evidence to us, paragraph 8 of this statement, in answer to question 620:
"It certainly increased the circulation of the Daily Express by many thousands on those days without a doubt. As would any item which was of such great interest."
A. Yes. Would you like to carry on?
Q. Yes, of course:
"It also massively increased the audiences on the BBC as their Head of News has acknowledged. It did this Page 23
for all newspapers."
A. Yes.
Q. That merely goes to support the point: it was the view of everybody that publishing the story would increase circulation or would increase viewing figures, wouldn't it?
A. Yes.
Q. Was that something that you felt you could establish and did establish empirically in relation to the Daily Express's circulation figures?
A. On many days, yes.
Q. Because you looked at them at the time and your assessment was, on a day-to-day basis: this story must be contributing to an improvement in circulation. Was that your assessment?
A. Yes.
Q. But did you get the circulation figures on a daily basis or on a weekly basis?
A. A daily basis. That is to say, estimates on a daily basis. Because it takes some time for the actual figures to be validated.
Q. Yes. How long does it take for the actual figures to be validated?
A. Perhaps a week.
Q. And when you looked at the actual figures, did that

Page 24
change the picture or not?
A. Sometimes.
Q. We do have the data under tab 25 .
A. Yes.
Q. For what it's worth, and this is absolutely nothing, I am not able to correlate, because I don't know when the stories were published, or discern whether there is a trend in relation to circulation. All that one can see is that on Saturdays circulation tends to be much higher; is that right?
A. Yes, but that's all the time.
Q. Yes, yes.
A. Yes.
Q. Because what one would need is to be there on the ground at the time and with expert knowledge of all that's happening in the paper at the time, is that so?
A. And all that's happening everywhere else.
Q. But your clear evidence is, is it, that circulation did go up with the McCann stories?
A. I think so.
Q. That must have been, therefore, a factor in your persisting with the story, was it not?
A. Yes.
Q. Together, you say, with the clamour for information and the pressure for information. Is that so?
A. Yes.
Q. Mr Fagge gave evidence, and I just put it to you in these terms, although we have a transcript of it under tab 40, that you were obsessed with this story. Would you agree with that or not?
A. No.
Q. And why not?
A. Well, I can see, perhaps, why Mr Fagge would use that word, but Mr Fagge was not privy to my inner thoughts, he wasn't part of my inner team, and he would misunder -- I can see that he misunderstood the reasons that I used the story as many times as I did, but I've already explained to you the basis for that decision, which had gone all the way back to my time on the Daily Star when I had realised that it was -- that the readers were more -- the readers continued to be interested in the stories far longer than the journalists, and it was my policy to continue the stories and I followed it with many different stories. It started with Big Brother, it went on to Princess Diana, various other things, and that had always been my policy. It was nothing to do with an obsession, it was more to do with a method of working.
Q. Yes. Can I just probe a little bit into that last answer. Would you accept that there's rather

Page 26
a difference between, on the one hand, persisting in the publication of stories relating to Big Brother, which frankly, whether they're true or not, who cares, and the --
A. Some people cared a lot.
Q. Well, the persistence of publication of the stories in relation to the McCanns, where some people might care extremely deeply, because whether or not they're true and whether or not they're capable of damaging people is a predominant consideration? Do you begin to see that difference?
A. I perfectly see the difference. On the McCanns story, the entire country had an opinion about that story, and wherever you went, whether you went to a social gathering or, as somebody said, to the supermarket, people were talking about it and they all had an opinion about it, and these were opinions, these were stronger opinions, and these opinions were informed by the information that was coming from Portugal.

Now, we were not to know at the time that the Portuguese police were not behaving in a proper manner. Portugal is a civilised country, part of the European Union. We had no reason to believe that its police force was not a proper body. So, as I explained to you, there was an enormous body of opinion on both sides of Page 27

1 this story and you couldn't stop that. There was no stopping it.
Q. Apart from to stop publishing it, particularly --
A. That wouldn't have stopped it, because you couldn't -well, as someone's explained, we now have the Internet, we have Facebook, we have Twitter, we have all these different things. Information is -- it's a free-for -it's an information free-for-all that we live in. So whether the newspapers stopped publishing would have made no difference. In fact, it might well have made it worse.
LORD JUSTICE LEVESON: Was Mr Pilditch one of your reporters?
A. Yes.

LORD JUSTICE LEVESON: Highly regarded?
A. Very much.

LORD JUSTICE LEVESON: He told me that there was a problen accessing the police because of the secrecy laws.
A. Yes.

LORD JUSTICE LEVESON: And he got the impression that a lot of the way that this information leaked out was thinking out loud, as a result of which he had misgivings.
A. What do you mean by "thinking out loud"?

LORD JUSTICE LEVESON: I'm sorry?
A. I don't know what you mean by "thinking out loud".

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LORD JUSTICE LEVESON: The police thinking out loud.
A. Oh, the police thinking out loud.

LORD JUSTICE LEVESON: Not you. And to which he said:
"I discussed my misgivings with the news desk."
Did you get involved in a discussion about the misgivings that your man on the ground had about this story?
A. I'm sure I would have done.

MR JAY: I think it did go a bit further than that as well, that every story went up with the moniker "legal please" on it, didn't it?
A. I can't remember.
Q. Mr Fagge told us in answer to one of my questions:
"In the evenings, over a beer in Portugal with your colleagues, seeing this obsession played out [that was his term, not mine] on the front pages of the Express, weren't you troubled by the direction in which this was going?
"Answer: Yes."

## Were you troubled?

A. No.
Q. And why not?
A. Because I thought it was the right thing to do.
Q. Because?
A. Of what I've explained, that there was an enormous Page 29
clamour for information and I felt that this story was something that should keep running.
Q. When all this went wrong, and it went very wrong, with a price tag of $£ 550,000$, what, if anything, happened between you and the board?
A. Nothing.
Q. Was there no gentle criticism of you?
A. There's been -- there have been hundreds of libel cases in newspapers and newspaper administrations have got to live with them.
Q. Mm. Were your board aware that circulation was improving as a result of these stories?
A. I'm sure they were aware of the business points of the organisation, yes.
Q. And may that have been the reason for the absence of any criticism of you, do you think?
A. I think editors are normally left to run their newspapers.
MR JAY: Thank you, Mr Hill.
LORD JUSTICE LEVESON: Mr Hill, thank you very much indeed.
A. Okay.

MR JAY: I now call Mr Ashford next, please.
MR PAUL ASHFORD (sworn)
Questions by MR JAY
MR JAY: Thank you, Mr Ashford. Please make yourself
Page 30
comfortable. You won't need the second file, but you will need the first file. I'm going to ask you to look at tabs 15 and 16, where you'll find two witness statements. The first is dated 16 September. Do you have that one?
A. I do.
Q. The second is dated 19 December, again of last year. Do you have that one?
A. I do.
Q. You've signed each statement under a statement of truth, so this is your true evidence, is it?
A. It is.
Q. Your first statement I'm going to deal with quite lightly, if I may, because most of it's uncontroversial. You explain you're the group editorial director of the Northern \& Shell group of companies. You're a board member, therefore, in charge of the creative functions of Northern \& Shell, which includes editorship, does it?
A. That's correct.
Q. Do you have any influence over what goes in the paper, if I can ask that general question?
A. I think influence would be the right word. I might have some influence, but the editors have the ultimate decision.
Q. Right. In terms of therefore the relationship between Page 31

4 A. Yes, where it directly relates to editorial content as 5 opposed to perhaps financial matters.
Q. In what sort of areas might you be interested at all in the content of what goes in the paper?
A. I'm generally interested in most of the content of the papers. They're interesting papers. But in particular, I visit the editors most evenings, I see the front page, I see the stories, and I am interested in often how we got a story, if it comes as a surprise to me.
LORD JUSTICE LEVESON: And that's all the papers, is it?
A. Yes.

MR JAY: So you're occupying a sort of roving function of superintendence, looking at what's going in the paper and giving suggestions here and there both as to the feel, the content, the layout, these sort of matters? Is that a fair description?
A. I visit them once a day. I wouldn't go as far as to call it superintendence, but I'm there if need be.
Q. Can I touch on one specific issue: that of private investigators. Were you aware of the Information Commissioner's two reports in 2006, Mr Ashford?
A. I have been made aware of it since. I'm not sure

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whether I was aware of it in 2006 or not, but I have been made aware since.
Q. And approximately when were you first made aware?
A. It was very much connected with the reiteration of the phone hacking story, I suppose, last year and the year before, that we looked back.
Q. Is this part of the investigation that Ms Patterson told us about, therefore?
A. It would be connected with it, yes.
Q. And when you therefore read what was in the Information Commissioner's report, or were at least told about it, did that cause you any surprise or concern?
A. I was concerned to find out whether anything inappropriate had been done. In the conversations that I had with the legal department, it seemed to me that we'd effectively been using agencies as address books, as means of finding out contact information, so it seemed fairly low profile stuff, so I wasn't overly concerned when I'd had those conversations.
Q. Were you aware that Mr Whittamore's company, JJ Services, was still being used by the Express as late as the year 2010?
A. I don't think it was brought to my attention on a day-to-day basis, no.
Q. No, I'm sure it wasn't, but were you made aware of that Page 33
as part and parcel of the Internet investigation, which started in September of last year?
A. I can't remember whether that was mentioned. I know we had used them at some time in the past, and I was made aware of that. Exactly when, I can't remember.
Q. And when you were made aware of that, did that cause you any concern at all?
A. Well, we'd been -- the answer is probably no, because I was concerned about how we might have been using people and what we might have been using people to do. And the explanation that always seemed to arise out of the investigations were that we'd been using them for legitimate purposes.

LORD JUSTICE LEVESON: But did you look at any of the mone involved? I mean some of the sums are not insubstantial, at least to my eyes. It may be they're different to you.
A. I think compared to the kind of money you'd lay out on a major investigation for lead stories if you were in that kind of business, the sums were never very substantial.

LORD JUSTICE LEVESON: Yes, but the question is whether they're more than just finding an address. More than the cost of just finding an address. That's the point. What are they doing for you is the question I'm really

Page 34
asking, or whether you were asking it, rather than me.
A. We were seeing invoices, we were seeing individual invoices for, you know, GBP 75, GBP 90, and we were seeing larger invoices that might go up to 1,000 , but I don't think we had a way of determining whether that thousand was buying, you know, one day's search for addresses, a number of days, so there wasn't really anything to raise our concerns in the amounts.
LORD JUSTICE LEVESON: But don't you think there should b a system that does allow you to have the sufficient detail so that you can decide whether or not you should be concerned?
A. Well, we always thought our systems were good, but now in the light of this, we're reviewing them.
LORD JUSTICE LEVESON: I see.
A. And I think that's not a bad suggestion.

MR JAY: Move on, please, to your second statement and the PCC. This is under tab 16, please, Mr Ashford.
A. Yes.
Q. I want to go through this statement with some care, if I may, since it's the main reason why you're being called to give oral evidence.

You explain under paragraph 1 that when Northern \& Shell ventured into newspaper ownership in November 2000, you had really come from the outside and Page 35
therefore were not part of the club, and from the outside you mean both geographically and culturally. Might you in your own words elaborate on that for us, please? What do you mean by "from the outside, both geographically and culturally"?
A. Well, geographically first. We were going into the residue of Fleet Street, although a lot of people had by then moved, but we were coming up from the Docklands into Central London, so in a sense we were not part of the Central London newspaper world. We were slightly isolated in that respect.

Moving on to culturally, quite simply we were magazine publishers and I'm sure a lot of people in newspaper circles were disposed to look down their noses at us, so for that reason.
Q. You go on to say that it seemed to you that "papers were to a greater or lesser extent colluding in a Fleet Street culture which was only partly designed to further the commercial interests of respective publishing businesses."

What do you mean by that, please?
A. I think, among journalists, there was a sense that being a journalist was something rather special, rather apart, rather privileged, and to some extent not above the laws of established society but definitely in a special

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place. We didn't go into it with any such feeling. We went into it feeling we needed to do a decent job for the paper, make a decent product for the readers, and really nothing more highfalutin than that.
Q. In paragraph 2 you describe or characterise the system which you believe existed when you first became involved. You say in the second line:
"This was not self-regulation by companies so much as acquiescence to rules policed by an industry body."

Which is your characterisation of what the PCC was doing; is that right?
A. Yes. I wanted to make that distinction, because we came into it seeing the sense in a self-regulated press, and we thought to ourselves we were able to regulate ourselves. There are a very large number of very good reasons why a newspaper would want to regulate itself, even without any industry body. We'd been used to doing that on magazines, so we knew of an Editors' Code, and we saw no reason, in principle, why a company in isolation might not apply that Editors' Code and put in its own disciplines and constraints.

The difference was the same code was being enforced, but it was a kind of an industry body that -- it was a club.
Q. Thank you. The attributes of the club obviously we Page 37
fully understand in any event and I'm not going to go over those, but you were happy to, as it were, play ball and join up to this club, at least at the start; is that correct?
A. We were not entirely comfortable with our reception into the world of newspapers by our rival newspaper owners, but we could see the sense of being seen to be decent and proper people as well as in being decent and proper people, and we didn't see the sense, really, in rocking the boat.
Q. Paragraph 3. Your competitors, you felt, or at least some of them, demonised the newspapers and the Express newspaper group, isn't that correct?
A. Yes.
Q. You identify one of them, the Daily Mail, which you say was conducted on a very personal level?
A. Yes.
Q. Are you referring there to personal attacks of a particular sort?
A. Yes.
Q. Maybe you don't want to go into those, but if you do, let me know.
A. I don't think I will go into them, but there were personal attacks, not only in newspapers but in mailshots to readers' homes.

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Q. Can you just tell us a little bit about that? Mailshots to readers' homes, what happened there? You don't have to be specific, but just give us a flavour of that.
A. This was the Daily Mail writing directly to its list of Daily Express readers and saying, "Look, your newspaper has a new proprietor", naming him and saying what they considered to be the worst things they could think of about him.
Q. Okay. Paragraph 5 you touch on the McCann story. Can I deal with your attitude to the PCC's response to it? You say you found the behaviour of the PCC to be wholly hypocritical and unhelpful. Could you expand on that, both in the context of wholly hypocritical and then unhelpful?
A. I think my problem with it was the contrast between the fact that our editor, Mr Hill, was on the PCC committee, so he had total access to them and they to him throughout the period in which all the newspapers and other news organs were covering this story to a greater or lesser extent in the same way that we were, so they had total access, but there was complete silence. They didn't raise it for an extraordinary discussion. Maybe they would say it was not in their remit to do so, but every opportunity was there to do so. And it was a contrast between that inaction and after the McCanns Page 39
took legal action and we apologised and gave them redress, then the chairman of the PCC took it upon himself to publicly denigrate our editor, and it was that mismatch of the two things that I, and I think other members of the board, found upsetting.
Q. The other thing that you put into the equation are what's contained in PA1, which you see is the last sentence of paragraph 5 . You point out that other newspapers were running similar stories; is that correct?
A. It's correct, and I believe arrangements were made with the McCanns and certainly some other newspapers that they too gave some redress.
Q. What you say is correct.

May I hand PA1 to Lord Justice Leveson, since he doesn't have it in that bundle.
LORD JUSTICE LEVESON: I've just noticed.
MR JAY: I copied it overnight. (Handed)
LORD JUSTICE LEVESON: Thank you.
MR JAY: It probably isn't in that bundle either,
Mr Ashford. I wouldn't worry about it, though. I've looked at the articles and I take your point.

The McCann settlements were, I think, in the summer of 2008, but you tell us in paragraph 7 that you didn't resign from the PCC immediately; you continued with it Page 40
for a while longer, although nonetheless you felt that you'd been scapegoated; is that right?
A. We did.
Q. Of course, it might be said, though, that the McCanns took the decision, as they were entitled to do, on the basis of advice, to sue the Daily Express primarily -of course they sued other papers as well -- and that had nothing to do with the PCC. Would you agree with that?
A. I agree that the PCC could easily have said it was not within their remit to do anything. As I said, it was a combination of the criticism and the doing nothing that really rankled.
Q. The singling out of Mr Hill by Sir Christopher Meyer at the BBC interview.
A. Correct.
Q. That was the point which you found unacceptable, did you?
A. Yes.
Q. In paragraph 9 you deal with PCC adjudications in relation to all those newspapers and magazines within the Express Group. You're dealing there, for the avoidance of doubt, only with adjudications, not with matters which are resolved in other ways, is that so?
A. Yes, that's so.
Q. Because many complaints are resolved, either on the Page 41
basis of compromise or on the basis of the newspaper accepting guilt, in inverted commas, and offering recourse. Is that right?
A. Many are, indeed, and many are resolved in that way without the PCC being in the least involved from beginning to end.
Q. You deal with the concept of regulation in paragraphs 10, 11 and 12. You point out that that's wrong to focus just on a regulatory body, but there are other constituents of regulation, namely the law, and that's both the civil and the criminal law, and internal systems of corporate governance, which, of course, we were addressing this morning. But you also accept that you do see a role for a press regulatory body as well; is that right?
A. That's correct.
Q. Why do you think that that is so? Why is there a role for a press regulatory body?
A. I think there's a very large constraint in terms of the laws on newspapers, which goes without saying. There's a large constraint on us in terms of we really do not want to get it wrong, ever, because it affects our reputation, which translates into the future prosperity of the business, but there is an area also where you're getting a lot of commercial rivals in issues that aren't
sufficiently severe to be in breach of laws, but nevertheless you need to have some level playing field to stop the commercial rivals drifting into areas of behaviour that might not be, let's say, good citizenship, to score a point off their rival.
Q. Yes.
A. So you have a body to see fair play, in which we all sign up to the same guidelines. That can avoid this happening.
Q. I'm just interested in the point you make in paragraph 12 that you see a role for a press regulatory body only in areas where laws are not infringed, but can I suggest to you that there might be, indeed there is a role for such a body even in areas where laws are infringed, whether it's the criminal law or the civil law, because the purpose of a regulator is different from the purpose of civil law, participation in which is voluntary, and criminal law, which depends on the police finding the evidence to bring prosecutions. Do you see that?
A. I can see that there's a point there, and I suppose especially because complaints may well come at a point where whether or not something is in breach of a law has not been tested.
Q. I think your real complaint is, and this is the last Page 43
sentence of paragraph 12, it's the composition of the PCC you don't like and makes it unfit for purpose. Is that right?
A. Well, I started out with the point about sort of an industry club. Certainly, I think, a better body would be one that was isolated from the politics and the personalities of the industry, and in particular people currently serving on it and who are still serving editors, between whom there is a lot of rivalry.
Q. Yes. Can I just test it in this way: if there is an adjudication on a particular paper, we all know that an editor who edits that paper and is sitting on the PCC will leave the room.
A. (Nods head).
Q. Is that not sufficient, it might be said, to ensure that the decision reached in the individual case will be an independent and impartial decision?
A. I feel it's a clumsy way of doing things. I'm sure everyone who is involved always did their best to see that it works, and I'm sure that it often did work, but I don't think you've lost anything if you said, "Look, let's not have serving editors, serving newspaper executives on it". They're not even necessarily the best people to judge. I know they have specialised knowledge, but it's a bit like -- I mean a musician

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doesn't necessarily make a good music critic.
Q. Yes. Or it might be that if you have an editor leaving the room and then coming back into the room, and then they go on to decide someone else's case. That creates a sense of discomfort --
A. It's clunky.
Q. It's clunky.

LORD JUSTICE LEVESON: Yes, but if I follow your musical analogy a little bit, it's also important that the person who is making the decision knows how the music works.
A. Yes. As I have said, it's the serving editors that

I proposed were less appropriate, not people with any editorial experience whatever.
MR JAY: Your proposal, I think, entails two things. It entails having retired editors to bring the requisite expertise to whatever the body is, is that right, and also you would like a lawyer or two there, or a retired lawyer, is that fair?
A. I certainly think the nature of the body lends itself to people with a legal background --
LORD JUSTICE LEVESON: Yes, you don't need to bring yourself to say you want a lawyer there. I understand the point.
A. Lots of lawyers, but some other people, too.

MR JAY: And you'd maybe mix it up, as we know from
experience of other regulators with lay people with experience from all walks of life, but can add their special contribution. Would that be right?
A. I think so, because it's not a specialised area. It's an area of what is good practice, what is good citizenship, what is fair and what is just. It doesn't need a specialised body of knowledge.
Q. But am I right in saying, Mr Ashford, the PCC as presently constituted is a body to which Northern \& Shell, for the time being, will not sign up to?
A. As presently constituted, no, but in the meantime we continue to apply the principles which the PCC also applies to our newspapers.
Q. And the decision to leave in January 2011, we know that 15 was taken at board level. You, therefore, participated in the decision, did you?
A. That's correct.
Q. And did you support the decision?
A. Yes.
Q. And of the board -- perhaps I don't need to know this. Was it generally supported by the board? Obviously there had to be a majority, but was it --
A. Yes, it was.
Q. And had this been something which had been under

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discussion for some time?
A. I think I made the point that we were not entirely comfortable with the PCC as a body and the way it was constituted right from the outset but we put up with it, it was doing us no harm, so we just let it carry on.
Q. After 11 years in the newspaper industry, do you still feel culturally apart from the rest or not?
A. Maybe we've grown together a little bit, but I think our company is -- it still has its own identity.
Q. Okay. Why do you think that is? If you want to say. If you don't, we won't press you.
A. I think there's a kind of straightforwardness about what we see are our objectives and the way we set about approaching them.
Q. Can I be more explicit: is it because your competitors feel that your company has too simple and monochrome an objective: namely to make money?
A. Is it because our competitors feel that?
Q. Yes.
A. I don't want to comment on what our competitors feel. I couldn't speak for them.
MR JAY: Thank you very much. Those are all the questions I have for you, Mr Ashford.
A. Thank you.

LORD JUSTICE LEVESON: Have you, Mr Ashford, given any Page 47
thought to other ways in which regulation might be improved? You've identified non-editors -- serving editors, you've identified some legal and lay input, but is there anything else that you, who have clearly given some thought to the issue, would want to see in a new system, if there was to be a new system?
A. One of the points I made was that it probably was not in the PCC's remit to actually say anything during the McCann situation when everyone was publishing everything, because there had been no complaint. So maybe some mechanism that if something emerges in the press that's of that kind of profile, any body that existed perhaps ought to look at it before a complaint comes, rather than after it. And I'd have to work out what I meant by looking at it, but certainly discuss it, debate it.
LORD JUSTICE LEVESON: I see. So the body ought to be capable of being proactive, not merely reactive?
A. I think that's an area that should be explored, yes.

LORD JUSTICE LEVESON: What about the need for a complaint at all? Or should it just be looking to improve standards so that it can investigate areas in which it believes standards are not being maintained?
A. Well, I suppose what I'm saying is both. That it should be empowered to be proactive to some extent, where it

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views the press, sees something going on which seems to
be -- intuitively to be amiss, and yet there's no complaint. I see no reason why it shouldn't engage with -- try and prevent a problem rather than wait till a problem surfaces. I'd still have to think of a mechanism for doing that and a way of disciplining it.
LORD JUSTICE LEVESON: Yes. That raises the question whether the system can be one or should be one that allows a core constituent to leave. I appreciate the current system does and did and has, if you'll pardon the shorthand, but is that desirable in any system or mechanism that is intended to regulate something as important as the fourth estate?
A. I think if you don't allow a person to leave, then that entails a fairly draconian system of fines for non-compliance for things, because they can't get out, so what disciplinary structures are going to be in place? I think the ideal thing, if it can be achieved, is to get a body that people aren't going to want to leave, because they see that first of all it's fairly and justly constituted, and secondly, that it's trying to get them to do things that they'd actually want to do anyway, for the sake of your own reputations and the reputation of the industry.
LORD JUSTICE LEVESON: But aren't you then driven by the Page 49
lowest common denominator? In other words, the body is I don't say held to ransom aggressively or offensively, but merely figuratively by somebody who disagrees or doesn't accept this particular line or that particular line?
A. Yeah, I think there's a -- there's a point there. I'm trying to work out what you mean by the lowest common denominator.

LORD JUSTICE LEVESON: Well, everybody has to agree, because the moment that one ceases to agree, the system collapses.
A. Yes, you're just really making the distinction between something that is voluntary and isn't voluntary. Maybe I'm being idealistic, but I believe it's possible to have something where everyone will agree, because it's in their best interests to agree.
LORD JUSTICE LEVESON: But --
A. And we did, for many years, even though we had misgivings, we stayed in.

LORD JUSTICE LEVESON: I understand, but you've identified certain core requirements, which I understand.
A. Yes.

LORD JUSTICE LEVESON: Other people might identify other core requirements and other people yet different core requirements, and that's not necessarily easy then to

Page 50
achieve.
A. Yes. It's not easy, but I think there is a great benefit, if we can agree, which is the reputation of the British press is potentially enhanced by having a proper and correct body, and there's a threat in the background, if we find we can't agree, that if you can't make it work on a voluntary basis, there might be something worse waiting in the wings.
LORD JUSTICE LEVESON: The snag with that, Mr Ashford, is that that's what was said some time ago. It's been tried. That's what was said at the time in 1991, 1993, all that historical Calcutt material, of which I'm sure you're aware.
A. That's true, but in all those intervening years, I don't think we're saying that the PCC, as set up then, has been an abject failure. It has failed in some respects, it's failed recently --
LORD JUSTICE LEVESON: The question is whether it was eve a regulator or whether it was only a complaints or mediating system.
A. I think it -- my personal opinion would be that it did have an -- has had an influence on how newspapers were run.
LORD JUSTICE LEVESON: That's slightly different. It might have had an influence, without necessarily being

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a regulator.
Anyway, the next question is: one of the things that other people have said, and I'd be interested in your view, is they've spoken of the cost of litigation and the value of having some arbitral system that allows redress to be obtained for privacy or libel or other potential tort without the expense of full-blown litigation. Do you agree with that or not? You may not. I'm just interested.
A. No, I -- I apologise for saying no. I do agree with it. I think it would be very valuable, particularly because in the past few years you have had a lot of legal firms on contingencies, who are bringing cases knowing that the cost of defending them will potentially be very high, and newspapers might well settle for a few thousand pounds just not to have to have the expense and the time. So if we have a body that can take care of that kind of case, it makes sense.

LORD JUSTICE LEVESON: But doesn't that require compulsory entry into it? In other words, if you want to pursue an action for, say, breach of privacy, this is the route you have to go down; you can't have both systems running in parallel, otherwise the wealthy will choose the one that will hit you financially, and the others won't?
A. I don't see how you can prevent someone from litigating
at the end of the day, someone outside the press
litigating against a newspaper.
LORD JUSTICE LEVESON: It depends whether the remedy that's
specified required -- the litigation in court requires
somebody first to have gone through some other
mechanism, given that nine times out of ten or 99 times
out of 100 , that would be sufficient.
A. I think it's an idea to look into. It just depends what
the exact terms of any legislation would be.
LORD JUSTICE LEVESON: I understand that. All right, thank you.
MR JAY: Thank you, Mr Ashford.
Is this a convenient moment for our break?
LORD JUSTICE LEVESON: Yes, certainly.
(3.24 pm)
(A short break)
(3.33 pm)

MR JAY: Sir, our next and final witness for today is
Mr Richard Desmond, please.
MR RICHARD DESMOND (sworn)
Questions by MR JAY
MR JAY: Kindly sit down and make yourself comfortable,
Mr Desmond and give us your full name.
A. Richard Clive Desmond.
Q. Thank you. Under file 1 of the three files, in tab 2 , Page 53
you should find your witness statement of 19 September of last year. You'll see at the end that you've signed it and appended a statement of truth to it, so is this your truthful evidence, Mr Desmond?
A. It is.
Q. You explain that you're the founder and owner of Northern \& Shell plc, acquired the Express group of newspapers, in which I'm of course including the Daily Star and the Daily Star Sunday, in November 2000; is that right?
A. To be precise, we actually launched the Daily Star Sunday about seven years ago, in fact.
Q. Okay. And you also explain that you've been a media entrepreneur throughout your working life. You founded Northern \& Shell in 1974. Your first career was in magazines, then you moved into television -- of course you didn't lose your magazines -- Channel 5. In 1993, you started OK! Magazine, and then in November 2000 you acquired these newspapers.

OK! Magazine you describe as one of the most successful magazines in the world. We are going to hear from them next week. What is your business model in relation to OK! Magazine?
A. To provide great editorials and great -- and a great product they all want to buy every week.

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Q. Okay. How would you define, if I ask you this question, your business model in relation to the Express Group of newspapers?
A. If you go back to November 2000, basically Lord Hollick, who owned the -- or should I say at United Newspapers Lord Hollick was the chief executive of that newspaper group. I don't believe he owned any shares, I believe it was about 3 per cent of the United News business and he didn't like newspapers, he didn't like the Daily Star. He had turned the paper to Labour, to be a Labour paper, I believe he's a socialist peer, and the paper was a left-wing paper and when we walked in -- I mean, basically the only other people that were going to buy it were the Daily Malicious -- sorry, Daily Mail, who obviously would just close down the Express and pick up the circulation, and the other person that was looking to buy it was the disgraced Conrad Black. So, really, Express Newspapers had had its day and in 2001 they budgeted to make a loss of GBP 21 million, which is quite a lot of money, even 11 years later, but it was certainly a fortune 11 years ago.

So our first thing we had to do was take a grip of the economics of that group, and basically get rid of what I would call -- or as Jethro Tull would call living in the past, because, you know, these guys -- you know, Page 55

1 I remember comments from the editorial people, "What are 2 you talking about? The Express is like roast beef, it 3 will be there forever, it's part of the history of 4 Britain, there's no problem at all with the Express". 5 In the meantime, it was losing, as I say -- budgeted to 6 lose GBP 21 million, and the Daily Star was selling 7 around 400,000 copies a day, and one of the reasons why 8 it was selling 400,000 copies a day is because it wasn't 9 being given enough money in particularly in the 10 photographic area, and we felt that the Daily Star had 11 an opportunity to grow because it was so badly produced 12 in the past.

So we felt by backing the editor, by putting more money into the editorial on the Daily Star, by looking at the chess correspondent, who was based in Latin America, or the New York bureau, one person in New York, all this sort of nonsense and grandism that surrounded the paper at the time, we felt that by taking a firm control of that we could, you know, get the magazine -get the newspapers back into profit.

Plus, of course, we were able to -- you know, we enjoy selling advertising space, and we enjoy partnering with people, and basically, you know, we like to work with advertisers as opposed to being arrogant and stiff-necked with these people, and we were able to
increase the advertising.
So basically that was the main thing. And, I mean, they had -- an example, I don't know what this means to you, but they had 100 reps on the road with cars. From our experience of running magazines, we've tried every single aspect of trying to increase circulation, and basically the way it works is the whole -- the way it works is you have around 50,000 retail outlets and you have the wholesalers, and the wholesalers get delivered magazines or newspapers and they deliver to the retailer.

Now, the only way the wholesaler makes money or the retailer makes money is on their sale, okay, and they don't want returns. So another example of our good business was cutting the amount of copies that were coming back. I think at the time it was something like 300,000 copies a day of the papers coming back on returns, which we took down to 200,000 copies a day, because what is the point in just having waste?

So all these sort -- I can go on and on, but that was basically the -- that was basically the way that we -- that was the first priority, was to -- you know, West Ferry Printers, they had 690 staff. You know, we were able to operate quite efficiently with 550 staff, the West Ferry Printers.

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LORD JUSTICE LEVESON: So what you're talking about is sharpening up the business ethic?
A. Yes, or running it as a business. It really wasn't -you see, the trouble is, with media, they are living things and you have to -- well, probably I'm sure if you're a baked beans manufacturer it's the same thing, but certainly with media, my experience, you have to love these products, you have to live these products, and if it's just part of a huge group which isn't loved and lived and looked after, then, you know, the end result is going to be what it was.

It's the same, frankly, with Channel 5. We bought that last year, I think it was, and it was owned by a German group called RTL and they managed to lose GBP 15 million a year for $14,15,16$ years. We were able to turn that into a profit within a month just by simple housekeeping. Not because they weren't good, because they weren't in this country. You have to live and breathe these things, and you have to understand the business.
I think a lot of these other groups don't really understand that it is a business, and, you know, there's more to life than the chess correspondent based in Latin America.
MR JAY: So when you took over this business, you grabbed it
Page 58
by the scruff of the neck, you reduced costs where they could be reduced, you sought to increase advertising and were you successful in both of those objectives, Mr Desmond?
A. Yes, we were. It was very easy, very quick. Within three months we had it into a profit. You know, I remember one of the things -- we were talking about the private investigators, and one of the things I remember is walking around the floor and there was a room with a lot of scruffy geezers and I said to the editor, "Who are they?" "Oh, I can't tell you who they are". "What do you mean, you can't tell me?" "Oh, it's the investigative department." So I said, "What is it?" "I can't tell you." So Paul, who is in charge of that area, found out what they did. They were special investigators, you know, sort of bugle stuff, Dan Dare stuff.

And then the final thing was I think the first week they asked for $£ 5,000$ or $£ 10,000$ of cash, or the editor at the time asked for that, to pay these geezers, shall we call them, to do their private investigative work. My reaction was the last thing we're going to do is to start paying out cash to people, we don't know what they're doing, et cetera, et cetera, et cetera. So I said to Paul, "You know what? I don't like the whole Page 59
thing". Paul didn't like the whole thing. "You know what, cut the whole area. No one knows what it is and it seems a bit dodgy."

What makes me laugh is a few weeks ago we're sitting on the Parliamentary Committee around the table and there's my friend Lord Hollick sitting there asking me about newspapers, whereas he was the chief executive of that company that employed these people. I do find it ludicrous, frankly.
Q. Were these people, as you've put it, were they employees of the company?
A. Yes. Employees of the company.
Q. So they weren't freelancers, they weren't independent contractors?
A. No. It was a very important area, you know. Very important, very secretive, important area. But we cut it out within -- I think within a week or two weeks. I think that's probably why we made so many friends in the first few weeks, because we did cut a lot of these type of people out. If we didn't know what they did, we got rid of them.
Q. Were you applying here some ethical principle or was it simply a commercial principle?
A. Well, it was a legal thing, really. I mean, you know, we do not pay out cash without receipts. I mean,

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I never have done since I started my news magazine in 1975, and I certainly wasn't go to start 25 years later paying out thousands of pounds of cash every week to -you know, without ... ridiculous.

That was the ethos of the company. I'd never seen anything like it, hundreds and hundreds of people, all very important. In the meantime, the circulation is going down, the advertising is going down. As I say, budget to make a loss of GBP 21 million.
Q. Some have said, particularly in relation to the Daily Star, that costs have been cut too much and that has led to a diminution in standards and a cutting of corners. Would you accept that?
A. Absolutely not. We've invested more in the Daily Star than, you know -- just look at the product. It's fantastic. At the end of the day the reader decides, and 11 years ago we were selling about 400,000 copies a day and now we're selling 700, 800,000 copies a day in a mature newspaper market, shall we say. I think it's fantastic what we've done on the Daily Star, but the readers have decided, you know, they can't get enough of it.
Q. What interest, if any, do you have in ethical standards within your papers, or is that purely a matter for the editors?

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A. Well, ethical, I don't quite know what the word means, but perhaps you'll explain what the word means, ethical. Q. I think it's paragraph 22, perhaps, of your statement. You make it clear everybody's ethics are different:
"We don't talk about ethics or morals, because it's a very fine line."
A. I'm sorry?
Q. Paragraph 22.
A. Is it on page 6?
Q. It is, yes.
A. Yes.
Q. "It's a very fine line". The very use of that term or language would suggest that certain things are on the right side of the line and certain things are on the wrong side of the line. Can we agree about that?
A. As I say in my statement, we don't talk about ethics or morals because it's a very fine line and everybody's ethics are different.
Q. It may be you don't talk about ethics or morals because you simply don't care less about them, or it may be, as you say, that there's a very fine line and it's often difficult to say what falls on which side of the line. I'm not quite sure what you are trying to tell us there, Mr Desmond. Could you clarify?
A. I'm trying to tell you exactly what I said in my

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statement, which is we do not talk about ethics or morals because it's a very fine line, and everybody's ethics are different.
Q. One should go on, in fairness to you:
"We do, of course, care about the title's reputation and so would not run a story if we thought it would damage that or seriously affect someone's life."
A. Well, of course.
Q. Yes. So that is an ethical consideration, isn't it?
A. Of course.
Q. Different proprietors enter this business for different reasons. Some because they think they might acquire power and influence, some because they think it might flatter them in some way, but what would you say was your reason both entering this business and continuing in it?
A. Just about over the 25 years of magazines, we covered music magazines is where we started, bicycle magazines, mountain bike magazines, adult magazines, reader magazines, attitude magazine, stamps magazine, Liverpool Football Club -- you know, every single magazine, venture capital magazine, OK! Magazine, you know, which is the biggest magazine in the world on the news stand. And so therefore we were a bit stuck as to what to do, and I had offered, or we thought we had tried to buy

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Express years before, because we'd seen the way the management -- we thought the management was useless, hopeless, and we thought we could do a better job, and we thought the price was around 400 million, which was in fact turned down, and then we saw a leaflet, what do you call it, a flyer from Merrill Lynch saying how Express Newspapers were finished and how it was only worth between GBP 75 and GBP 100 million, and I thought, oh, GBP 75 to GBP 100 million, we're making around 20 million at the moment and we had about 30 million -well, we didn't have about, we had exactly 30 million, so I knew that we could borrow the rest and buy that group and make it better and restore it back to its true glory, which is what we did.
Q. So you make it sound as if -- but I may be wrong -- that it was largely because it was commercially attractive, it was a business opportunity?
A. Of course. The same way as Channel 5.
Q. Apart from it being a business opportunity, is there anything else which attracted you to the idea of being a newspaper proprietor?
A. No.
Q. Okay. Because some proprietors in the past have had enormous influence over politicians.
A. I'm not a -- you know, I remember meeting Mr Blair for

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the first time when we bought the papers. He was very nice, we talked about -- fortunately, we talked about music and drums, which is my passion, and as we walked out of the door, he said to me, "Well, who do you support then?" I said, "Pardon?" He said, "Who are you, left, right, you know, one of us?" I said "Honestly, mate, I'm not really interested in politics". And he said to me, "You will be", and interestingly on my way back to the office I got hijacked by Porter who said, "What are you? Are you a Tory or a socialist?" I said he seems a nice fellow, Blair, so I was a socialist.
Q. We've heard from Mr Hill that the paper changed direction, perhaps re-entered its natural habitat before 2005.
A. Yes.
Q. Did you have any interest in or influence over that decision?
A. Yeah, I felt that I betrayed Tony, as a mate. I felt he was a good bloke, I thought he was doing a good job, I liked him. You know, he came to my house, I went to his house or flat or whatever you want to call it. I thought he was a good guy. So I felt on a personal level bad, but at the end of the day Peter Hill runs the editorial of the paper and that was the decision that he Page 65

## made.

Q. And it's a decision, therefore, which from my understanding of what you just told us that you didn't oppose. Because you could have overruled it, it could be said?
A. We don't really work that way.
Q. Okay.

LORD JUSTICE LEVESON: That's quite important. So for you,
a proprietor of the newspaper, that's not to persuade people to adopt your approach to anything; for you it's a commercial venture?
A. A commercial venture, of course. I say of course because -- I mean, that was -- you're right, because I remember when we first walked into Express, the then managing director said, "How often are you going to be coming in?" I said, "Mate, I've just written out every penny in the world I have, plus mortgaged the company up plus mortgaged myself up, I'm going to be here every day from 7 o'clock in the morning until 10 o'clock every night seven days a week", and that confused everybody. You know, they thought it was a wicked plot, or I don't know what they thought, but I was there that amount of time to turn the company or to help turn the company, with the team, into a profitable business.
LORD JUSTICE LEVESON: But not to exercise editorial Page 66
influence?
A. No. I'm not an editorial man. I'm an advertising man. My father was in Pearl and Dean advertising. I started off selling classified advertising. That is my area of expertise, but I'm not even sure of that any more. I think I'm probably a bit past it in that. But that is an area of expertise, that's my expertise.
MR JAY: Did Mr Hill explain to you that moving back to the Express's natural allegiance, the Conservative party, might improve circulation or did that not enter into it?
A. I think the conversation was really -- it was a radical move for Peter to suggest, but I knew the facts were my mother and father bought the Daily Express, who were middle market Conservatives, and I knew -- yeah, he was right to do that. He wasn't wrong to do that at all.
Q. In terms of having one's finger on the commercial pulse, you explained in paragraph 13 you look at your ratings -- this is the last sentence of it -- and your competitors' ratings, and of course here we're talking about circulation figures, aren't we?
A. Mm-hm. And advertising.
Q. Do these come to you daily, the circulation figures?
A. We see the figures daily, but they're meaningless, really, because nothing really moves. I don't know why you look at them every day, really, because all you're Page 67
doing -- we're praying for miracles, but the circulation figures of newspapers are pretty static. I mean they're only going one way. But apart from that, there's nothing really exciting to see.
Q. But of course you have improved over the years the circulation figures you say of both the Star and the Express?
A. We haven't increased the circulation of the Express. We're in line with the market on the Express. The Daily Star, we have increased the circulation and we have launched the Daily Star Sunday from nowhere to selling around 800,000 copies every Sunday now.
Q. There are fluctuations, though, in the circulation figures. Are you able to identify what it is, if anything, which is causing them?
A. The fluctuations, I mean, you know, I don't know what world these people live in. The fluctuations, we're talking about on 700,000 or 800,000 , you might be talking about a fluctuation of 10,000 copies, which is, just to put it in commercial terms, which is 10,000 times 30 p, which is $£ 3,000$, less the cost of production, less the cost of distribution, less the cost of everything. You're talking about maybe $£ 1,000$.

So the only growth you really get is if you do, you know, cut the cover price, which we have done in the Page 68
Q. Are you referring to all your competitors or are you referring just to some of them?
A. Well, no, pretty much -- you know, I mean the Mail were the worst, because they were upset that they hadn't bought the Daily Express. In fact, you know, a day after we bought the Express, they came in and said aren't I lucky I made $£ 100$ million because they wanted to buy it from me and I said that's not what I want to do.

The Mail were upset. The Telegraph were upset because they had this joint venture with a printing company and basically they were having, you know, a great time with the previous management of Express running rings around them and they knew they weren't going to run rings around me.

So they were upset because they weren't able to steal the printing plant from us. Then the Guardian were upset because we came from left field, so nobody knew who we were and, you know, we didn't really, you know -- you know, we were cutting their friends' jobs, so they didn't like us. Then we had the Sunday Times, I can't remember why they didn't like us, but, you know, they wrote lovely things about us.

No, it was pretty evenly spread. The Independent. The Mirror, the Sun, I can't remember them, but they Page 70
probably did have a go, but compared to the others,
I think we were let off lightly.
Q. So the notional proposition that there might be some sort of anti-aggression pact between you as a proprietor and other proprietors is something you would laugh out of court, wouldn't you?
A. I would. I mean, only two weeks ago, Baker vilified me in his horrible rag.
Q. Are there non-aggression pacts between other papers, to your knowledge?
A. I don't know.
Q. I think you made it clear that the Daily Mail is, as it were, your worst enemy. Is that a fair way of characterising it?
A. I think it's Britain's worst enemy, the Daily Mail.

LORD JUSTICE LEVESON: Well --
A. I think, you know, their tone on the -- their tone and everything is so negative and so disgusting, that --
LORD JUSTICE LEVESON: All right, yes. I think we'll just move on.
MR JAY: I think we will progress.
Looking further on in your statement, Mr Dacre --
A. I'm Desmond.
Q. Sorry, Mr Desmond. You've got me completely on the wrong --

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A. Dacre is the fat butcher.

LORD JUSTICE LEVESON: All right, all right. We'll allow you one, Mr Jay.
MR JAY: I lost sight of the ball only temporarily. I'm aware where I am.

Paragraph 17, this is your relationship with editors about issues and giving your opinions. Can you identify, please, the sort of issues which you would be interested in and the sort of opinions which you give?
A. I like to go down -- you know, if you work for a company -- when I was a kid of 15,16 , I worked for Thomson Newspapers, I used to like it that Lord Thomson would come around and have a little chat about the classified advert. I don't know if everyone remembers who Lord Thomson was, but he was -- does everyone know who he was? He was the -- I'm sure everyone knows who he is. Was. And, you know, I liked that style.
So when it comes to the editorial floor, you know, we employ around 500 editorial people and I think it's good that they see that I'm interested enough to walk around at 6 o'clock or 7 o'clock or 8 o'clock at night and have a little chat about, you know, the City or about football or around these sorts of things. And I will hopefully look at the cover the next day and sometimes I will say, "Why don't you look at changing

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| the top part, the colour of the top part, because it's | 1 |
| :--- | :--- |
| not quite, you know -- it could be brighter", or, "Have | 2 |
| you thought about putting caps on", or, "Have you | 3 |
| thought of this or that?" Sometimes they say, "Good | 4 |
| idea", and sometimes they say, "No, we're doing it like | 5 |
| that". It's more to show interest than anything else. | 6 |
| Q. You're demonstrating a keen interest rather than to | 7 |
| influence the direction in which the paper might go, is | 8 |
| that -- | 9 |
| A. Yeah. I do walk around the finance department, and do | 10 |
| similar things, you know, to the credit controller, you | 11 |
| know, "How's the ledger", or to the paper buyer, "What's | 12 |
| the price of paper?" or to the advertising department, | 13 |
| "How is this advertiser doing, how is that advertiser | 14 |
| doing?" I think that's important as the boss to show | 15 |
| interest and sometimes come up with an idea that might | 16 |
| help them. | 17 |
| Q. Can I move on to paragraph 18, the withdrawal from the | 18 |
| PCC, which is a decision the board took -- | 19 |
| A. Yes. | 20 |
| Q. -- in January of last year. So it's obviously not one | 21 |
| that the editors took. | 22 |
| A. Mm-hm. | 23 |
| Q. Was it you who drove that decision? | 24 |
| A. Not really. I think -- you know, this whole, you know, | 25 | Page 73

association thing, we're not natural members of any clubs. When we were magazine -- well, we are still magazine publishers, but when we were only magazine publishers, we were never members of -- what was it called? The PPA, Periodical Publishers Association, because they didn't respect the people involved in it. So we weren't ever members of it.

The fact is we ended up, after many years, having the biggest magazine on the news stands of the world, so, you know, most of these guys have gone out of business.

So when it came to the MPA, it was a similar attitude. We call it the biscuit and tea brigade, they all sit there and talk a lot of rubbish and be hypocritical and then try to stab you in the back, so it wasn't our natural area.

They had a thing called the Newspaper Marketing Association, which was around GBP 50,000, GBP 60,000 a year, which I didn't want to do but the board decided to carry on with. It went on for four or five years and then the managing director in charge of advertising sales said to the board, "We need to spend now a quarter of a million pounds a year on this Newspaper Marketing Association", and I said, "What's it going to do?" He said -- he tried to explain what it was going to do and

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I couldn't understand it, so I asked them to bring in the chief executive of the Newspaper Marketing Association and they explained to me that everyone was putting a quarter of a million pounds to help sell advertising to advertisers and to give awareness to newspapers, which I couldn't quite get, because I think newspapers are pretty prominent in 55,000 outlets and millions and millions of copies every day of newspapers are being sold, and we ourselves have a sales team of over 100 people selling advertising, and so do the other newspaper groups, they may have more, so what was the point in being members of this newspaper marketing association?
"Oh, you have to be part of it, you'll see your revenues go down and you'll see the future of newspapers" and da da da da da. What finally did it for me was what we do -- we try and encourage promotion in the group and, you know, one the little girls at reception was working in my office three days a week, 17-year-old, 18-year-old kid, bright girl, and we were paying her, I don't know, $£ 17,000, £ 18,000$ a year, and she gave her notice in. Out of interest I said, "Where are you going?" She said, "I'm going to the Newspaper Marketing Association". I said, "Oh, very good, congratulations". She said, "Yes, I'm going to get Page 75

## £35,000 a year."

This was an association that our competitors, idiots, I say, had basically -- just nonsense.

So when it came to the PCC, you had that thinking behind it, plus you had the fact, you know, of the way they strung out poor old Peter Hill, because at the end of the day, all the newspapers were doing the same, you know, plus or minus, you know, it was a major story, and basically I saw it that we were the only honest ones and straightforward ones. We stood up and said, "Yes, we got it wrong, there's the money for the McCann fighting fund, let's try and help find McCann", the poor little girl, "Let's get rid of it, put it on the front page and apologise properly", which is what they did.

Then to see the chairman of the PCC, whatever his name is, you know, stand on BBC television and vilify Peter Hill and vilify Express Newspapers was sort of a final -- you know, like a -- you know, that was like the final straw. Because I felt it was a useless organisation run by people who wanted tea and biscuits and phone hackers, you know, and it was run by the people that hated our guts, that wanted us out of business, that tried every day to put us out of business, and yet smiled at us and were completely ineffective.

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I mean, what else do you want me to say about the PCC?
Q. Can I ask you two follow-up questions, please, in the context of that answer? The first is: aren't you treating the PCC as if it was some sort of trade or marketing organisation rather than at least an attempt to regulate an important industry?
A. Well, I don't -- yes, you're probably right. Yes.
Q. I'll come back to that, if I may. Secondly, in relation to the McCanns, if one accepts that other newspapers also defamed the McCanns, accept that, would you not accept, though, that given the, if I may say so, the systematic and egregious defamations which your newspaper perpetrated on the McCanns, that it's a bit rich to blame the PCC for failing to provide you with guidance, as you say under paragraph 18 of your statement?
A. Yes.
Q. Because, after all, it was up to your editor not to behave in such a way. Would you accept that?
A. No, not at all. Every paper -- I didn't bring every paper with me, but I'm sure we can justify my statement -- every paper every day for that period of time was talking about the McCanns. It was the hot story -- it was the story. And poor old Peter Hill, you Page 77
know -- I remember that night after he was attacked by the chairman of the PCC, I remember calling him at 11 o'clock at night. I think he was convinced I was going to fire him. But I didn't fire him, I spoke to him from 11 o'clock for about two hours and my ex-wife spoke to him for about an hour afterwards, you know, because he'd done to the best ability -- report the facts. And unfortunately, when it came to it, as he said earlier, I mean, it's fair to assume that the Portuguese police that were giving him the information would have been a reliable source.
Q. Hmm. When the stories were being published between, I think, September 2007 and January 2008, did you take any interest in those stories at all?
A. Not -- interest, of course, but -- you know, I would go down, "What's happening now? What's happening?" It was a big -- I remember going to people's homes or social functions or charity raisers and 10,15 people would come up to me, "What's going on with the McCanns?" It was a big, big, big story. Everybody was interested in the McCanns and everybody had a view about the McCanns.
Q. I understand that, Mr Desmond, but in your discussions with Mr Hill, did it come out that in his view the perpetuation of these stories increased circulation?
A. No, no.

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Q. But you had your finger on the pulse of circulation, did you not?
A. Well, I saw the figures every day and basically the figures don't move, as I said earlier on.
Q. I think you're saying Mr Hill's perception is incorrect and that the McCann stories could not have increased circulation; is that right?
A. With respect to editors, editors have to believe that by putting a good story in, they're going to sell more papers. They have to believe that. The day they don't believe that is the day they go home and play golf, or whatever ex-editors do. They have to believe by running a big story that the sales will go up, but that doesn't necessarily correlate, or it may do for a week.

You know, you have to understand that, you know, the commercialities of a newspaper basically is selling advertising. And advertisers, you know, if the circulation goes up by 100,000 copies in the month, 100,000 copies in the month is divided by 25 days, which it is 4,000 copies a day, which is not going to make -the advertiser isn't going to go, "Whoopee, I'm going to pay you 4,000 of 700,000 or 800,000 extra money, but the advertiser is sophisticated and looks upon the circulation over a six-month period or maybe a 12-month period and the advertiser is not stupid. He knows that, Page 79
you know, if a paper gives away a DVD and it goes up by 200,000 on a Saturday, you know, 200,000 copies divided by 25 is only 8,000 copies a day and it's not on that day anyway.

But the editors have to believe by writing a -I don't want to be rude to editors. They have to believe and it's right they believe that it will lift copies, but unfortunately, you know, we are in a non-growth business, and, you know, that's where it is.

You know, this Inquiry is probably the worst thing that's ever happened to newspapers in my lifetime, because it means -- you know, it's very hard at the moment in Britain in business, you know, it's very, very hard. The banks are very tough on everybody, it's very difficult to get money and borrow money. It's very difficult to do anything, frankly, and therefore people are looking at every single penny they're spending, and if they believe that newspapers are basically dishonest hacking low lifes, I suppose is the word, you know, then they're not going to buy newspapers. And the last few months, the sales of newspapers have never been so bad.

One of the reasons is -- and I'm not blaming the Leveson Inquiry, I'm blaming the source of the Inquiry, which is the hacking thing, which should have been Page 80
A. I hope so. Frankly, I'd rather get rid of this, you know, prosecute the people that have committed offences and get on with business. And have a proper RCD board of proper business people, legal people. You know, I like Lord Hunt. He came in to see me, I think he's a very good fellow, very sensible guy, you know, grey-haired guy. There's no angles, he wants to do a good job, have proper people that, I think Paul said earlier on, when things are being written at the time, bring it up then, not at the end and not try and pretend it's a little cosy club and, you know, definitely in the new committee ban biscuits.
LORD JUSTICE LEVESON: What do you mean -- I'm sorry, you have to explain -- RCD?
A. Richard Clive Desmond.

LORD JUSTICE LEVESON: Oh, I see. Sorry, I'm obviously slow myself.
MR JAY: Can I just go back to the McCanns and raise one question? You're concerned, I think, at the lack of consistency in the position the PCC took in singling out --
A. Yes.
Q. -- the Express in particular, is that --
A. Absolutely. First of all, I apologise to the McCanns
and we have apologised to the McCanns and we have put it
Page 82
on the front pages and nothing would give me greater pleasure to find Madeleine and, you know, we've tried on many, many, many occasions to, in spite of some bad editorial, to try and find Maddie. So if I can just put that.

Basically, every other paper was doing the same thing and yet, I forget his name, the ex-chairman and his cronies thought, "We'll hang out Peter Hill and the Daily Express". They should have all stood -- I think they should have all stood up and said, "You know what, we've all wronged, let's all bung in 500 grand each", which would have been GBP 3 million. In fact they did in the end, they probably spent more than $£ 500,000$. But we could have all done it as a united body, which might have been better instead of singling us out.
Q. But isn't it fair to say, Mr Desmond, that if you look at the hard facts, I think the McCann litigation involved 38 defamatory articles. It is right, and Mr Ashford has drawn to our attention that there are other newspapers who also perpetrated defamations, but not to the same extent as your papers.
A. Is that -- I'm not sure that's right. I'm not sure that's right at all.
Q. If it's wrong, Mr Sherborne here, who -- the McCanns are his client -- will demonstrate that in due course, but Page 83
A. 17 weeks, thank you. 17 weeks times 6 -- you have to help me again.
Q. 102, is it, Mr Desmond? I don't know. You're the businessman.
A. Well, I don't know. 102, very good. Is 102.
Q. Yes.
A. And there were 37 --
Q. 38.
A. I'm not trying to win points here, because we did do wrong, but I could say there were more, if there were 102 articles on the McCanns, there were 38 bad ones, then one would say -- and I'm not trying to justify, please, I'm not trying to justify anything, but you could argue there were 65 or 70 good ones.
Q. But the effect of the bad ones are really twofold. One, the possible pragmatic effect, namely if people thought Page 84
that Madeleine had been killed, there would be less interest in trying to find her. Do you follow that?
A. From my memory, and it was a long time ago and -- but I mean it was just the story every day. It just went on all the time, was she killed? Was she --
Q. You are not listening to my question and the, I would suggest, inexorable logic behind it. If people thought Madeleine might have been killed, particularly by her parents -- it doesn't matter by whom actually -- there would be less incentive to try and find her. Do you agree with that proposition or not?
A. No. Because if you take Diana as an example, you know, all these situations where no one actually knows the answer, as it turns out, it just goes on and goes on.
Q. Mr Desmond, I'm beginning to sound irritated, but I am. There is no comparison between these two cases because to be absolutely stark about it, in the case of Princess Diana we have a dead body. What has that got to do with the McCann case, please?
A. Well, you know, there has been speculation that Diana was killed by the Royal Family.
Q. Mm?
A. And the speculation has gone on and gone on and gone on and there has been all sorts of speculation about Diana, and you know what? I don't know the answer. And if you Page 85
go into a bar or coffee shop or whatever the thing is, and you start talking about Diana, you will get a view on Diana and you will get a view, and once again I do apologise to the McCanns, you know, et cetera, et cetera, et cetera, but there are views on -- there are views on the McCanns of what happened. And there are still views on the McCanns of what happened.
Q. But that argument would justify newspapers such as yours publishing anything it liked at any time because it could say, "There's always another point of view"; would you accept that?
A. Probably not.
Q. Again, there's an inexorable logic behind it which must be right, isn't there?
A. What I think is free speech is very important and if we get any more regulation -- I mean, what are we trying to do in this country? Are we trying to kill the whole country with every bit of legislation and every bit of nonsense? You know, I go to Germany, I put OK! Magazine into Germany. A British company, we go into Hamberg. The Mayor of Hamberg -- we have 30 people working there six years ago -- the Mayor of Hamberg welcomed me in, gives us, the company, 500,000 euros and says, "Welcome to Hamburg", you know. In this country I want to put a new print plant up in Luton. We go to Luton, you

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know, we have a warehouse, we buy a warehouse in Luton, 11 acres, 12 acres. Luton, as you may know, is on a road called the M1. The first objection is that we may clog up the roads at 2 in the morning by having lorries come out of our printing works. Okay?
Then we go the next objection and just more objection, more objection, more objection. The bottom line is how much more -- at the end of the day, we put our printing plant up and the MPs walk round it on our opening night and I said thank you very much but what have you done to (a) encourage me, to encourage businesses, to encourage anything, to invest in the future the newspapers?

So, I mean, if we think that newspapers are important, which I do, and you do, otherwise you wouldn't be here, you'd be doing other things, we have to be in a situation where people do have opinions and ideas, et cetera, et cetera, et cetera, which, to the best of their ability, if you take the case of the McCanns, you know, we did send journalists or reporters or whatever you want to call them to Portugal to get the facts. We did do, you know, everything reasonable, or Mr Hill did everything reasonable to make sure he was getting the facts and getting the stories across.

At the end of the day, the McCanns, you know, as Page 87

## Q. I an'

## Q. I can't --

A. Well, that's the facts. I'm sorry, that is the facts.
Q. Mr Desmond I'm going to interrupt you.
A. I'm sorry, that is the facts.
Q. That must be a grotesque characterisation.
A. I'm sorry, that is the facts.
Q. Your paper was confusing the McCanns on occasion of having killed their daughter. Are you seriously saying that they were sitting there quite happy, rather than entirely anguished by your paper's bad behaviour?
A. I'm sitting here --
Q. Just think about the question before you answer.
A. I'm going to answer your question, and I've already answered it. We ran -- on your suggestion, we've run 102 -- your figure, 102 articles. For four months you say we ran it, right? Nothing happened, to the best of my knowledge, until a new firm of lawyers were

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instructed, who were on a contingency, that then came in to sue us. And, you know, I mean that's a fact. Up until that stage, as I understand Mr Hill, they had a PR company who were working alongside Peter Hill and the team.

But once again, please, I do apologise to the McCanns. I'm not trying to -- I am very sorry for -you know, I am very sorry for the thing and I am very sorry that we got it wrong, but please don't, you know, try and -- every paper was doing the same thing, which is why every paper, or most papers, paid a -- paid money to the McCanns. Only we were scapegoated by the chairman or the ex-chairman of the PCC.
Q. Mr Desmond, it's clear that your position is, in relation to regulation, that really you think newspapers should be left to get on with it, and you don't think there should be any regulator at all, do you? That would be your truthful answer?
A. The truth of the matter is in 1976 --
Q. Can you say "yes" or "no" and then expand?
A. Well, I'm going to answer you.
Q. Okay, please do.
A. In 1975 when we started International Musician, you know, when you start a new publication and you're 22, 23, it's very important -- the advertising is very Page 89
important. And basically in the first issue one of our major advertisers was called Marshall, Marshall Amplifiers. In the first issue, Marshall had brought out an amplifier which was solid state. Before that he was known for valve amplifiers. The reviewer in the first issue said, "This amplifier will electrocute you, this amplifier should be withdrawn from the market."

You know, you can imagine how I felt, having sold Marshall loads of advertising and, you know, a friend, in inverted commas, a business friend in inverted commas, but at the end of the day the article went in, Marshall went berserk and we lost the advertising for six months. But what happened was after six months Marshall did withdraw the amplifier, yeah? And he did then put his advertising back in for his valve amplifiers.

The point of a long-winded story is that I learned at the age of 22 that actually the editorial integrity is the most important thing, and you -- you know, thank God we did the right thing and nobody was electrocuted, and back to papers, to answer your question directly, I think that Lord Hunt of Wirrell, surrounded with a couple of lawyers, surrounded by a couple of proper editorial grandees, not malicious people with -- what's the word? -- whatever the word is, and, you know,

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I think we'd all be very happy. You know, if you have this body, you have to have people you respect. You can't have people you don't respect. And you can't have people in there that are hanging you out to dry and you have -- who have ulterior motives and who lie.
Q. So you would return, is this right, to a newly constituted body or whatever it's called --
A. I think RCD's a good name, isn't it?
Q. With a constitution you would respect; is that right?
A. As simple --
Q. But unless and until that happens you would not return?
A. As simple as that. At the end of the day, I stay in this country because I respect the government and I respect the laws of this land. If I didn't respect the government and didn't respect the laws of the land, I would leave. As you would.
Q. I think you've made your position clear about regulation and the sort of body we're looking at. Do you hope to expand your stake in other national newspapers if the opportunity arose?
A. Definitely not.
Q. Because?
A. Tough, tough, tough business.

MR JAY: Yes, thank you very much, Mr Desmond.
LORD JUSTICE LEVESON: Thank you. Page 91
A. Thank you.

MR DINGEMANS: May I just add something? Dawn Neesom was asked this morning about allegedly Islamophobic headlines and you very kindly said we would have the opportunity to refute stuff. Ms Neesom is very concerned to show that the Star has taken a balanced approach and she's managed to get some headlines immediately. We'll obviously put some in writing, but she was asked this morning about poppy burning. On 28 November 2011 she was asked whether there was any coverage of Muslims raising money. She has "Kids who care, hundreds of young Muslims like this lad collecting for the Muslim Youth Association".
LORD JUSTICE LEVESON: Could I see them?
MR DINGEMANS: Straight away. (Handed).
LORD JUSTICE LEVESON: I'll --
MR DINGEMANS: And then page 23, on 21 November 2011
"Muslims top pie charts, Muslims are the most patriotic Brits according to a national poll".

There are plenty more others that will be put in in writing, but as the questioning went this morning, it has received some coverage --
LORD JUSTICE LEVESON: Thank you. Of course we'll incorporate these articles and I'm grateful for the speed with which that's been done.

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[^0]:    MR DINGEMANS: Thank you, sir.
    MR JAY: Sir, there is some evidence we're taking at read.
    The statements of Mr Robert Sanderson, Mr Martin Ellis, Mr Martin Townsend and Mr Gareth Morgan, please.
    LORD JUSTICE LEVESON: Thank you. They'll be incorporated as within the record of the Inquiry and their statements can be published immediately.
    MR JAY: Thank you. That concludes --
    LORD JUSTICE LEVESON: That concludes this week, does it?
    MR JAY: Some of us, sir, are in the Divisional Court tomorrow. There we go.
    LORD JUSTICE LEVESON: Right. I meant the hearing of the Inquiry. 10 o'clock on Monday, thank you very much indeed.
    ( 4.35 pm )
    (The hearing adjourned until 10 o'clock on Monday, 16 January)

    I N D E X

