



HOUSE OF LORDS

Unrevised transcript of evidence taken before

The Select Committee on Communications

Inquiry on

THE FUTURE OF INVESTIGATIVE JOURNALISM

Evidence Session No. 8.

Heard in Public.

Questions 602 - 664

TUESDAY 22 NOVEMBER 2011

3.30 pm

Witnesses: Mr Phil Hall

Mr Andrew Gilligan

Sir Harold Evans and Mr Stephen J Adler

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.
2. Any public use of, or reference to, the contents should make clear that neither Members nor witnesses have had the opportunity to correct the record. If in doubt as to the propriety of using the transcript, please contact the Clerk of the Committee.
3. Members and witnesses are asked to send corrections to the Clerk of the Committee within 7 days of receipt.

Members present

Lord Inglewood (Chairman)
Lord Bragg
Baroness Deech
Baroness Fookes
Lord Gordon of Strathblane
Bishop of Norwich

Examination of Witness

Mr Phil Hall, Former Editor, *News of the World*

Q602 The Chairman: I formally welcome you to the Committee. Thank you very much for coming along through the tribulation of the security, I gather.

Mr Hall: No problem.

The Chairman: As I said, we are very pleased that you are with us. I think you know what we are trying to do, which is to look into the future of investigative journalism so that the wider debate about regulation, and so on, does not end up regulating the wrong thing. We have had a CV that describes your career—thank you very much. I think we have all looked at it. I know you want to make an opening statement, so perhaps we can go straight into that.

Mr Hall: I will keep it as brief as I can. During my editorship of the *News of the World*, from 1995 to 2000, the newspaper jailed around 100 criminals. We exposed endless bent doctors and solicitors, who were struck off. We also exposed counterfeiters, drug dealers, paedophiles and scores of illegal immigration rackets. We had a doctor—a Birmingham GP—who was jailed for seven years after he took our reporter on as a hitman to murder his mistress. Clifford Davis, a childminder of Yorkshire, was jailed for selling children for sex. He offered two 12-year-old girls, including his own daughter. We exposed a racket showing how villains are doctoring DSS giro cheques to rip off taxpayers. We heard how one man

alone had made £250,000, and our exposé resulted in a redesign of the cheques. We exposed a prison officer who offered to sell us the keys to the prison, and a gang of counterfeiters in Turkey who were flooding Britain with fake car parts that were extremely dangerous, and we exposed the Pakistani cricket captain, Salim Malik, for match fixing. He was banned for life. We had doctors who were carrying out illegal abortions based on gender. Also, the House of Commons doctor dishing out false medical reports for cash was named and shamed. As I said earlier, there were several immigration rackets; our reporters travelled with them on lorries, often putting their own lives at risk.

I am glad to say that my investigation editor, who headed those inquiries, Mazher Mahmood, recently exposed a test match cricket scandal. It brought the number of villains he has removed from society to 251. My reporters have been shot at; they have had knives brandished at them; one had his parents' home broken into and trashed; and death threats became almost a weekly occurrence.

The *Guardian* with its phone hacking investigation, the cricket scandal of recent times, as well as the *Telegraph's* exposé of MPs defrauding the taxpayers through their expenses, show that investigations are alive and well, in my view. Reports of a demise in investigative journalism are jumping the gun, but I am concerned that the phone hacking scandal could be a trigger for that early demise.

When the cricket scandal was exposed we did not close down test matches and, despite the *Telegraph*, Parliament is alive and kicking. The perpetrators of criminal behaviour need to be rooted out and punished, but shackling the press because of their misdemeanours would be a tragedy for Britain and our democracy in my view. Many of those investigations relied on subterfuge, reporters working under cover, sometimes for many months. They also relied on close relationships—yes, trust and understanding between the media and the law enforcement agencies. Investigative journalism is now flourishing on the internet in an

unpoliced, unchecked way. The public are often unable to differentiate between what is genuine and what is not. Libel laws protect us from newspapers fabricating their exposés, but not the internet. Today my fear is that by trying to be politically correct, so perfect in everything we do, we are threatening the very future of a practice that protects us from invisible enemies that nobody would be aware of without the freedom of the press. Thank you for letting me do that.

Q603 The Chairman: Thank you. Now, coming out from your statement, from the point of view of a tabloid newspaper, how important do you think watchdog journalism is—this kind of investigative journalism—in terms of the newspaper as a whole and the business of which that newspaper is part?

Mr Hall: I think it is extremely important. I think it has changed in the last 12 years, since I left newspapers, and I think it has been replaced by too much celebrity trivia. But I think it is very important. I think it gives a newspaper purpose, and I think it gives a newspaper reason for being. If you are just simply passing on gossip I do not think you have a real purpose in life, and certainly in my time the proprietor—Mr Murdoch—was insistent that the newspapers had an investigative edge to them.

Q604 The Chairman: It has been suggested to us that it certainly used to be the case that part of the brand of a newspaper was—among a lot of other things—to be investigative, if I can use that as a shorthand way of describing it. Do you think that still applies, or do you think actually it is being lost or has been lost?

Mr Hall: I think it has been lost for a number of reasons, actually. For a start, investigations are not easy; they are expensive. An editor has to commit to having a certain number of staff who may not produce stories every week—sometimes they will be producing one story

every three months. So it is expensive to run. I also think there has been a real demise of the news agencies across Britain, because local newspapers used to feed off them and the agency fed off the local papers. As those have shrunk the newspapers have lost one of their main sources of information and understanding where investigations needed to be had.

Q605 The Chairman: Are you optimistic it may come back?

Mr Hall: I still think it has a big purpose and I believe long-term investigative journalism is still alive on television. As I said, the internet is starting to grow and I suspect they will find a way of policing investigations online to make it more real and more trustworthy. But I feel that, sadly, we have lost investigative journalism on the local front. There are one or two campaigners out there, people who still fight the fight on the local paper, but they are so short-staffed these days that they have very often only one or two reporters managing the entire newspaper. So for them an investigation is not practical.

But I think you see now the power of the people, really. Look at, for instance, the government plans to build a new railway, and you will find the whole system being investigated through the internet, through Facebook and different means, so I think investigative journalism has changed, people are more involved, but I still think it has a long-term future. As I said, the cricket investigation, the MPs' expenses and, indeed, the *Guardian* exposing phone hacking, these are major investigations that have all come to light in the last 12 months.

Q606 Bishop of Norwich: We have been told in some of the evidence we have heard that there are probably now more people employed in PR than as journalists in this country, and perhaps your own career path might illustrate that there are some very senior journalists who have moved into PR. In the evidence that he gave us, Nick Davies said that

this had had a very adverse effect on investigative journalism, not least because reporters now do not check their facts. They regurgitate press releases even more and those press releases themselves are not necessarily very reliable. What is your comment on all of that?

Mr Hall: I do not think that is true, actually. I have had press releases regurgitated but they are on very, very simple stories, not investigative journalism. A newspaper knows the penalties and the price for getting investigative journalism wrong. At my time at the *News of the World* we had a unit that were working on it around the clock, and we did not get sued once in five years. We had an impeccable record by taking time and making sure the details were followed through, and I do not believe that it is any different. Nick Davies himself, he has investigated a very, very difficult issue where all the doors were shut in his face and he just kept going and going until he found the truth, and I still think that happens. As for the growth of PR, I am the classic, I suppose, poacher turned gamekeeper, and I know when a reporter comes on whether he really has his facts straight or whether he is guessing. So clearly, previously I think targets of newspapers were unprotected. I see my role very much as no different from that of a lawyer in a court of law. We are in the court of public opinion and of course we advise our clients accordingly. I have represented hugely high-profile figures in companies and industries, and I do not believe we have ever stopped a story that was in the public interest coming out. If anything, we try to make sure there is a balance to the story because journalism traditionally was coming from one point of view only. Now, particularly with the help of the Press Complaints Commission, we can make a more balanced account—

Q607 Bishop of Norwich: Do you think there are actual benefits that PR brings to journalism?

Mr Hall: I do. I think, especially with a journalistic background, because my advice to clients is, if they really have done something wrong, to tell the full story. I am trying to think of a particular example. I represented, for instance, a large company that threatened to close down half of its operation in Britain—an international company. An investigative journalist had been digging around and my view was to invite them in and tell them the full story, which was that the mineral deposits were now half as cheap in Brazil, that they were making moves to try and change the industry and so on. So I think you can work with them, providing you have a case to bear.

Q608 Lord Bragg: You make a very good case and I am sure what you say about yourself is true, but I am rather puzzled by the fact that we have Alan Rusbridger saying, “The PR industry is now a huge industry, and the extent to which information in the public sector and in corporations, government, everywhere you look, is so heavily massaged and fed”. Again, Clare Sambrook spoke of “the distortion in Government press releases, so not just boosterism, but just plain misrepresentation and distortion”, and that, “a lot of news now is simply recycling press releases”. What you have said goes totally against what those two, equally honourable persons have said. I would quite like to find somewhere either in the middle or know which side I am on here.

Mr Hall: Lord Bragg, I think you need an investigative journalist on your side, actually, because I would go to Alan Rusbridger and say, “Show me the evidence”, because I have not seen any evidence of rehashed press releases. I have been a journalist for 40 years and press releases that were newsworthy always got into the newspapers, and where they were rehashed—I mean rewritten—by reporters, yes, but press releases just do not go straight into a newspaper. I just do not go along with that view.

Q609 Lord Bragg: What do you think that Alan and Clare were talking about then?

Mr Hall: I think Alan is—I do not know where his experience comes from and he worked—

Lord Bragg: He is quite experienced.

Mr Hall: Well, he has been at the *Guardian*, and the *Guardian* do not rehash press releases. So how does he know that? He has been on one newspaper for most of his career, and I have worked at the *News of the World*, the *Sunday People*, the *Sunday Express*, *HELLO!* magazine, and no press release in my time was ever rehashed. But, as I said earlier, you send them to local newspapers; if you are representing a diet company and somebody has lost a lot of weight, you send a press release and that story will go in pretty well—they will make a quick check call to the person involved and it will run in. Is that a rehashed press release? Probably. But are banks being represented by PRs, for instance? Of course they are. But I think the media is more ferocious than it has ever been and I think anybody facing a media spotlight needs professional representation. It does not mean they should lie and, in my view, as a PR, you lie once and you will never get a relationship with a newspaper again. They will never trust you. So you have to be very, very careful—half the problem, and I find this often, is that the PR has to find the truth themselves because clients do not necessarily want to tell you their bad news. So you have to dig out the full story and try and ensure that it is balanced and fair.

Q610 Baroness Deech: I am just coming to my question, but I cannot refrain from commenting that *HELLO!* magazine, which I much love, is not exactly investigative, is it?

Mr Hall: You still have to check your facts and make sure you get the detail right, and, no, I am not here representing *HELLO!* absolutely.

Q611 The Chairman: There is a distinction, isn't there, between stories that are of interest to the public, rather than those that are in the public interest, and I think as Lady Deech intimated—

Mr Hall: There are.

The Chairman: There is probably is a tendency to focus on the former.

Mr Hall: There is, and I think that is the most difficult issue that, certainly, Lord Leveson faces. What one person thinks is in the public interest, another does not, and I think one of the issues we had at the *News of the World*, and we had a lot of senior people in my time, they were people who should have retired that I kept around so that we were debating the issues of the day, and it was very difficult. If you are dealing with—to take an obvious example—a Premier League footballer who is misbehaving in his private life, is that right to be exposed just because he is a good footballer? I would say no. But if this person is projecting himself as family man and taking large sums of money to be a paragon of virtue, as a figurehead for a particular brand, that becomes debateable, and that is a very, very difficult area to say is right or wrong.

Q612 Baroness Deech: Let me ask very quickly my actual question, which is what do you think are the main threats to and opportunities for investigative journalism in the next few years?

Mr Hall: I do think the internet is a massive threat and an opportunity. I think you have only to look at—to take a simple example—TripAdvisor where, effectively, people are going in and investigating the merits of a hotel or accommodation. Actually, I do not know whether any of you saw the Channel 4 programme recently but it is quite clear that the people making those reviews are not policed in any way. Sometimes they are working for a rival company and they are going into a particular accommodation, criticising it heavily. It is out

there on the internet and it gets picked up very much in the locality. I think we have to find a way of policing the internet so that at least we know it is fair and accurate because I do think that is a problem. I think there is an opportunity for a newspaper to develop an investigative website and make it really work.

Many years ago when I was on the *Sunday People* we had a column called “Man of the People”, which was incredibly successful, tackling sometimes the most minor things, like an old person getting a gas bill that was out of proportion to what they should be paying, and campaigning for them. We used to get a massive postbag for it, and when I worked for the *News of the World* we took on Michael Winner to do something very similar—to try and fight some lost causes—and I think there is a great opportunity for somebody to build a website in that area. The difficulty is always getting advertising and financial support for it.

Baroness Deech: I am not convinced that it is going to be practical to police the internet, but I hear what you say—it is both a threat and an opportunity.

Mr Hall: I think it is practical, I really do, but I think Government has to take a stand. It is difficult and it is cross-border. We have a problem with one of my clients who had cybercrime and the difficulty is that the rules governing cybercrime are different in every single country. You have copyright in one country and not in another. It is very, very difficult but I do think Governments have to get together and say if something is wrong, inaccurate and appearing on Google, then either Google have to pay the price for that or they have to be made to take it down. I do think it is possible.

Q613 Lord Gordon of Strathblane: If you were looking for an investigative journalist to hire, what sort of qualities would you be looking for?

Mr Hall: That is very interesting, actually. It has to be somebody who really cares what they are doing because you get an awful lot of knockbacks and denials, and somebody who is

prepared to really go the extra mile. It becomes a 24/7 job. Every investigator I have ever worked with who has been worth his salt has been somebody who is absolutely committed to it, and you have to be very tough because the sources are not going to be choirboys; they are going to be tricky people and you have to be sure that what they are giving you is accurate. You have to understand what the motive is behind giving that information. Sometimes you have to accept that the motive might not be straight but the purpose of the investigation is still worth doing. It is very difficult. The other thing, generally, is that they tend to be experienced reporters. They have come from a long career in journalism before they switch over to investigations. But certainly at the *Sunday People* we had some full-time investigators and the hard thing for them to deal with was they were not getting anything in the paper for week after week after week, but when they did it made headlines around the world and was worth it.

Q614 Lord Gordon of Strathblane: Would you say those same qualities would apply to people who are trying to dig out stories that the public are interested in, rather than a public interest? I know it is a—

Mr Hall: It is a really tricky area because if we sat down and said every story has to be in the public interest the papers would be empty, I think. Clearly—and again a simple analogy—if somebody in a Premier League football club is talking about the manager being unwise to make a particular decision, there is no public interest defence there but you can say, “Well he is entitled to freedom of speech.” I think it is just one of the issues. In my day we did not run the sort of level of kiss and tell stories that run these days. I know you may find this slightly strange, but we ran that type of story with humour, if it was humour, and very often with the people involved co-operating it was seen as humour. I think one of the issues now is that it has become so prevalent and the papers have gone so hard, and so sort of heavy

after people, that is no longer seen—there is no humour in the papers, and that was certainly something that—

Q615 The Chairman: But is there not an issue here that these sorts of stories are to do with privacy and where people's rights to privacy might lie, and so on and so forth.

Mr Hall: Yes.

The Chairman: That is all in a state of flux and being debated as we sit here. Equally, if somebody has volunteered the story, they can hardly then complain that in this particular instance their privacy has been invaded. So that gets around it.

Mr Hall: Well, they are invading their own privacy. I think a lot of that goes on. The difficulty also is if one party wants to talk to a newspaper and another party does not, does that party have the freedom and the right to speak? Very often I have been in a case with a client where the client felt that their privacy should be protected, but there was a victim in this love triangle who felt that they had the right to speak and, actually, the judge favoured the victim. But the judge then changed sides when he found out the victim was asking for large sums of money. So in other words, his motivation was not that he had been unfairly treated, it was just making money out of it. So you can see that a position can change during a particular scenario.

The Chairman: Yes, although the underlying principle is probably dead.

Mr Hall: Exactly.

Q616 Lord Gordon of Strathblane: I think you, and other witnesses we have heard from, have said that in fact the new technologies can in some ways, as well as being a threat, be a great help to journalists.

Mr Hall: Yes.

Lord Gordon of Strathblane: Can you give some instances of where new technologies are of definite assistance?

Mr Hall: Absolutely. You can find so much on the internet. I am not necessarily a great fan of private detectives but they do have merits. They have been demonised recently but they have a skill set that means they can find information that other people cannot find. So I have had a situation where a particular client lost a large contract with a local authority after an anonymous email was sent to that local authority, and we were able to investigate and find out where that email had come from and discovered it was coming from a competitor. I do not know if you know that emails have little tags on them that do identify where the source is, and—

Q617 Lord Gordon of Strathblane: But all this is entirely legal—

Mr Hall: Absolutely.

Lord Gordon of Strathblane: It is not like phone hacking.

Mr Hall: No, it is totally there. You have to have the knowledge, and private detectives in my experience have a very deep knowledge of how to get information, how to find it and how to do it legally, and we investigated and the client got the contract back. That was not investigative journalism but it was investigation from a PR company.

Lord Gordon of Strathblane: Yes. Thank you.

Q618 Baroness Fookes: We have spoken already about matters digital. Do you think there is a future for the printed press?

Mr Hall: That is a really good question. I would like to think there is, but I do not think there is. I genuinely said 10 years ago when people said newspapers will never go out, I can remember having a conversation with Mr Murdoch and he said, “Oh newspapers will always

survive. The internet will not take off.” I said, “Somebody will invent something that means it will take off”, and that is what happened. They invented the iPad, which is the first move towards getting newspapers digitally and I am sure that will be developed in the next two to three years. There is no walk of life that is not seeing a change through digital, and I am sure that newspapers will become more interesting. I do not know this but I suspect that one of the reasons Mr Murdoch was so interested in getting a complete grip of Sky is that it would give him the opportunity to make some format where you could have television, newspapers and digital all rolling into one and something like that is going to happen. It has to because I think it is an obvious progression.

Q619 Baroness Fookes: So if you foresee the demise of printed newspapers, where does that leave investigative journalism?

Mr Hall: That is a very good point and I think the great thing about digital is it is not limited, whereas newspapers are limited. When we used to run investigations you always had twice, three times as much copy as you could use. If they do convert them on to a digital format then I think there is an opportunity for investigative journalism to flourish. I saw one of your previous witnesses said that it is very expensive to do it on television, but it is not expensive to do it digitally when you are running a newspaper. When we had the first *News of the World* website the first thing I did was say to one or two of the reporters, “I want that person interviewed on video camera as well”, and we moved the paper slowly on to the internet. The opportunity now to move investigation on to the internet and moving pictures is far more convincing and far more real to the viewer than reading a newspaper, so I think it is a great opportunity, it just needs somebody brave enough to do it.

Q620 Baroness Fookes: What about the financing of it?

Mr Hall: Well, it is interesting, if you get the right people involved, and I spent most of my time at *News of the World* trying to get the right people for investigative journalism, it is not that expensive because they see opportunities everywhere; they will read a newspaper and see an investigation staring them in the face. If you are getting people who are just normal reporters, they do not see that, but it is just intuition. If you appoint the right people it is affordable, and it also makes you different and certainly the *News of the World* was different because of its investigations, and that is why we were selling three times as much as anyone else.

Q621 Baroness Fookes: Will they be able to really afford this if people are not buying the papers?

Mr Hall: The digital is being charged for now, you know—

Baroness Fookes: So you think that is the way forward.

Mr Hall: That is the way forward. It used to be that you went on holiday and you could not buy your favourite newspaper. Now you can download it instantly and I think the opportunity that gives is great, and Murdoch, and one or two others, are now bringing out the first full time digital newspapers online. I do not think they are ready quite yet but they are getting there and there have to be developments, both through telephone technology and the tablets and other forms that we probably cannot even imagine that will change. I saw the news this morning and there are contact lens that you can have where you can see news headlines on them. Who knows where it will go? I believe that it will survive but in a different form.

Q622 The Chairman: In the shorter run, the tabloid papers that you used to work with, are they employing as many investigative people as far as you know now?

Mr Hall: They are employing about a third of the staff, truthfully, so—

The Chairman: Yes, but a lot of the cuts have been in the back of shop.

Mr Hall: They have but also there are things you cannot do without; you cannot do without the news, the running news and the politics, so I think sadly investigative journalism is further down the line than maybe it should be. But newspapers like the *Guardian* and the *Telegraph* I think are making a bit of a comeback on that front, so I think the redtops are doing less of it, you are absolutely right. It was always the *News of the World's* tradition to do investigations. A tradition builds knowledge and an awareness of how to do investigations and sadly that has now gone.

Q623 The Chairman: Is campaigning the other side of the coin to investigative journalism?

Mr Hall: I think that is investigative journalism and the *Daily Mail* have a consumer editor, so do the *Sun*, and I think consumer investigations are as important as any other investigation, frankly, because they hit more people and affect more people's lives.

Q624 Lord Bragg: Do you think it is a generational thing or do you think there is something else going on? Some of the things that you have mentioned that have happened within investigative journalism recently have been in print: the phone hacking, the Indian test thing, the MPs' expenses and House of Lords expenses as well; they have been in print. Do you think it would have been as effective had no print existed to carry those stories?

Mr Hall: I think that is a really good question and I do not know the answer. That is a really good question because I think because newspapers had the credibility people believe; people always say, "Do not believe what you read in the newspaper," but that is not in my experience at all. People do believe what they read in newspapers and I think if we are really

going to protect investigative journalism we have to find a way of protecting integrity online as well. We have to find a way of doing that because there are now what are called John Doe orders, where lawyers can take an anonymous order to try and find who is spreading stuff on the internet, because they found it so difficult to marshal. So you go to an internet provider and you say, "You must tell me who is providing this information". But I think that is a really interesting question. I do not think it would have had the impact now. I was in a meeting with some digital people the other day. They are 24 or 25 years old and they said, "Of course, the whole world thinks we are the digital generation, but we are not, the next lot coming through are." My children will do everything online and I think that is when the importance of digital will change because it will be the only avenue that the consumer consumes for news.

Q625 The Chairman: The time we have allocated is rapidly running out. So, with regret, before we conclude the session, is there anything you would like to say to us, above and beyond what you have said to us already, bearing in mind the questions we have put?

Mr Hall: I do not think so. I think that investigative journalism does have to be in the public interest. I do not think you can argue that some of the methods that have been used to investigate celebrities—what really are minor stories—are justifiable. I just cannot see that it is. I think the word we used to use at the *News of the World* was always "proportionality".

The Chairman: Like the European Union.

Mr Hall: Phone hacking did not exist in my time, but if somebody said to me, "Can I hack that phone because he is a paedophile?" I would have struggled with that one. I may have said, "You know what, the ends justify the means," but I know it is illegal and I know it is wrong, but proportionality and when you are investigating ordinary stories, ordinary people, or celebrities, certainly we found very often just asking the agent was a means to the story. The other thing I would like to see is the police act more. I think with Princess Diana, for

instance, I was editing at that time and there were packs of photographers following her down the street and people would say, “Why do not you not publish the picture?” I did not on two or three occasions and everybody else did, and you were left in a very difficult situation. It was your conscience against the profitability of the paper, and I think it is harassment and there is a law to stop that and I think the police should act on it. I think when people are standing in packs outside somebody’s door, unless it is a huge public interest story there should be a way of stopping that, so that, yes, newspapers take their responsibility but the law does as well.

Q626 The Chairman: Would it be the case then that you would say—and using the example of the paedophile and hacking—that if somebody decided to break the law in the interests of exposing the paedophile, you would accept that they should take the rap for what they have done, but that they would say in mitigation when it came to sentencing, or whatever—

Mr Hall: I do not actually. This is—

The Chairman: I am just trying to be clear; I am not trying to put words in your mouth.

Mr Hall: This is another issue I have. My other issue is I think newspapers editors have to take responsibility for what is going on in the office. You have to be aware of what is happening. There have to be checks and balances in place, so that if this is going to happen, if you are going to say, “We know that something really bad is happening,” that you would have, as we used to do, a lawyer and have a council of very senior people, and say, “Are we prepared to do it?” It is like when the reporter was coming in on the trucks, with hundreds of illegal immigrants. He was effectively breaking the law with what he was doing, but there was no other way to expose that wrongdoing and he put his life on the line to do it. So I just

think the decisions have to be made with responsibility, not allowing isolated people the freedom to do what they wish. That is clearly wrong.

The Chairman: Thank you very much indeed for coming and for telling us what you have.

Mr Hall: It is a pleasure. Thank you for your time.

The Chairman: Thank you.

Examination of Witness

Mr Andrew Gilligan, London Editor, *Sunday Telegraph*

Q627 The Chairman: A warm welcome to you, Andrew Gilligan. Thanks for coming along this afternoon. You are, I think, the London Editor of the *Daily Telegraph* and the *Sunday Telegraph*.

Mr Gilligan: Yes.

The Chairman: The meeting is being sound recorded, and if you would like to make a brief opening statement we would be grateful, otherwise we can go straight on into the questioning.

Mr Gilligan: I would only say two things. First, I work both for the statutory regulated sector in broadcasting, because I am also a reporter for “Dispatches” on Channel 4, and for the self-regulated sector of investigative journalism, and so maybe we can explore how those two differ. The second thing is that whatever I say this afternoon I speak only for myself as an individual journalist, not for the *Telegraph* or for Channel 4.

The Chairman: Yes. As you know, the rationale for the inquiry is that we are trying to see how we think investigative journalism may be developing and whatever changes have come into effect and the regulatory regime, and so on, surrounding it. We are dealing with the future and not the past.

Mr Gilligan: Absolutely, yes.

Q628 The Chairman: In a way you are a well known proponent of the art, but are there any particular examples of investigative journalism that you are especially proud of and would like to draw to our attention? Then, in terms of thinking about your career, how

many people do the organisations for which you are working employ, compared to what they did, say, five or 10 years ago?

Mr Gilligan: The story I am proudest of, probably, is the exposure of cronyism around the former Mayor of London, Ken Livingstone, which Ken believes—I am not sure I believe—helped cost him the mayoralty. That story is also a good example of how disputed investigative journalism can be. I think my story was an example of good journalism, and so clearly did the industry and my peers, because they gave me the top award in the profession for it. But for Ken, and for a substantial number of people on the left for whom he remains a kind of cult figure, that story is a textbook right-wing smear, an example of precisely the sort of thing that is wrong with the press. He has not been able to challenge a single, specific thing that I wrote, mind. He never complained to the PCC and he never took action in the courts, but Ken is still going around claiming it is all made up. That is one of the things that makes the prospect of greater regulation so worrying because we all agree, more or less, on what constitutes a good school or a good hospital, but there is much less agreement I think on what constitutes good journalism. Investigative journalism, in particular, is always disputed, but just because a story is disputed does not mean it is wrong or it is no good.

Q629 The Chairman: The publications and organisations you are with, do you think more people are doing it or that less people are doing it?

Mr Gilligan: I think in some ways there is good and bad news on investigative journalism; I think in the print sector investigative journalism is quite healthy. My own newspaper, the *Telegraph*, until a few years ago never used to do investigative stories. It does quite a lot now and it has made significant impact with some of it, and the *Guardian* of course does some; the *Times* has done quite a lot and has made a very good hit. I think in an era where there is so much more, and when the news of the day is instantly available on any number of websites,

newspapers have realised that investigative journalism—original story-getting journalism—is what can keep them distinctive and what can keep readers wanting to turn to them. So I suppose that is the good news. The bad news is I think there has been a significant decline in investigative journalism in the regulated sector, in broadcasting. It has virtually disappeared or at least it virtually disappeared for many years on ITV. There are new strands now called “Exposure”, which looks promising, but essentially “World in Action” was replaced with “Tonight with Trevor McDonald”. “This Week” disappeared. “First Tuesday” disappeared. Regional current affairs, for which I also did some work, have disappeared. “News at 10” was scrapped. It has been brought back of course now, but it is not what it was. ITN is not what it was. It was once arguably better than BBC News. It is much less well resourced now. So that is part of the bad news.

The other part of the bad news is that even though investigative journalism in some areas has grown, forces of anti-journalism, if you like, have also grown, by which I mean the law, the PR industry, that kind of thing—PR campaigns mounted by people against one story. So that is the kind of thing you have to expect these days.

Q630 The Chairman: You have worked in local press.

Mr Gilligan: I worked very briefly for the *Cambridge Evening News*, but, no, the situation in the local press is deeply worrying. A lot of local newspapers have essentially disappeared. The *Manchester Evening News*, which was the largest local newspaper in the country, is now produced—or is soon to be produced, perhaps—from a hub that is about 10 miles away from Manchester, and you can imagine what is going to happen there. They will spend their whole time sitting inside their windowless office doing stories on the phone, if they are lucky, and rewriting press releases if they are not. What is happening to local journalism is desperately serious, as it is poisoning the whole ecosystem of journalism. A lot of stories

that would have been exposed in the past, and that were exposed in the past, came out of local journalism and that is just not happening now.

In huge areas of the country, huge areas of power are going effectively unscrutinised, and that is one of the reasons why Ken Livingstone had such difficulty with my stories. I think that he had been scrutinised by local journalists on the whole who did not have the resource to do it properly, and then suddenly along comes the heavy mob—myself and “Dispatches”—as well as a separate edition by a different reporter, and it was not comfortable for him. But Ken is relatively well scrutinised and the mayoralty is relatively well scrutinised compared with lots of local authorities.

Q631 Lord Gordon of Strathblane: I just want to be clear because other witnesses have said that they thought the power of PR was running everything and had replaced journalism, and yet you at one point said that you thought in the unregulated sector—the press—that investigative journalism was still quite healthy.

Mr Gilligan: Yes.

Lord Gordon of Strathblane: In your previous answer you were giving us some examples of where they are all disappearing. Perhaps you could—

Mr Gilligan: No, I should have made the distinction more clearly between the national and local press.

Lord Gordon of Strathblane: Yes.

Mr Gilligan: I think the local press is in a deeply unhealthy place, with a few exceptions. As for the national press, I think standards of questioning are more robust than they were. If you look at any newspaper 30 years ago, it is extraordinary how tame and boring they were. They are a great deal more questioning and a great deal more critical than they were in the past.

Q632 Lord Gordon of Strathblane: Is that not purely down to finance, in terms of the local press? It has nothing to do with regulation or anything else.

Mr Gilligan: I think the problem is partly financial. I have always believed that the problem with the media is not regulation, it is ownership, and local newspapers are extremely badly served by their owners. They were making reasonable profits but they were greedy for even more, and they started to cut and the result was a clear diminution in quality, which accelerated the diminution in circulation that we have all seen. But the fall in circulation has been more dramatic in the local press because the fall in quality and resources has been greater. It has been a vicious cycle. It is a death spiral, frankly, and lots of towns quite soon will have no effective local newspaper at all.

Q633 Lord Gordon of Strathblane: Perhaps it was also the nature of the advertising carried by local press. Classifieds disappeared to the internet more quickly than those displayed in a national.

Mr Gilligan: That is right. Yes. The great problem for the industry commercially—I do not think investigative journalism's principal problem is commercial; it is a secondary problem I think—is that advertising online is worth a great deal less than advertising in print. There is obviously also the issue of sales. But it is quite promising and lots of people are finally starting to pay for my journalism.

Q634 Lord Gordon of Strathblane: Leaving the local press on one side, obviously the demise of the local press would be very bad for the localities they previously served, but did I also detect a hint of concern that you think that the national press will not survive without a healthy local press?

Mr Gilligan: I think it will survive. I think the ecosystem will change to our detriment, but as for the national press, it used to be the case that virtually everyone on a national paper had come from a local newspaper. That is no longer the case; it is seldom the case, actually. It used to be the case that a lot of stories in national papers started in local papers, and that again is less the case than it was, and that places more onus on us to generate our own stories originally and I think we are doing that. If I had one criticism I would say that a lot of investigative journalism concerns individuals, rather than institutions, but it is institutions that really cause the suffering in a lot of cases. Clearly, MPs' expenses, in my own papers, was a wonderful story, but PFI has cost us, as taxpayers, an awful lot more than an MP's duck house, but it is much less easy to relate to because it is complicated, and because the people concerned have lots of money. It is difficult to explain that the people concerned have lots of money and it is easy to get it wrong as well. Equally, one of the great stories we all missed was the financial crisis and what was happening in our financial services industry. Virtually everybody in Fleet Street missed that one and that was, again, because it was very difficult to explain in a way that is comprehensible to the reader, whereas people can relate to other people.

Lord Gordon of Strathblane: Most economists seem to have missed it as well.

Mr Gilligan: Yes, didn't they?

Lord Gordon of Strathblane: Yes.

Mr Gilligan: So investigative journalism is not wholly healthy, but I think it is in less dire straits than the likes of, say, Nick Davies paints. I really do.

Q635 Lord Gordon of Strathblane: Yes. Defining investigative journalism, again do I detect that you would regard exposés of the private lives of Premier League footballers as not investigative journalism?

Mr Gilligan: I am not even interested in Hugh Grant's films, let alone his private life. I had to watch "Love Actually" on a plane once and it made me feel sick. Genuinely, no, that is not a public interest. I know lots of people have probably said this to you, but I think the danger is that the behaviour of some tarnishes the behaviour of all, and the vast majority of journalists do not do the kind of revolting things that we have heard people at the Leveson inquiry describing this week.

Q636 Lord Gordon of Strathblane: Are the things they did revolting, per se, or is it only the objective they were seeking to expose that made them revolting?

Mr Gilligan: You can justify some controversial behaviour, I think, as a journalist. I myself—as I had wrote in print at the time the scandal broke—have deceived people, and I have used subterfuge, and I have invaded people's privacy. I have received leaked emails, which again Ken Livingstone claimed were stolen goods. The difference between me and the *News of the World* is that that kind of behaviour is done rarely; it is done with a great deal of consideration.

The Chairman: Sorry, it sounds as if we are going to have a vote. We will have to love you and leave you for a brief moment. But it will stop for a moment and perhaps you can just complete this answer. I did not think we were expecting it as early as this.

Mr Gilligan: What are you voting on, do you know?

The Chairman: Now, you have a brief moment to finish.

Mr Gilligan: The difference between me and the *News of the World* is that kind of thing is done rarely. It is done with great consideration, and I mean editorial consideration. It is not something you would do on your own initiative; there is a process in place at the *Telegraph*—

The Chairman: I think we will have to go. We will see you in a few minutes. Thank you.

The Committee was suspended for a Division in the House.

On resuming—

The Chairman: Do you want to complete it, please?

Mr Gilligan: The difference between me and the *News of the World* is that those kind of things are done rarely. They are done with great consideration at an editorial level, and they are done with stories of genuine public interest, and the public interest has to be proportionate to the amount of intrusion or whatever being contemplated, and so it is arguably permissible for instance to deceive—as I have done—an arms manufacturer who is offering to sell illegal landmines. It is not proportionate to, for instance, send private detectives to follow Richard Madeley around to see if he does anything newsworthy. We do not do fishing expeditions and we do not do celebrity stories.

Q637 The Chairman: If the law of the land descends on your head, you would obviously claim morally extenuating circumstances. Would you accept that the rigour of the law might be applied?

Mr Gilligan: Any journalist who breaks the law must expect to be held to account, but the issue then becomes how you can account for yourself. Of course, in some laws there is explicitly a public interest. In some legislation it is explicitly a public interest defence section; it is Section 55 in the Data Protection Act. In others there is not but I think you would hope to convince the CPS that your prosecution was not in the public interest or, à la Ponting, to convince the jury that your conviction was not in the public interest. But that is what makes a strong public interest justification so important and obviously the more controversial a practice you are planning to conduct, the greater the public interest justification has to be.

So, that would be my answer to that and it has to be very rigorously justified in terms of the public interest.

Q638 Baroness Deech: Would you like to tell us what you consider to be the main threat to and opportunities for investigative journalism in the foreseeable future?

Mr Gilligan: The most important threat is official restraint, by which I mean libel and privacy law, state surveillance and the potential threat posed by the Leveson inquiry. Leveson's principal task is to recommend a "new, more effective regulatory regime on the press". Now the inquiry has essentially decided, before it even starts work, that the current regime is not effective and needs replacing and in newspaper terms it has written the headline before it has done the reporting.

What happened at the *News of the World* however, outrageous as it was, was quite clearly not a failure of regulation. There already is rather strong regulation against hacking people's telephones; it is the law. It was the failure of the police to enforce the law. The reason this scandal became so consequential is not just because of what it told us about the press but because of what it told us about the police and politics. Unfortunately, Leveson's terms of reference bear much more heavily on the press than on the police or politics and I think that is unfair.

He is to make recommendations to how we are to be regulated—in other words, how we should be forced to behave—merely for the future conduct of the police and politicians; in other words, how they should merely be asked about it. We have heard a lot at the inquiry already about the issue of proportionality. I have spoken about it and I think it is an important principle in deciding how far you do a practice that might be controversial, and my concern is that the Leveson inquiry is not proportional to the problem. I do not believe that the problems it exposes, although hideous, were the work of more than a fairly small

minority of journalists and I am concerned that the whole of journalism is being tarnished and may be subject to some kind of future more onerous regulations for the sake of the activities of a comparative few.

Q639 Baroness Deech: Well that is the threat and indeed we are reading a lot in the press now, making the argument exactly that you have made, so we are able to weigh it up. What about opportunities for investigative journalism in the near future?

Mr Gilligan: The key opportunity or the key thing that has transformed investigative journalism is the internet, of course, as it has to all journalism in a sense. It has dramatically improved my productivity as a journalist and that is why I dispute the Nick Davies thesis. There are fewer journalists, there is more space to fill, but those journalists are far more productive.

A great deal of my work is not handing over brown envelopes in car parks; it is actually looking at often quite boring open sources, such as the minutes of these Committees—the kind of memoranda submitted to Select Committees are a mine of information—*Hansard*, London Assembly answers and that kind of thing. All that stuff is infinitely more easily accessible than it was; it is all online for you to see whenever you want.

A Companies House search used to take half a day—you had to physically go there, request the company, wait for it to be delivered and then you might find it begged an inquiry on another company and you would have to wait another couple of hours for that to be delivered. Now you can do all that in five minutes from your desk, at midnight if you want to. So the internet has, in that sense, transformed my productivity; it is much easier to find people; it is easier to find information sometimes.

I know Paul Lewis, the guy who gave evidence to you about how he uses social media to find witnesses to things. That is jolly useful, although it is only useful in certain instances of

course. But the kind of activities I investigate do not necessarily take place in public places with lots of witnesses around, like the death of that guy on the plane or the death of that guy in the street in the City; they take place in private.

So, appealing for witnesses over social media is of less value to me but it is none the less interesting. Facebook, Twitter, the whole web is full of information to exploit, although it can be a trap because it is inherently unreliable and needs to be checked, and because you can spend your whole time wading through that and lose sight of the bigger issues. I found in practice that you nearly always need to find human sources to go the final mile in any story but essentially the internet is a huge opportunity.

Baroness Deech: Okay, thank you.

Q640 Bishop of Norwich: Are the skills required in investigative journalism very different in relation to press and broadcast media, since you practise in both, and are they just transferable online or are there new skills that are developing? In a way you have made a reference to data journalism already that seems to me to require quite different sets of skills.

Mr Gilligan: It can do. The difference between broadcasting and print journalism is essentially that broadcast journalism is simply much more about logistics than print journalism. I worked of course full-time as a broadcast journalist at the BBC for several years. It was radio largely, which is easier than television but harder than print. In a print story you can simply call somebody; you can take their quotes down and type it in, email it and it is in the paper.

Obviously with TV you have to go and see the person and they have to agree to speak to you on camera. What they will say on camera is not always what they would say to you on the phone when they first pick it up and that kind of thing; that is logistically difficult. TV is also particularly vulnerable because obviously it depends on pictures. Some stories cannot be

told in pictures, which is one of the reasons why we all did so badly on the financial crisis, which was a very difficult story to picture. I spend a lot of time doing “Dispatches” being filmed walking up and down the streets and that kind of thing. It is simply in order that they can have some kind of wallpaper shots to show when I am having to explain something that cannot be shown.

The last “Dispatches” I did involved undercover filming; that was logistically a lot more complicated than any newspaper story. It takes place under strict guidelines; you have to get approval from the channel in advance of course, you have to present quite a strong case and you actually have to sit around outside the place where your undercover person is, in case they get into trouble and you have to rescue them. That was largely done by a colleague of mine, but it is far more time consuming. That is what I am saying.

Q641 Bishop of Norwich: Is there a ready supply of future investigative journalists? When Alan Rusbridger was giving evidence he said there was not a single breed but they are mostly rather stubborn people and often rather odd people, which was maybe suggesting they were born rather than trained. Is that true?

Mr Gilligan: In most journalism you are reporting what other people say or do; in investigative journalism you are, in effect, saying or doing it yourself quite often. You are becoming almost a participant and most journalists do not like that. They would much rather report the sides, as in the classic BBC politics report, and say, “Yes, Labour said yesterday NHS care was its worst ever, the Tories said it was its best ever, Liberal Democrats said they were both wrong. One thing is certain, only time will tell. Andrew Gilligan, BBC News”. That is the kind of story. Now that is effectively balanced, it will not offend anyone, it will not get you into trouble, it will not upset anyone but it is also completely uninformative—

Bishop of Norwich: And boring.

Mr Gilligan: The kind of journalism I believe in would try to delve into the truth of what was going on in the NHS in patient care and arrive at my own judgement. Now, sometimes there is not a simple truth of course but sometimes there is and if I found that truth and told it, it would annoy one side or the other no doubt. So, by investigating something and publishing the results you are inevitably taking a position on it. You are saying that Ken Livingstone's regime is sleazy or that News International hacked people on an industrial scale or that Richard Nixon was a crook.

Now, I have no problem about that, provided you have done the work and it stands up and you have not neglected any counter-claiming facts and you have done it honestly. But it does put you in the firing line and it puts you in a lonely place and I am not sure all that many journalists are ready for that. Any worthwhile story—no matter how well or solidly reported—is always denied, disputed and denounced. What all editors crave is follow-up but the risk is that because of the nature of the story it will not get follow-up or, even worse, your rivals will publish saying it is rubbish.

Nick Davies of course spent two years being denounced as a liar, a bore and an obsessive over the hacking story by the PCC, by the police, by News International, before it finally broke through. That is the key thing and the key difference in investigative journalism; you have to be persistent, you have to keep going. The *Guardian* is very, very good at that. You cannot lose your nerve, you have to keep going until you are almost bored of it and then it finally breaks through and that is what the *Guardian* did on hacking, so you need a strong editor.

Not that many journalists are ready for that kind of thing. It is confrontational, it upsets people, it challenges conventional wisdom, it goes against the grain, it goes against fashion. A lot of journalists are about amplifying fashions a lot of the time—and I do not mean frocks, I mean intellectual and political fashions—and investigative journalism goes against the grain

and it is often a lonely place to be and unrewarding, so I do not know. That is why it is a minority pursuit and that is why we all write it off.

Bishop of Norwich: Thank you.

Q642 The Chairman: That is an interesting insight into your activities. I think, sadly, because of the vote, we are running out of time. Now there are one or two questions more that we would like to know your thoughts on and perhaps we might say to you, if it is not too discourteous, could you let us have it in writing?

Mr Gilligan: Yes.

The Chairman: It is not that we have not enjoyed what you have had to tell us; we have enjoyed it almost too much and it is gone on too long.

Mr Gilligan: No, absolutely.

The Chairman: Thank you. Finally, are there any burning points you really want to get off your chest?

Mr Gilligan: The strength of our democracy—and it is a strong democracy—does not lie in our democratic institutions, which are comparatively weak. It lies in our democratic culture, which is NGOs, academia, the law and, quite importantly, the press. Obviously and probably the most famous story I did, the Iraq dossier story, was a story in which all the institutions that were supposed to protect us from bad decisions failed us. The Civil Service, in the person of John Scarlett, became Alastair Campbell's co-conspirator; Parliament, in the person of the Foreign Affairs Select Committee, became a method by which the Government hounded David Kelly and me; the judiciary, in the person of Lord Hutton—and I think a lot of people agree with me—got it completely wrong.

The only estate of the realm that has actually worked—the only estate of the realm that actually did its job, if belatedly and imperfectly—was the fourth estate, journalism. It is very,

very important that nothing happens in the next few months—in a time when journalism is going to be under a great deal of scrutiny and attack—to challenge that. I am afraid, as I said to you before—and one of the things I would like to expand on in writing perhaps if you want me to—that the forces of anti-journalism are growing as much as the forces of journalism.

The Chairman: Well, please do. We are here to hear what you have to tell us and not to try to give you leading questions.

Mr Gilligan: Thank you.

The Chairman: Well, thank you very much indeed for coming in; we have much enjoyed it and appreciate it.

Examination of Witnesses

Sir Harold Evans, Editor-at-Large, Thomson Reuters, and **Mr Stephen J Adler**, Editor-in-Chief, Thomson Reuters

Q643 The Chairman: I welcome you. I am Richard Inglewood. I am the Chairman of the Committee here in London. Thank you very much indeed for coming to give some evidence to us, which we very much appreciate. As you may know, we are looking into the whole general question, structure and business surrounding investigative journalism in order to try and ensure that whatever changes may be suggested by others about the future—and in the wake of the so-called Hackgate, *News of the World* scandal—they are talking about an industry that is going to exist in the future, rather than an activity and industry that existed in the past, so we are very grateful to you for coming and sharing your thoughts with us. It is being recorded at this end for the evidence that we will attach to our report. Now, if I may, we have in front of us CVs, both from Sir Harold and from Mr Adler, and I thank you very much for them. Unless each of you would like to make any kind of an introductory statement—and I gather Sir Harold wants to just tell us the approach that he is adopting to this evidence—I suggest we go into the question and answer session, but let me turn the meeting over to you for a moment.

Mr Adler: Very well, and thank you very much. I am Stephen Adler, Editor-in-Chief of Reuters. I would like to make a short opening statement just for a matter of introduction and kind of to put our organisation in perspective with what you are doing, if that is all right with you. It is about five minutes, if that is okay.

The Chairman: Yes, by all means.

Mr Adler: Then Sir Harold and I will both be available, of course, to answer your questions. We are both delighted to assist your Select Committee on Communications in its consideration of the future for investigative journalism. Again, as I said, I am Stephen Adler and this is Sir Harold Evans. I am Editor-in-Chief of Reuters and I am the Editorial Leader of our parent company, which is Thomson Reuters. Sir Harold is Editor-at-Large at Reuters and, as you of course know, has an enormous wealth of practical experience in investigative journalism. I will speak on behalf of Reuters and Sir Harold will speak for himself, drawing on that great wealth of experience.

I would like to begin, if I may, by setting the scene with a brief introduction for our organisation. Reuters is the largest international news agency, employing over 2,900 journalists in 200 bureaux around the world, reporting from 1,500 locations in 20 languages. We publish directly to financial, legal and other professional clients as part of our company's subscription information products and we are an agency that delivers news in text, pictures and video directly to other news organisations.

Further, we provide access to news in real time to the general public on our Reuters website, reuters.com, and on mobile applications. We are well known worldwide for our reach and our reliability and we are fortunate to benefit in this regard from something specific that differentiates Reuters from other news organisations—principles of fairness and impartiality, known as the Thomson Reuters Trust principles, which are woven into the fabric of our business.

These trust principles were created by Reuters, before the acquisition by Thomson, in 1941 in the midst of World War II to protect our independence at a time of great global peril. The principles imposed obligations on Reuters and its employees to act at all times with integrity, independence and freedom from bias and it fortified them in carrying out the difficult and delicate tasks with which journalists work and of course continue to be faced.

So a unique structure was put in place to achieve this and it survives today in the form of the Thomson Reuters Founders Share Company, which has a separate board of independent directors with a duty to enforce the trust principles and make sure that they are complied with. Then the chartered documents of Thomson Reuters corporations require their own corporate directors, in the performance of their duties, to have due regard for the trust principles as well, so these are built in to the very structure of our company.

The key principles, which I think you may determine are somewhat prescient, are as follows and I am just going to name three key ones: first, that Thomson Reuters shall, at no time, pass into the hands of any one interest, group or faction; secondly, that the integrity, independence and freedom from bias at Thomson Reuters shall, at all times, be fully preserved; and, thirdly, that Thomson Reuters shall supply unbiased and reliable news services to newspapers, news agencies, broadcasters and other media subscribers and to businesses, Governments, institutions, individuals and others with whom Thomson Reuters has or may have contracts.

So guided by these principles journalists at Reuters aspire to the highest standards of journalistic ethics and receive regular training to help them achieve their goals. Increasingly, Reuters is supplementing its fast, accurate coverage of news events with deeper and more investigative journalism. We are doing this because we believe our readers benefit from receiving factual information that is of value to them but others might not want to be disclosed. Our professional customers benefit from the greater transparency we provide regarding financial and other business activities and members of the public get more useful information on which they can base smarter decisions as citizens.

So the key to this work is for us to dig deeply while maintaining a bond of honesty and trust between Reuters and its readers, based on the understanding that we will convey truthful information and will properly correct any mistakes that we inadvertently make. Certainly the

trust principles and the Reuters culture that has developed around them demand that we do this.

Sir Harold and I appreciate that the stated task of your Committee is primarily to examine domestic issues related to investigative journalism and its economics. However, in an increasingly complex and connected world it is difficult to isolate one part of the globe from another and certainly journalism these days crosses borders remarkably freely. So we do urge you to look further afield and to consider that some of the worst habits that have emerged recently in the UK do not seem to be as prevalent in many other parts of the world. It is worth asking why and to what extent legal and regulatory differences are factors. In the UK we believe there are too many uncertainties around whether the media can report responsibly on matters of great public interest without undue legal and financial risk. Clarity in the law will enable media, including Thomson Reuters, to guard against unforeseeable but potentially huge exposure from legal challenges that can follow from even the finest journalism reported to the highest standard.

Lawyers, of course, are not cheap anywhere and certainly not in London. The cost of libel and privacy proceedings in the UK are widely recognised as being the most expensive in the world—according to a study at Wolfson College at Oxford University more than 140 times the average. The legal costs for each side often dwarfs the damages awarded. Surely vindication, along with protection for the publication of accurate information, can and should be achieved more efficiently. We would also urge the Committee to look closely at protecting investigative journalism in particular and encouraging that more of it be done.

The cost of investigative journalism and the libel suits that often follow have, in our view, been factors in discouraging some proprietors from investing in the sort of high-value journalism that your Committee and we would wish to see. If your Committee can better protect investigative journalism, then the media, we believe, will respond and will produce

more of the work that the public needs in order to be truly well-informed in these very complicated times. Thank you very much. We are eager to answer your questions and be of assistance in any way we can.

Q644 The Chairman: Thank you very much, Mr Adler. Am I right that Sir Harold wants to just make a brief statement at this point?

Sir Harold Evans: Yes. I would just like to say that I speak for myself. I am Editor-at-Large for Reuters but Mr Adler speaks for Reuters. I would just add this: from my experience, both as an editor and as an associate now with Thomson Reuters, I endorse all the points he has made and in particular the emphasis on integrity, impartiality and so on. Roy Thomson, with whom I worked when he owned the *Times* and the *Sunday Times*, is in fact of course a lineage connection with Thomson Reuters today. So I just associate myself with Mr Adler but I may say things he would say slightly differently, so I just want to make that clear.

Q645 The Chairman: That is very helpful, thank you. Perhaps I might, as they say, set the ball rolling by asking each of you: are there any particular examples of excellent investigative journalism you feel you would like to draw to our attention and, in particular, on a more personal level, which of the stories are you most proud of?

Sir Harold Evans: I suppose I have to say that I am most proud, in a sense, of the thalidomide investigation. I do not bring it up because of any particular glory but because of the inhibitions that were faced. There is one in particular that I think is still relevant for your deliberations. I may say first of all that I appreciate the Committee's interest and its approach and I know a number of you have very great personal experience of investigative journalism and know its merits and its difficulties. In the thalidomide case, which has been written about ad nauseam, the important thing was that the legal system failed. There was no

public inquiry as there should have been for a major disaster and when we got hold—we can go into this in more detail if you want—of documents that showed negligence by the drug company, and a ruling in the High Court relied on the law of confidentiality that is little known outside the United Kingdom. I just want to read what Mr Justice Talbot said in denying my request to make use of the information in those documents, and this goes to the law of confidence. He said, “There is no crime or fraud or misdeed on the part of Distillers and in my view negligence, even if it could be proved, could not be within the same class as to constitute an exception to the need to protect confidentiality”. So here we have a commercial law of confidence saying that a major public disaster cannot be properly investigated because it is breaching a company’s confidence. As an employee of corporations I realise we have to keep confidences. I am not denying that. But the test by which information coming through a commercial channel or a company, as in the recent toxic case that the *Guardian* was involved in, and as in the thalidomide case, the idea that you have to have a raving lunatic attacking the Prime Minister before it can be regarded as iniquitous, and the idea that damaging 400 children is not iniquitous struck me as rather arcane. This may be of interest to the Committee and through your influence the Law Lords—I was once on a committee with Lord Denning to look at narrowing the definitions of confidentiality to make respect for commercial confidences justified but not to inhibit investigative journalists in this particular area. I am appalled by the intrusions of privacy that go on in Britain. At the same time I must add that the privacy law is something that we should be very careful about. One of the most brilliant investigations recently was of honour killings in Birmingham. They were neglected by the police; the community did not want to know about honour killings. It could have been held to have been an invasion of privacy to expose that a mother and a son killed a daughter for an honour killing and yet that was done by investigative journalism and that great evil was brought to light only by investigative journalism.

Mr Adler: I might just add that most of my career has been in business and legal journalism and we see with the enormous global impact of finance and the globalisation of the business world and the financial world how important it is to be able to do investigative journalism effectively on business. If it had been done more effectively perhaps before the financial crash several years ago some of the damage might have been avoided. If people had been able to write early on and get inside some of these companies and understand what they were doing, a lot of damage to everybody might have been avoided. A lot of the work we do is looking inside what is going on in the corporate world and a lot of the work that I am proudest of over the course of my career and my short time at Reuters involves business journalism.

This year we did a series on the creation of so-called shell companies. There are 2,000 companies located in one 1,700 square foot house in Cheyenne, Wyoming and that makes you suspicious initially. It is very easy to incorporate in Cheyenne, Wyoming and it turns out that people with criminal records and people incorporating anonymously all congregate through that incorporation and a great deal of fraud, lack of tax payments and misleading of the public has occurred through that type of activity. By exposing that we have been able to get legislative action going in two states and in the US Congress and put a lot of attention on this, and we think there could be some improvements made as a result.

So that is the type of work my colleague at Reuters, Alix Freedman, when she was with the *Wall Street Journal* and I was as well, won a Pulitzer Prize for—work in the tobacco industry, which showed the way tobacco companies were manipulating nicotine to increase its potency was probably the biggest single factor resulting in the giant settlement that has changed the whole face of the tobacco industry. So it is that kind of work that we are looking to encourage and protect.

Sir Harold Evans: Could I just add a PS to what Mr Adler just said and those two brilliant examples. In the United States they are not inhibited by the law of confidence in the same degree that I was in Britain and many journalists are today in Britain. This is very important because the law of confidence has come from commercial cases. It began with Prince Albert's etchings and then went to cases of Peter Pan Brassieres Incorporated, then the marriage of the Argylls until at the end it reached into political and social secrecy. It was ridiculous but that is where it stands today in the United Kingdom.

The Chairman: Thank you for that. It is a good starting point for us. I have been told that we may have a Division in the House in about 20 minutes that will interrupt this interview. If it is not discourteous, despite having started late because of an earlier one, I hope you might entertain us being able to go on when we get back, which will take about 10 minutes.

Q646 Baroness Fookes: Sir Harold, the *Sunday Times* Insight team of the 1960s is still considered one of the finest examples of investigative journalism. Could you tell us how and why the team was set up?

Sir Harold Evans: Due credit to Roy Thomson and Denis Hamilton, who were very, very forthright about wanting independent journalism irrespective of the Thomson commercial interests. That is very, very important. When I was asked to be editor of the *Sunday Times* I had to go through the whole board of directors asking whether I would be independent of commercial influences and so on and of course it was easy to say yes, because I knew the organisation felt that and I would not have done it otherwise.

When I came to take over the paper some investigations had been done but I was much inspired by WT Stead, one of the great neglected editors in British journalistic history, who exposed how the age of consent was exploited in Victorian times to take young women of 13 and 12 into prostitution. I was inspired by that. When he got his newspaper, he said,

“What a marvellous opportunity for attacking the Devil”. He had argued that newspapers should always be looking behind the news. So I set up a team of four people with a researcher and just said to them, “I’m going to drop things into this slot called investigation and it is up to you how you get on with it. I will protect you”. We were enormously well protected by the Thomson organisation. In particular, and I must stress this, we had a lawyer called James Evans who was trying to find ways to publish things, whereas the history of lawyers in the organisation previously had been to try and find ways to stop things, to protect the company from defamation and so on.

The important constituents were the chemistry between the people; the commitment behind me that if I took risks they would be appreciated; and, thirdly, the recognition that occasionally there might seem to be a lot of money spent. When we were investigating Philby I had 18 reporters and I never had a single query on the expenditure. When I came to do the thalidomide story, the advertising director called. He said, “I just want you to know, we have £600,000 of advertising from Distillers”. I waited. He said, “Good luck. You really should go ahead.”

That was the atmosphere created by the Thomson organisation so I really must stress that although I occasionally get some praise for my role in it, really my role would have been impossible without the creation of the atmosphere of confidence and trust by the owners of the paper. That is absolutely crucial. I was able to give that confidence and trust to the journalists, provided they did a proper, professional job and did not pursue people over ridiculous sexual misadventures and all this rubbish that really destroyed the integrity of the British press.

Q647 Baroness Fookes: But you had to choose these journalists and I imagine your skills were used in choosing them to do the investigations.

Sir Harold Evans: Yes. I made it a practice if I could to employ autodidacts so that they could demonstrate that they could keep on learning. With Bruce Page, when the DC10 airline disaster occurred, we reconstructed the entire engineering of the doors of the DC10 in our offices because he became an expert on civil engineering. When the thalidomide thing came up, I went into the office and there were molecular diagrams—this was Elaine Potter. All these individuals were chosen. This is maybe an important point for the Committee to consider. They were not force-fed through schools of journalism, though I have been a great supporter of those, but they were people of varied skills drawn from different ranks of life. When the National Union of Journalists occasionally tried to restrict entry, I thought that was very retrograde because journalism has been enriched by having a variety of people coming in. We had accountants. Mr Adler has referred to the brilliant work of the *Wall Street Journal*. We had accountants on the *Sunday Times* Insight team who were going straight for a change, who had actually been involved in all sorts of mischief before. I had a commander of a tank battalion in the British army. When the Israeli war occurred he knew about the British defence requirements, and so on and so on and so on. So I think the mix of an investigation team is crucial. The mix includes professional skills, accountancy, civil engineering, high intelligence, dedication to a concept of public service and dragon slaying, but I cannot emphasise too much that no investigative journalism worth having can take place unless the editor has the backing of ownership equally dedicated.

Q648 Baroness Fookes: Did you pick these specialists because of the inquiry that was being undertaken or did you have them there in the background already?

Sir Harold Evans: It would have been enormous foresight for me to say I picked them because I could see what was coming down the road; I did not. It is a very interesting question, that. The chemistry is very, very important. I picked them because I thought they

were good journalists with professional standards—decent people, possibly with some skills. For instance I employed a molecular biologist who had just got fed up trying to find cures for this and that.

This is a good question again. When we got something we could not understand like, “Why did a bridge collapse?” “What is the danger of nuclear radiation?” we would call in a specialist. Then one of the Insight team or another would absorb everything that man could give us. Sir Robert Jones in the thalidomide inquiry was a pharmacologist so we brought him in. We said, “Is this the molecular structure? Have we got it right? Where did it go wrong?” That was very important. We would pay this man to come in; we would pay him a few thousand pounds. This is a very, very good question if I may say so, because one of the key factors in the success of Insight was a man called Ron Hall. He had a kind of Rolodex. “Who knows anything about this?” So we would call him up and we would have four or five specialists on tap at different universities and we could bring them in to the Insight team and absorb what they had to say. They would read the stuff we were about to publish and they would say, “This is wrong,” or “You’ve got this wrong,” and so on. So that was the way we proceeded. Very good question.

Baroness Fookes: Thank you.

Q649 The Chairman: Just before you continue, could I ask you whether the Insight team significantly improved the readership and the profitability of the *Sunday Times*? Was it a money spinner?

Sir Harold Evans: That is an almost unanswerable question. It is one some boards of directors used to ask occasionally. You could not correlate the financial worth of investigations. All I would say is that when they were successful, which they mainly were because of the teams I have described and the backing of the corporation, they did enhance

the reputation of the paper; they did increase the circulation of the paper. I could not correlate it directly. I can give you one instance where we did lose money on a particular adventure of mine to create a television documentary relating to the DC10 airline disaster. That lost £60,000 and I was complimented by the finance director of the board of directors for it. He said it was in the public interest. That is what I was saying about the large corporation.

So I do not think there is any direct correlation. The fact that the *Sunday Times* reached 1.5 million circulation every Sunday was a tribute to the books pages; to the music criticism; to the sports pages; to Michael Parkinson's funny column; and to the Insight investigations. A newspaper is a mosaic of interest so I was always resistant to the idea that we could pinpoint a particular financial advantage to a particular department. Once when we did a study, a reading and noting study, the accountants came and said, "Do you know? Only 3% of your readers are reading this. You could save £750,000 if you dropped it." I said, "What is that 3%?" They said, "It's the horse racing results." I said, "Wait a minute; we'll lose the entire readership because people who follow the horse racing results are not interested in the rest of the paper." So you cannot do it. I would like to be able to prove to you a direct financial benefit but I think it is merely an enhancement. Also, if you are in journalism, what are you in journalism for? Public service. You are not in journalism to make money; you do not get really rich. You are in journalism for some sense of public service.

Q650 Bishop of Norwich: We have heard in the evidence that we have received that investigative journalism is very expensive because it requires large teams of journalists, it takes a long time to come to a conclusion and that because of the internet there is a great deal more data available and individual freelance journalists can be investigative and can do these things more easily. What do you think about that? Are there greater possibilities for

investigative journalism without the scale of the Insight team of the 1960s? There are only two or three at the *Sunday Times* now, we understand, in the dedicated team, so what does that say about the future?

Sir Harold Evans: Mr Adler might want to make a comment on this.

Mr Adler: I would say that some aspects of investigative reporting remain expensive and some have become less expensive. It is possible for somebody with a clever idea and a good sense of how to find information to find information that is freely available on the web in a way that it was never available before and researchers of all kinds are able to sit at their desks and find things that they could not find before. On the other hand, there is a set of skills that a really strong investigative reporter has that are rather rare. There is the ability simply to stick to something. There is a good amount of instinct involved and there is an awful lot of specialised intelligence to know how to read something to take you to something else and of course to know how to get information from people who might be reluctant initially to give it. So I think there are opportunities for people who are less well funded to do investigative journalism, but on the other hand a large organisation that is committed to doing it is in a great position because sometimes something will involve creating a giant database, having real technicians working on it, bringing in specialists, as Harry says. So it still costs a lot of money for most people to do it effectively in a consistent way.

Sir Harold Evans: Just as an addition to that—I was not dodging the question because I knew Steve could answer just as well or better than I can—much of the so-called ad hoc, blogging kind of investigative journalism is very valuable but some of it is totally misleading. A lot of falsehoods are published and that is where I still come back to authoritative journalism. We had a phrase you might want to bear in mind. We used to look for FINKs: fair insiders with knowledge, or people inside a company who could give us the knowledge

that is not available, except sometimes some of these FINKs go and blog and then that becomes pretty valuable in its own right.

Mr Adler: I think the one thing I would add is that to do it really well is incredibly labour intensive and you need somebody who is capable of doing it. Again, one of my favourite reporters once took an employee directory, in the days when these things were not on the internet, and started cold calling from the As down to the Zs to talk to employees and somewhere in the Ps found something of enormous value. So finding journalists who are willing to put in that level of work is frankly what you do not usually get from the ad hoc journalists on the web.

Q651 Bishop of Norwich: Do you maintain a team in Thomson Reuters that you would call a dedicated team of investigative journalists? Or is it the case that there are all sorts of journalists who are doing investigations sometimes and doing straight reporting at other times?

Mr Adler: This is quite new to Reuters. I started on the job in February of this year and prior to that, I think for about a year and a half, there was the first person put in charge of that area. I have now expanded that area. We call it enterprise journalism and we have somewhere in the neighbourhood of a dozen people specifically devoted to doing that. We are building that out a bit, so it will end up being probably closer to 20. But we also draw on our broader staff because we think that often the best story ideas come from people who are covering a beat and know it very well. So if somebody has deep knowledge of something going on in Syria or Libya or in the commodities markets, that person may very well have the tip or have the idea and sometimes we will pair that person with somebody who might be a more deeply trained investigative reporter. We also have a computer-assisted reporting team. Some of the best people in the world who know how to do this and who know how

to work with data help our reporters work their way through databases so that we can get to the bottom of some of these stories.

Bishop of Norwich: Thank you.

Q652 Lord Gordon of Strathblane: Mr Adler, in your opening statement you said that recently you had been doing more and more investigative journalism and you have just alluded to that. Does it make sense for an agency to do it rather than simply stick to straightforward reporting? Does it make sense for an agency to do investigative journalism?

Mr Adler: One way to look at that, other than the fact that we do agree with Sir Harold that it is a public service, from a business standpoint is that more and more of what you might call commoditised information, or straightforward news, is available free on the internet. There are more providers of it. The barriers to entry in the field of simply saying what happened have been reduced dramatically: you do not have to print; you can be all-digital. I think to add more value to our readers who are trying to be sophisticated about what is going on in the world we have to get to the bottom of things. We have to say what is really going on. To me investigative journalism is really nothing more than helping people learn things that are relevant and useful to them that are difficult to dig out or that people have some incentive not to reveal. So by pushing a little harder and digging a little deeper we feel as if we are providing more value, more information upon which people can make decisions, whether it is trading decisions or decisions about how to vote and how to be a good citizen. Again, we think it is a step up the value chain towards providing more value.

Q653 Lord Gordon of Strathblane: You mentioned incentives. Are there any incentives that could be provided that would encourage agencies to do yet more investigative journalism?

Mr Adler: Again, I think one of the challenges would be removing some of the disincentives, frankly. The legal system in the UK puts some real impediments on responsible journalism and it certainly does not encourage it. If you have a system that puts the burden of proof, for example for libel actions, on the plaintiff rather than the defendant, it does not make it so difficult for the journalism organisation to have to go back and try to prove the truthfulness of the very thing they wrote when witnesses and sources may no longer be available. So that is certainly one key area. The other area is to give credit for good-faith efforts to get things right, because if you are trying to do responsible investigative journalism in good faith, you will occasionally get things wrong. In the US, with the First Amendment system, there is a reckless disregard standard if you are writing about public figures or something that is deeply in the public interest and that is certainly valuable. You must also give some credit to what happens post publication, which the British system does not do. At Reuters, we take it into account that we sometimes make mistakes in good faith but we correct our mistakes promptly and we prominently display the corrections. With those kinds of protections in place, I think we provide more incentives to do responsible journalism and differentiate between essentially the rules governing responsible versus irresponsible journalism because we are not saying we should protect people blatantly printing falsehoods without doing it in good faith. We are saying we should be protecting people acting responsibly in the public interest.

Sir Harold Evans: Perhaps I might just add a PS to that. When I came to the United States I had given a speech in England called “The Half-Free British Press” comparing restrictions in Britain with liberty in the United States. I am not saying that the British press was half-competent by comparison with the American press but its legal restrictions—and that point about the onus of proof being upon us, the publishers—were very taxing. It did lead to

intensified efforts to make sure it was right. At the same time it added to the cost of doing it and I think that would be a very important change.

Two other changes—I have already mentioned confidence, but the other restrictions on decent investigative journalism in Britain were for a long time, and still are to some extent, the law of contempt of court. Just recently we have had the absurd example of Scotland Yard trying to find out sources from the *Guardian* in their investigations, using the Official Secrets Act. I thought that was dead and buried long ago but, no, here it is alive and flourishing again. So the legal restrictions in Britain, although Britain is of course a glorious and free country, are still impediments to investigative journalism of the responsible kind that Mr Adler has mentioned that do not really exist in the United States.

Mr Adler: It is partly cultural. It is interesting to see that investigative journalism has an aura of positive associations in the US, partly perhaps stemming from Watergate and from the Pentagon papers but also I think there is a culture of press criticism that I think is very important. I have been surprised to learn as I have gotten more involved in UK journalism that there is not as much of a culture there. There are the *Columbia Journalism Review* and other organisations in the US that are very focused on keeping an eye on what is going on, so you feel as if you are policing it simply through doing journalism about fellow journalists. That is something that I think again is encouraging the more responsible kind of journalism and disincentivising the less responsible kind.

Q654 Lord Gordon of Strathblane: My final point is simply to quote to you what a previous witness, Nick Davies, said, referring to you and the Press Association. He said that a lot of journalists rely on these sources, which are inherently unreliable. What steps do you take internally to prove him wrong?

Mr Adler: I do not think the evidence shows that we are inherently unreliable. I think our news is purchased by most news organisations around the world and is relied on for people trading stock and other securities every day because it is so reliable. But just to go through what our systems are, we have probably the most elaborate training programme of any news organisation in the world. When people join they go through a several-day training process and every two years they have to go through an intensive ethics and standards training refresher course that lasts about four hours, which makes sure they are up to date on ethics and standards. When a story comes in that is at all sensitive, the editor on the story will flag that story to what we call our top news desk, which handles the most significant stories. They will read those stories more carefully and the most sensitive stories will also go to our ethics and standards editor. We have a full-time editor responsible for maintaining the highest possible standards. She is a Pulitzer Prize winner who has done this type of work in the past. So we go through a number of layers of editing. We have training and we do have the trust principles that every journalist has to reaffirm their awareness of and their adherence to every year. Then we have a strict policy of correcting mistakes promptly. So I think we have a good bond with people who use our work and we are in fact inherently reliable.

Lord Gordon of Strathblane: Thank you.

Q655 Bishop of Norwich: You began by saying how important the whole team were, the owners of the *Sunday Times* as well as the editor, in relation to the Insight team. How important is the commitment of a media operation's owner to investigative journalism? Does the legal status of a particular newspaper owner make a difference? We have heard about the different models of the Scott Trust in relation to the *Guardian* for example, and

possibilities of charities or private companies—there are obviously plenty of those around—owning newspapers. Do those models of ownership make any difference, do you think?

Sir Harold Evans: The Scott Trust is celebrated for staying I think very true to the principles in the operation of the *Guardian*. I have written about what happens in the Thomson concept of journalism in my book and I do not particularly want to belabour that, but for instance your own Parliament failed in enforcing promises made in 1981 on independence and integrity and failed to enforce promises made to Parliament. So there are issues when a takeover takes place and promises are made—and the same thing has happened recently in the United States. Here I am speaking very much for myself. It is most unfortunate when public trust is placed in your body, Parliament, ladies and gentlemen and my Lords, which are not fulfilled.

Having said that, I think on general the trust principle is well worth encouraging. The United States has had several trust examples. I think the levels of integrity in the *Economist* and in the *Financial Times*, which relate to the way that was set up, and I have mentioned the *Guardian*, are really first class. But a newspaper or television station of course also has to have a concern to viability so I am not arguing in favour of supporting loss-making newspapers or whatever. I think the idea of a public trust is good so far as it goes but in the day-to-day operations of a busy news agency or a newspaper you cannot be referring upwards to trustees saying, “May we do this? May we do that?” You have to make the decisions and then they have to be supported. It is a very complicated issue. The ownership question in my view is about plurality and plurality is awfully important to enhancing the freedom of the British people to know what the heck is going on. They do not want to have to choose from a limited number of sources. For example, the BBC is a trust, which I think is on the whole pretty well honoured and respected, so I think there is great scope in it. As Roy Thomson once said, how do we combine the profession of journalism with the business

of the press? That is still something to be, I think, concerned about. We do not have the balance right.

Q656 The Chairman: Do you have any suggestions about how that balance might be put more into kilter?

Sir Harold Evans: This is recoiling on myself in a sense, but as for the principles of trust I think that the editor accepts legal responsibility for the contents of the paper, and it is absolutely fundamental to maintain that. Therefore the independence of the editor to make those judgments should be respected and it should be professionally regarded and then when he breaks the law he should be dismissed in a proper manner.

So I do think it is important to recognise that the editor and editor-in-chief—I am not saying this out of any personal regard—and just any particular editor should take the responsibility, legal and moral, and should not be able to suggest, “Oh, my proprietor made me do it,” or, “I could not do that because the corporations have these interests.” I am getting dangerously close to saying that editorship is a profession and I do not believe journalism is quite a profession in the ordinary sense. It should be free and open to anybody; it is only exercising the right of free speech, after all. It is really down to my giving exhortation. If you set up a trust, it is not automatically going to ensure good journalism.

Mr Adler: As somebody who works in a publicly traded company I feel as if any of the methods we discussed and any of the organisations—private, publicly traded or charities—can end up doing good journalism or not good journalism. To me a key would first of all be to have a legal framework that creates incentives for responsible journalism and disincentives for blatant falsehoods.

I would also note this from my own career. My own feeling is that my professional standing and my ability to get another job depend on my having editorial independence from the

owners of the organisation because there is a community of respectful journalists and if you are known to be somebody who has given in to pressure from the business side nobody wants to work with you. I think that is an interesting cultural self-enforcement of standing up for independence.

Q657 Lord Bragg: Do you think the American press would have been on to the phone hacking crisis earlier or let it happen? Do you think that is evidence of a great distinction between Britain and America in the way that the press operates? It is now preoccupying us once again with the Leveson inquiry and it is the talk of the town, so what is your view on that?

Mr Adler: My own view is that if it happened in the US, since we are here in the US—we are rather self-absorbed so I am not sure they would have paid attention with it happening in the UK—I think it would have received enormous attention much sooner. There is just a tremendous record of media organisations writing about other media organisations in critical ways, and there is a universe of media critics and bloggers and columnists who would be all over that kind of issue. I am quite confident of that.

Q658 Lord Bragg: I agree with you, and I think that the Americans are very superior in this area. Sir Harold, what is your view on this? Why do you think that is the case? Why are you, now that you are an American citizen, so much better at this than we mere Brits are?

Sir Harold Evans: I would come back, Lord Bragg, to the plurality point. It is very important that one person does not control 36% of media. It is just important, that is all. Nobody ever thinks about that. Somebody gets sacked by somebody who has half the monopoly of the British press and he cannot get a job in that same half anymore.

One thing that would not happen in the United States—and we must be cautious here, I think—and one of the scandals, if I may say so, gentlemen, in the British situation was the fact that the police were so neglectful. The police were bribed. It was really shocking. In the United States, depending on the jurisdiction, just to support Mr Adler, that would not have been as easy. It would not have been as easy to silence the police, to make them be part of the cover-up by a system of bribery between police and the news organisation. That to me was pretty appalling. It might have happened in the United States in a particular jurisdiction depending on the police force, but, as Mr Adler says, there is a much more healthy criticism, and I hope it is continued, of dog eating dog. Dog must eat dog. That is very important.

Q659 Lord Bragg: Do you think the Leveson inquiry is putting enough focus on the way the police behaved?

Sir Harold Evans: Looking at it from over here, I would say no. I think the police failure was absolutely fundamental. Of course there was the failure also in Parliament, if I may say so, in this thing not being ventilated. Once the *Guardian* reported the first case of phone hacking and the cover-up began, I do not know why there was not a Select Committee of inquiry at that point into the professions and standards of the press. Why not drag the truth screaming into the open? That is a question.

Q660 The Chairman: Indeed, and I am not sure I am going to give a reply. I suspect there was a feeling that at the time the conclusions the *Guardian* were coming to were not in fact correct, because every time—

Sir Harold Evans: Yes, you are quite right.

The Chairman: Presumably if every time an allegation was made in a newspaper there was a public inquiry set up, where would the world have got to? But that is, I think, the response of the spokesman for the Parliament that did not bark in the night.

Q661 Lord Bragg: To defend ourselves for a second against this almighty hammer of America, it was said resolutely by people—whom you know very well and whom, in your time, you have worked for—that this was an isolated case by one bad apple, and to set up a parliamentary Committee to investigate every single rotten apple that occurs in this country or any other would be a waste of Committees. But I agree with you: everybody was slow off the mark. That is why I asked whether you would have been much quicker in the States, and you said yes.

Sir Harold Evans: I was not in Britain at the time so I am speaking with the luxury of not having been there, but I would have hoped that one of the inside people would have come to me and said, “Do you know, I had a drink with one of these guys from *News of the World* the other night and they are all doing this”—having a drink with somebody else or whatever, I would have hoped that the system was more porous than it seemed to be. Am I being told here that journalists in Fleet Street are so terrified of competition they do not speak to each other and that they are not aware of what is going on? It is a criticism, not just of the police, by the way, as I think you may be inferring here; it is criticism of the excess collegiality of the press, hanging there together when they should be hung separately.

Q662 Baroness Deech: Is it something to do with the constitutionality of the States and the centuries-old protection of freedom of speech, which is relatively new here? Is there not something in your American history that pays special respect to freedom of speech and the press?

Sir Harold Evans: There is. If I was an American in America, and I invite Steve to perhaps speak with more vehemence and emotion than I can bring, I think there is personally something to go back to. Jefferson said when the First Amendment was being discussed, “Better to have embraced the more for freedom than embraced the less.”

Mr Adler: While I agree that the First Amendment has played a big role, the concept of the fourth estate is not a US concept. The notion of the media as a check on government and as an independent force that can come in and shed light on what is going on and that can right wrongs and show wrongdoing has been more prevalent in Britain and Europe. But it certainly is part, I think, of why the tradition is built up and some of the customs and cultures have built up. Of course it is the precedent for why the law sits the way it does, the constitutional interpretation over time.

Sir Harold Evans: Let me just add to that, to get the balance right between the virtues of Britain and the United States. It was Blackstone who said, “The freedom of the press consists in laying no prior restraint on it.” That principle was adopted in the United States with much more conviction, whereas in Britain a system of prior restraint somehow started to evolve, despite what Blackstone had suggested way back. Then the United States tested that principle of no prior restraint, and of course had the Pentagon papers case and so on and so on, whereas in Britain prior restraint has remained for a long time a matter of restricting the press.

When I carried in the *Sunday Times* a story that a Member of Parliament—forgive me, gentlemen, for seeming to be aggressive here—was being financed by the Greek colonels, I was stopped in the first court from publishing it because it was a prior restraint; it was a defamation of the Member of Parliament to publish the fact he was taking money from the Greek Government. In the Court of Appeal it was dismissed and then in the subsequent cases we were vindicated—he was taking money.

But that existence of prior restraint is still an inhibition in Britain, and there is the fear of a super-injunction, or whatever it may be. It seems to me quite extraordinary. I was in the office at the *Guardian* and I heard about the toxic waste case. I said, "Why are you not making a fuss about it?" He said, "We can't, there's a super-injunction". I said, "What? We cannot even report the fact that we are gagged?" It was ridiculous. Your Committee could be a tremendously powerful force for getting rid of that kind of nonsense.

Q663 The Chairman: So you would very much endorse the great Duke of Wellington's approach of publish and be damned?

Sir Harold Evans: Publish and be sued, yes.

Q664 The Chairman: One might lead to the other, you never know. I think we are getting to the conclusion of our hearing so thank you very much, but before we finally wrap it up, is there anything you would like to add to what you have said, which you feel might help us? In particular, the thing that struck me, listening to your evidence, is that you focus on a number of aspects of the way in which perhaps the American press and its investigative activities are slightly differently culturally as much as anything else from what happens in this country. Am I right in thinking that, and if so is there anything you would like to elaborate about it?

Sir Harold Evans: I would like to say one thing. I think that the variety of the British press is greatly to be applauded. Much as I deplore some things and much as I deplore the over-concentration and monopoly ownership, which is a terrible mistake, I think that the variety of the British press is very important. It is much greater, certainly in the printed area, than in the American press. We do not have the range of brilliant opinion writing and pretty good reporting that you get in the British press. We do not have that range in the United States.

There is much more limited range of newspaper publication in the United States. I think that is a pity, so I would not like anything I have said to lead to a diminution in the range of variety of the British press that, at its best, is superb in its writing, in its graphics, in its photography, in its investigation. We know we have more than one bad apple here but I would not like to leave the meeting with the feeling that we have somehow exalted the American press as beyond reproach and cast the British press into a sink of iniquity, to coin a phrase I used before.

The British press has some fantastic achievements. The whole of this inquiry was initiated through investigative journalism by the *Guardian* and many other newspapers have done great work, so I just want to make that clear. Much as I admire a great many things in the American press I think the variety of the British press is also of considerable strength.

Mr Adler: Let me just reinforce that. I certainly agree with that. Reuters has a long and very successful history in the UK, and we are very proud of that, but I would make a couple of points. I think that one of the problems, one of the challenges, is that the legal system as currently structured in the UK does not provide incentives for responsible journalism and that if you had a system, as we described, that was more focused on providing those types of incentives and making it less expensive and less risky to do responsible journalism, you would end up with a stronger press that was doing more in the public interest.

I think that the legal system would also affect the culture. With more incentives to do this type of journalism, more people would do it, if it was less expensive, because of lack of legal risk. If there were not some of the impediments to doing that work, as a result of the legal system, I think you would see a culture where more high-quality journalism was being done. If one was enforcing the criminal laws strictly to make sure that true abuses were not occurring, having a good libel law system that protected good journalism that was done in good faith but did not protect bad journalism that was not done in good faith, I think we

would end up with the best of both worlds—this very vigorous British system that had more incentives to do responsible investigative journalism.

The Chairman: Thank you very much indeed. As I am sure you will appreciate, we want to have the best of both worlds if we possibly can. On behalf of the whole Committee, I thank you both for the information you have given us and the time you have given to explain it to us. Thank you very much.

Mr Adler: Thank you very much.

Sir Harold Evans: Thank you for the opportunity.