

1 Wednesday, 21 November 2012
 2 (10.00 am)
 3 MR PETER RIPPON (continued)
 4 Housekeeping
 5 MR SPAFFORD: Just one point, you are aware who is here,
 6 I just want to remind you that, under the terms of the
 7 confidentiality agreement you have signed already --
 8 those still apply to today's processes. Can you just
 9 record that for the --
 10 A. Yes, I understand that.
 11 MR SPAFFORD: Thank you.
 12 Questions by MR MACLEAN
 13 MR MACLEAN: I think last time we reached the stage where
 14 the CPS had finally confirmed that they had not
 15 proceeded against Jimmy Savile because of a lack of
 16 evidence. I think that is where we reached. That was
 17 on 9 December. Do you remember? Do you want me to show
 18 you that?
 19 A. No, that's fine.
 20 Q. Fairly soon after that the press, the print media,
 21 started to sniff around this story, didn't they?
 22 A. Yes.
 23 Q. And in particular somebody called Miles Goslett?
 24 A. Yes.
 25 Q. If you turn in bundle 4 to page 131, do you remember

Page 1

1 receiving this email from Helen Deller on 21 December
 2 last year?
 3 A. I don't remember it.
 4 Q. "Miles Goslett, a freelance journalist had got a story
 5 that a BBC camera crew interviewed a woman [I think that
 6 should be] regarding allegations of sexual abuse by
 7 Jimmy Savile which took place here at the BBC in the
 8 1970s and we had now decided to drop it. He does not
 9 appear to know this was a Newsnight investigation.
 10 Asking for confirmation that this interview took place
 11 and why we have not run the interview. The story, he's
 12 writing for the Independent. Obviously two elements
 13 here. 1) BBC covering up a story as it happened on our
 14 doorstep, 2) BBC knock one story to protect their own
 15 positive programming around Savile."
 16 Then she suggests a statement which you see at the
 17 bottom, referring to:
 18 "The angle we were pursuing could not be
 19 substantiated. Let me know what you think."
 20 What is interesting about that is the obviously two
 21 elements that have been identified right at the
 22 beginning are the allegation of a cover-up by the BBC,
 23 and perhaps related to that the issue of protecting
 24 positive programming. In other words the tributes.
 25 Now, did you form any view at the time when you saw

Page 2

1 this about how well sourced Mr Goslett appeared to be?
 2 A. I can't recall this. As I say, I can't recall what
 3 I felt when I received this, er, email. This is when
 4 Newsnight is not on air, so this is something I'm
 5 getting at home over the Christmas break. So I can't --
 6 sorry, I can't recall what I would have -- how I would
 7 have kind of computed it, when I got it.
 8 Q. What in fact you did -- you may not remember now -- if
 9 you go to page 137 is to reply pretty quickly. Cast
 10 your eye over the reply at the top of the page, at
 11 16.04.
 12 A. Um-hm.
 13 Q. Just to work out which day of the week this is, this is
 14 a Wednesday. Okay? So you are qualifying the proposed
 15 statement at the bottom of 137, saying:
 16 "It is not quite right. There was a police CPS
 17 investigation recently in 2007. It was into an historic
 18 indecent assault, however it was not pursued for lack of
 19 evidence. We were trying to establish if it was true,
 20 as the woman alleged that it was dropped because of the
 21 Savile's age and celebrity status. We could not
 22 establish that was the case. PS, the main allegation
 23 she made about herself did not take place at the BBC.
 24 She alleged some other incidents did, involving others."
 25 What, as it were, resource did you go to, to produce

Page 3

1 that reply within half an hour?
 2 A. Well, I would have done it from memory.
 3 Q. Right. Do you now understand that the reference to,
 4 "The woman", in the second line:
 5 "The woman who alleged it was dropped because of
 6 Savile's age and celebrity status..."
 7 And then in the PS you say:
 8 "The main allegation she made about herself-..."
 9 Your email reads as if it is the same woman, yes?
 10 A. Yes.
 11 Q. The woman in the second line is the same as the woman in
 12 the PS.
 13 A. Yes.
 14 Q. But in fact -- I suspect that the reference in the PS is
 15 to [redacted] and she was not "The woman", who alleged
 16 it was dropped because of Savile's age and celebrity
 17 status. They are two different women.
 18 A. Yes, I think that's correct.
 19 Q. You now know that to be the case?
 20 A. Yes.
 21 Q. So, in this email which you wrote from memory replying
 22 to the one from Helen Deller, there is an eliding --
 23 presumably an unconscious eliding, but tell me that is
 24 not right -- of the accounts of two different women who
 25 had provided information to the report or the

Page 4

1 (Pages 1 to 4)

1 investigation that Mr Jones and Ms MacKean had been
 2 pursuing.
 3 A. Yes. That is correct.
 4 Q. And that eliding gets perpetuated, doesn't it, for some
 5 considerable time thereafter?
 6 A. Yes, it does, yes.
 7 Q. So the source of that -- I think this is probably the
 8 first example we have of that eliding or confusion, if
 9 you like. That came from the fact that you simply in
 10 this email, from memory, didn't recollect the detail
 11 entirely correctly.
 12 A. I agree with that to a point. I mean, the initial
 13 elision, I think, occurred because of the way the story
 14 originally evolved in my mind, in my discussions with
 15 Melrion, which was: [REDACTED] has written a blog, two
 16 or three days later he says:
 17 "I have looked into it more, it's not just her,
 18 there's more than one woman, they went to the police
 19 about it."
 20 That was the moment at which I was under the
 21 impression that [REDACTED] was part of the police
 22 investigation.
 23 Q. Right.
 24 A. If you look at the draft script that he sent, which we
 25 discussed last time --

Page 5

1 Q. Yes.
 2 A. -- that, I think, perpetuated any perception that that
 3 was the case, because it says something like:
 4 [REDACTED] wasn't the only victim, there were
 5 a number of them, they went to the police."
 6 Something like that.
 7 Q. I think you didn't get ROUGHSAVILLE 5, is that right?
 8 You had the previous version?
 9 A. I think so.
 10 Q. ROUGHSAVILLE 2, I think. I think that's right.
 11 Bundle 3, page 189. Just before we -- in other
 12 words what you are saying is that it wasn't on the 21st
 13 that you, as it were, first got it into your head that
 14 [REDACTED] had been to the police, that had been your
 15 impression for some time from your discussions with
 16 Mr Jones when the story was --
 17 A. I had it in my head that -- well, I had it in my head
 18 that she was part of the police investigation, yes.
 19 Q. ROUGHSAVILLE 2 is at 189. It is in various places but
 20 that's one of the places.
 21 A. Yes:
 22 [REDACTED] is not alone in making these claims, we have
 23 spoken to ten girls from Duncroft, all telling a similar
 24 story, most of them talked to Surrey Police during their
 25 recent investigation."

Page 6

1 I accept the word "must", but that formulation was
 2 how it was verbally described to me during the
 3 investigation, and that's what led me to think that she
 4 had been part of the police investigation.
 5 Q. Yes, I see. Yes, okay. That's the bottom of page 190?
 6 A. Yes.
 7 Q. Right. Okay.
 8 Now, on the 21st then, with Mr Goslett having raised
 9 these points, you make that qualification to Helen
 10 Deller's proposed line. If you go to 149, the email we
 11 have just looked at is at 150 over the page. Your
 12 email. If you go over the page, you will see it. Again
 13 this is up the chain now. If you go to 150, you will
 14 see the one we just looked at from you, yes?
 15 A. Can I just make a point. These are all emails from me
 16 that I didn't have in my disclosure, aren't they? Have
 17 you noted that?
 18 Q. Well this one, you see, KR1, I think that's right.
 19 A. I just want to make the point, it is slightly
 20 frustrating that I was -- I didn't have all the emails
 21 that I had obviously sent during the period. I don't
 22 know why I didn't.
 23 Q. Right. You mean from us or --
 24 MR PRICE: Did you get my email with the request that Peter
 25 had put in to retrieve his sent box items?

Page 7

1 MR SPAFFORD: We got that. I think what happened is you
 2 sent the documents returned by the BBC and then you
 3 sought documents that you could, and there was an issue,
 4 wasn't there, with what you could retrieve and you sent
 5 an email, I think, asking for help on that and help
 6 couldn't be forthcoming.
 7 I think the point we obviously accept is that you
 8 used your best efforts to find documents, but
 9 unfortunately some of these weren't available to you.
 10 A. Yes. Okay.
 11 MR MACLEAN: I'm not making any criticism about that.
 12 I wasn't going to make the observation that you have
 13 made. I'm just showing you the documents.
 14 A. Okay. I suppose I'm just saying it because just to make
 15 that point, that, um -- yes, some of these emails I have
 16 not seen, even though they are from me.
 17 MR MACLEAN: Okay. I understand that. If you look at
 18 150, there is the one we have just seen a few pages
 19 back. That is your one. "It's not quite right". That
 20 is the one we have just looked at.
 21 Here is the rest of the chain then, Helen Deller
 22 says basically:
 23 "This fellow Goslett is not going to leave this
 24 alone... I would brief yes, the BBC crew did
 25 interview an individual about Savile, understood that

Page 8

2 (Pages 5 to 8)

1 there was a relatively recent CPS/police investigation
2 into historic indecent assault. Not pursued for lack of
3 evidence. It was alleged it was dropped because of
4 Savile's age, but we could not stand this up. If that
5 is factual accurate Karen Rosine says she's happy if
6 that is right."
7 And then Helen Deller says to you, "Is that okay,
8 Peter?" And you say, "Yes."
9 So that's the line that gets developed.
10 Then we can go to January. You might not have seen
11 this. This doesn't come from you. Bundle 4, page 224,
12 do you know who Bridget Osborne is?
13 A. I don't, no. I'm sorry.
14 Q. You might not have seen this. I don't know, but just
15 look at that very short email from McIrion Jones on
16 5 January. Mr Jones, it would seem, is pretty steamed
17 up about what he considers to be the non-journalistic
18 reasons why the story didn't appear. Was he suggesting
19 to you in these weeks after the final decision not to
20 run this story that there were non-journalistic reasons?
21 A. No. He never suggested that to me at all, and I think
22 as we -- the point we got to in the last session we had
23 was that the final meeting I had with him, I think on
24 9 December when the CPS letter comes through, he sat
25 down in my office and said quite firmly to me that he

Page 9

1 accepted my decision and he accepted it was for
2 editorial reasons.
3 Q. Had you formed a view, for example Mr Goslett's article
4 that we just looked at -- had you formed a view whether
5 Mr Jones really had accepted your decision by this
6 stage?
7 A. I was prepared to take him at his word at that point,
8 yes.
9 MR POLLARD: Could you just give us a little more colour
10 about that exchange? Because as you would imagine there
11 is a world of difference between, "Yes, fine, you are
12 right, I go for that", and a sort of tight-lipped
13 resentful, "Yes, all right, that's what you say."
14 Where did it fall on that spectrum, as it were?
15 A. I have to admit when you pointed out to me last time he
16 sent me an email two days before saying he wanted to
17 have a longer discussion about the editorial reasons and
18 then when we had the meeting two days later, he didn't
19 want to have that conversation, it wasn't a particularly
20 long meeting, we sat down -- I'm at my desk, he's
21 sitting on the sofa in my office and he said:
22 "In the light of this statement, you know, I can't
23 establish the facts that you want established so we're
24 not going to be able to do the story, and I accept your
25 decision."

Page 10

1 And I said, "Fine, will you talk to [redacted] and
2 tell her?" And he said, "Yes". I don't remember
3 much -- I think it wasn't a particularly long
4 conversation.
5 MR POLLARD: Although it was clear that he thought the story
6 was strong enough without the particular bar that you
7 had set.
8 A. Yes, but he respected -- I took it that he was
9 respecting my judgment as the editor of the programme
10 and my right to make that judgment.
11 MR POLLARD: He didn't seem resentful, is what you are
12 saying?
13 A. Honestly he didn't. I didn't -- that wasn't the
14 impression I got from that conversation, no.
15 MR MACLEAN: So you thought he had, as it were, accepted the
16 referee's decision?
17 A. Yes.
18 Q. So my question then was: did there come a time when you
19 formed a view that he had not, in fact, accepted the
20 referee's decision, despite what he said at the time?
21 A. Can you expand on what you mean by that? Because he, as
22 recently as -- it is in the email, I can't remember
23 when, but as recently as in the week of the Exposure
24 documentary, he sends me another email repeating that he
25 accepted my decision at the time.

Page 11

1 So I was aware he disagreed with it, but he has
2 always maintained to me that he accepted it.
3 Q. He has always maintained to you that he accepted it.
4 Did you accept that as a statement of fact?
5 A. Well, yes. I'm not quite sure what you mean.
6 Q. Did you believe --
7 A. I believed that he respected my right and role as the
8 editor of the programme to make that judgment, yes.
9 I did.
10 Q. Right, okay. Now in January The Mirror starts sniffing
11 around. I don't know whether you remember that?
12 A. I do.
13 Q. If you go to page 232, Helen Deller to you and to
14 Steve Mitchell:
15 "It appears The Mirror are still keen to run this."
16 In fact they do run a story on the 8th in
17 The Sunday Mirror:
18 "... Keen to run this despite my efforts to dissuade
19 them. Following a further conversation with the
20 reporter I want to issue an updated line that reinforces
21 what I have said verbally."
22 Then you see what is set out. So the line that's
23 being defended here is the idea that the story was
24 dropped for other than editorial reasons. That's copied
25 to you and you were content with that and so was

Page 12

3 (Pages 9 to 12)

1 Steve Mitchell. If you go to 236 you will see that.
 2 A. Okay.
 3 Q. Middle of the page, within 7 minutes you say, "Fine with
 4 me." This is a Saturday lunch time, I think. You say:
 5 "Fine with me. Steve, is this okay? Yes."
 6 So there we are. And then you were fairly relaxed
 7 about things at this stage, if we go to 255. The
 8 following morning you -- I don't know whether you read
 9 the piece or somebody obviously made you aware of it.
 10 You see in the middle of the page, 18 minutes past
 11 midnight, so you presumably had seen the Sunday papers
 12 because this is overnight Saturday/Sunday, is that
 13 right?
 14 A. Yes.
 15 Q. :
 16 "Other than that, I'm relaxed. I particularly like
 17 the quote from someone outraged about a story we never
 18 broadcast, let me know if we get much blow-back."
 19 A. The point there that really struck me -- I can't
 20 remember the precise wording of the article, but the
 21 central kind of judgment on the story of the article was
 22 that it was outrageous that the BBC should be even
 23 investigating somebody of this stature so soon after he
 24 was dead. From memory, that was the essential tone of
 25 that article.

Page 13

1 Q. Now, by about this time, how would you characterise the
 2 relationship between the BBC News operation, if I can
 3 put it like that, on the one hand and Meirion Jones on
 4 the other? What was the status of relations between
 5 them, so far as you were aware?
 6 A. What do you mean by the BBC News? You mean the
 7 particular individuals within it or --
 8 Q. Say the press office, for example?
 9 A. [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 Q. [REDACTED]
 14 [REDACTED]
 15 A. [REDACTED]
 16 [REDACTED]
 17 Q. [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 A. [REDACTED]
 21 Q. [REDACTED]
 22 [REDACTED]
 23 A. [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

Page 15

1 Q. Right. Then they ran the piece, as I say, on 8 January.
 2 If you go to 265, go to the bottom of the page, first of
 3 all, on the Sunday morning, 8 minutes past 10, Mr Jones
 4 sends you a link. You find the link over the page to
 5 The Mirror story. Then you replied saying:
 6 "There has been some internal briefing, too, which
 7 is unsurprising but disappointing."
 8 What were you referring to there?
 9 A. I can't recall, but I'm guessing that the article had
 10 some unattributed quotes of BBC sources. I'm guessing,
 11 but I'm -- there would have been something in the --
 12 that was written in the article that would have made me
 13 assume that there had been somebody inside the BBC --
 14 Q. From within your programme in fact?
 15 A. I can't remember which quote it was, so what the
 16 likelihood of that -- where that would have come from,
 17 I don't know.
 18 Q. Why is it unsurprising?
 19 A. Because the BBC is the kind of organisation that -- from
 20 which leaks occur on a frustratingly regular basis.
 21 Q. And then Mr Jones sent you another email. He's, on the
 22 face of it, speculating about who it might have been,
 23 without naming anybody. Did you form any view when you
 24 read that email?
 25 A. Not that I can recall.

Page 14

1 Q. And the extent of the lack of trust was really pretty
 2 profound within a few weeks of the dropping of this
 3 particular story, wasn't it?
 4 A. Um, I don't know if I'd go that far. I mean I can't --
 5 I can't recall, but I think it's fair to say that there
 6 was a mistrust, yes.
 7 Q. Let me show you a document which you might not have seen
 8 before. Go to 267 and look, first of all, at the very
 9 bottom of page at 18.46. This is Helen Deller's log.
 10 You are familiar with this kind of thing that the press
 11 office do. So she's logging The Sunday Mirror and if
 12 you go over page, we have just seen this, "Responded as
 13 previous log." And then she says at the end:
 14 "Peter Rippon, Steve Mitchell and Karen Rosine
 15 aware."
 16 Those are the people she has consulted, we have seen
 17 that.
 18 Now look at 267, there is a exchange between
 19 Helen Deller and somebody else. Then the one at 17.09
 20 from James Hardy. James Hardy is in the BBC News press
 21 office?
 22 A. That's right.
 23 Q. At this stage anyway. You see what he says in that
 24 email?
 25 A. Yes.

Page 16

4 (Pages 13 to 16)

1 Q. "BBC investigate something and then didn't run it
 2 I will however drip poison about Meirion's suspected
 3 role if I get the opportunity."
 4 That is why I have been asking you the questions in
 5 the last couple of minutes.
 6 A. There was -- there was a particular issue between
 7 James Hardy and Meirion, I can't remember the timing of
 8 it, that was nothing to do with Savile where James --
 9 this is from memory and I wasn't involved in it, but
 10 from memory I felt James felt quite strongly that
 11 Meirion had misled one of his team about something that
 12 James had said, um, deliberately. So I don't think
 13 those two had particularly cordial relations.
 14 Q. Right.
 15 A. But it was nothing to do with Savile and I can't
 16 remember what it was about. It was something about --
 17 I'm sorry, I can't remember the issue. It was another
 18 story we were doing. But those -- I think particularly
 19 James felt -- I think actually it is fair to say that
 20 I think James didn't trust Meirion.
 21 Q. So one might think that we can see from this email that
 22 there had been a corrosion of trust by this stage
 23 between, at the very least, James Hardy and
 24 Meirion Jones?
 25 A. Yes.

Page 17

1 Q. So much is perhaps obvious?
 2 A. Yes.
 3 Q. But had there been a corrosion of trust between you and
 4 Meirion Jones?
 5 A. You see, I would not like to characterise it like that
 6 between me and Meirion. Because he's a very effective
 7 journalist in lots of ways and the kind of evolution of
 8 my relationship with him involves me finding a way of
 9 managing him to deliver the best output that we can for
 10 the programme. And that can be -- you know, that can
 11 produce great results and it can produce kind of
 12 tensions between us. But fundamentally, I have to trust
 13 him if I'm going to allow him to put things on the
 14 programme for which I'm responsible. So I wouldn't
 15 characterise my view of him as the same as James', no.
 16 MR POLLARD: Just before we move away from that, is it
 17 likely that James Hardy would have come to that very
 18 strong conclusion about Meirion, and that sort of really
 19 quite strong reaction, without you suggesting to James
 20 that in your view Meirion was leaking? Because he
 21 wouldn't have direct contact with Newsnight; he wouldn't
 22 have direct knowledge of the way the programme had been
 23 put together, would he? He would have to get that from
 24 you.
 25 A. I would never have accused Meirion of leaking unless

Page 18

1 I had specific evidence that he had done so. So
 2 I wouldn't have said that to James. As I say, I --
 3 MR POLLARD: So James would have come to that conclusion,
 4 with that really vehement comment, without talking to
 5 you about it?
 6 A. Er, yes. Because I think his judgment about Meirion was
 7 formed -- sorry I can't remember when the incident was.
 8 But it was around a particular incident that was nothing
 9 to do with this investigation. Before that, and I'm not
 10 even sure that was about leaking. It may have been
 11 about some other kind of -- what he felt was an unfair
 12 dealing or something.
 13 MR POLLARD: Just to put it clearly, you didn't say to James
 14 at about this time, either in answer to a question or
 15 off your own bat, "Well, I think it is Meirion that's
 16 leaking".
 17 A. No, I wouldn't. I wouldn't have, no.
 18 MR POLLARD: Okay.
 19 MR MACLEAN: So The Sunday Mirror piece gets done. I think
 20 the next piece that appears is in The Oldie, published,
 21 I think, in February, and trailed in the Guido Fawkes
 22 website, I think, the day before it was published. Do
 23 you remember that?
 24 A. Yes.
 25 Q. If you look in this bundle 5.

Page 19

1 At page 38, who is Matthew Hall?
 2 A. I have no idea, I'm sorry.
 3 Q. Right, okay. I think he's probably in Helen Deller's --
 4 I would guess in the same operation as Helen Deller.
 5 You see at 38, from Goslett to Hall on 16 January:
 6 "Following an article in the Sunday Mirror this
 7 month about Newsnight spiking a report on Jimmy Savile
 8 I'm working on a related article for a magazine called
 9 The Oldie. Were it to run it would appear in February."
 10 And then he asks questions, and in particular he's
 11 concerned with Mark Thompson and the BBC controller's
 12 position. And whether any sort of BBC internal inquiry
 13 has been launched as a result of what the report
 14 contained. He's a few months ahead of time there.
 15 If you go to 49, this is a trail Guido Fawkes, so
 16 the press office sends something round to, amongst
 17 other, Helen Deller, do you see halfway down, at 16.38
 18 it goes to Helen Deller, and then she pings it on to you
 19 and to Steve Mitchell a few minutes later. You see that
 20 what Guido Fawkes is trailing in The Oldie is that this
 21 story had been mysteriously spiked, emphasis on BBC
 22 premises, in bold type, and to the two other celebrities
 23 who were still alive. And the BBC's line, "Looking
 24 shaky", and Mark Thompson getting roped into the
 25 position as well.

Page 20

5 (Pages 17 to 20)

1 So we discussed last time, last week, that the
 2 allegation about abuse on BBC premises, in particular
 3 the Savile dressing room, had actually been there in the
 4 web memoir from the very beginning. But neither -- and
 5 the [REDACTED] business is mentioned in the -- what
 6 I'll call the script for the moment -- in the script.
 7 But neither that allegation -- in other words live
 8 celebrities, nor the fact that this took place allegedly
 9 on BBC premises, neither of those aspects had really
 10 been highlighted or focused on in this story at the
 11 time. Is that fair? It was --
 12 A. We -- we certainly -- yes, in the discussions we had
 13 about the story that we were working on and trying to
 14 put on air, those were elements of the story, but they
 15 weren't the central focus of the story, yes.
 16 Q. And for you, anyway, the central thrusts of the story
 17 were two-fold: 1) Jimmy Savile was a paedophile, and 2)
 18 there had been a police investigation of that which had
 19 run into the sand?
 20 A. Yes.
 21 Q. But by now we can see -- and we have obviously rolled
 22 into the last few weeks and months -- now the focus is
 23 on the BBC as being the locus of some of these
 24 allegations. And to some extent on the fact that it
 25 wasn't just Jimmy Savile but other people who were still
 Page 21

1 alive?
 2 A. Yes.
 3 Q. So did you -- did that kind of register with you, that
 4 this was the kind of focus of what Guido Fawkes is
 5 trailing from The Oldie is now rather different from the
 6 story that you thought Newsnight had been pursuing?
 7 A. My -- I think because at this point I was not pursuing
 8 the story anymore, and there was a very limited amount
 9 I could do to influence or change what Guido Fawkes or
 10 The Oldie wanted to print, it was not something
 11 I focused an awful lot of my attention on. It is about
 12 whether our press office's response to whatever
 13 questions are put to it I need to have a view on, but
 14 beyond that, I didn't consider the fact that the angles
 15 seemed to be evolving slightly, I didn't -- I didn't
 16 contemplate that in great depth, no.
 17 Q. Page 88, is that the Oldie piece?
 18 A. Yes, I think it is.
 19 Q. I think it is. At page 59, between 59 and 66, and then
 20 again from 68 to 73, if you just flick over those pages,
 21 you will see that what is happening there is that
 22 Meirion Jones is emailing himself, from one email
 23 address to the one that begins, "Amazing" --
 24 A. Um-hm.
 25 Q. -- a bunch of emails on 8 February.
 Page 22

1 A. Okay.
 2 Q. If I was to ask you why you thought he was doing that,
 3 would you have a view? What's the need to move these
 4 emails from one email account to another?
 5 A. These are all emails that we gathered, between he and I,
 6 during the investigation.
 7 Q. That's right. They are a bunch of emails from November
 8 2011 more or less. Some slightly later.
 9 A. Well, I mean because he -- I presume because he wants
 10 copies of those emails on his own private email account,
 11 to do with -- I don't know what he wants -- I can
 12 speculate, but I can't prove anything.
 13 Q. In terms of access to these things, if you were working
 14 from home, for example, can you access the BBC server
 15 and the BBC email account?
 16 A. Yes.
 17 Q. So I don't know what your email address is, and I'm not
 18 interested, but if it is peter.rippon, whatever, you can
 19 do that, you can get into that from your --
 20 A. Yes, as you can see from the emails that I'm having over
 21 the Christmas period about The Mirror story, all of that
 22 is being done from home.
 23 Q. So can you think of any legitimate reason why -- let's
 24 take you -- you should need to bundle up emails and send
 25 them from a BBC email account to a different email
 Page 23

1 account in order to do your job?
 2 A. "Legitimate reason" is the word?
 3 Q. Yes.
 4 A. Um, I can't see why it's necessary, no.
 5 Q. Right. Then if you go to page 52 -- just going back to
 6 Guido Fawkes for a moment -- this, at the bottom there,
 7 is the one we looked at a minute ago, right?
 8 A. Um-hm.
 9 Q. You reply:
 10 "Just so you know, there never was a Newsnight
 11 report. The evidence about BBC premises was anecdotal,
 12 secondhand and 40 years old."
 13 A. Yes, I'm referring there to the [REDACTED] I felt --
 14 I think I'm referring there to the specific -- when
 15 I say secondhand, I think it was [REDACTED]'s claim
 16 about what she saw [REDACTED] doing to another party
 17 that she couldn't identify.
 18 Q. Yes.
 19 A. That's what I think I'm referring to there. Because
 20 this refers to other celebrities.
 21 Q. It was secondhand perhaps in one sense, but it wasn't
 22 hearsay in the sense that she put herself as a direct
 23 eye witness.
 24 A. No, it was secondhand in the sense that it was about her
 25 witnessing something happening to somebody else, whom
 Page 24

6 (Pages 21 to 24)

<p>1 she could not identify, rather than being the victim of 2 something herself on the BBC premises. 3 Q. But in another sense it was a first hand account of an 4 sexual assault on somebody else. 5 A. Yes it was, yes. 6 Q. It was not, "A girl came back from the Television Centre 7 and told me that." That would have been secondhand, 8 This is I was, "I was there and I saw X do Y to Z." 9 A. Yes. 10 Q. Then at page 87 Steve Mitchell sends you an email having 11 had The Oldie piece drawn to his attention it would 12 seem -- you see from the middle of the page, 9 February, 13 10.43, "Please see attached copy of the Oldie piece." 14 And he sends you an email on the 9th: 15 "The idea this was dropped for corporate reasons is 16 fundamentally wrong, as we know. Does anyone on your 17 team think otherwise?" 18 Now we know from Mr Jones' email to Bridget Osborne 19 that he did take that view. But I think you are telling 20 us that he never expressed that view to you, is that 21 right? 22 A. That is correct, yes. 23 Q. "What I'm not sure is the serious allegation that we 24 uncovered evidence unknown to the police and haven't 25 passed that on. Is that true?" Page 25</p>	<p>1 A. It is inaccurate, I know that now, but I believed it at 2 the time. 3 Q. And nothing -- is this right -- nothing else had 4 happened at this stage, compared to the last time when 5 I showed you the -- we talked about the eliding of the 6 two women. Is that right? Nothing, no new information 7 has come to you, this is just the same thought process? 8 A. Yes, that's correct. 9 Q. Is that right? 10 You see at page 92 Mr Payne and James Hardy are 11 involved and Julian Payne says: 12 "I will take the DG's view and see where he is 13 on it." 14 Did you -- I don't think you had any direct contact 15 with Mark Thompson about this story. Did you have 16 anything to do with the Director General's office at 17 all? 18 A. No, at no point did I have any discussions with the 19 Director General about it at all. 20 Q. Either to the Director General or anybody on his behalf? 21 A. No. 22 MR POLLARD: Just really absolutely for my own clarity, when 23 Mr Maclean asked you about the inaccuracy of the point 24 about, "The women had been to the police", you are 25 saying that your knowledge of that came from, Page 27</p>
<p>1 If you look over the page to The Oldie piece, by the 2 third column, "The BBC has serious questions ..." 3 If you read down ten lines or so, that, I think, is 4 the aspect that Steve Mitchell is picking up, isn't it? 5 A. Yes. 6 Q. So he asked you a question, "Is that true?" And you 7 reply to this question at 10.51 on 9 February. If you 8 go to 97, there is an out of office reply. 9 Steve Mitchell, since we saw you last has explained to 10 us that that's not a message that says you can get him 11 on his mobile or I'm on my mobile. That's just what his 12 out of office reply said? 13 A. That's correct. 14 Q. Then if you go to 98, this is your reply to 15 Steve Mitchell's question: 16 "Our entire story was based on what they told us, so 17 we have no other evidence. The police have interviewed 18 the women already. So that allegation is not true. 19 Neither, as you know, is the charge that this was 20 dropped for anything other than editorial reasons. 21 Liz MacKean and Meirion worked on the story. Neither 22 has ever alleged to me that it was dropped for anything 23 other than editorial reasons." 24 So the statement that the police have interviewed 25 the women already we know is not completely accurate? Page 26</p>	<p>1 effectively, the line in the script. Is that right? 2 A. Well, from my -- the evolution of the story in the way 3 that it was described to me in the first week we got 4 into it. 5 MR POLLARD: Yes. 6 A. So the conversation went, and I paraphrase: Jimmy Saville 7 was a paedophile, this woman alleges it in her blog. 8 I say it is just one woman's story, he is not going to 9 write that into telly, two days later or three days 10 later, whatever it was, Meirion came back and said: it's 11 not just her, there are lots of women, there was 12 a police investigation into the whole thing, they said 13 they dropped it because it was too old. 14 MR POLLARD: I understand. 15 A. It was that verbal communication that was then 16 reinforced by the script that I read. 17 MR POLLARD: And at no stage during November -- it is your 18 view that at no stage neither Meirion nor Liz made the 19 point specifically to you, "The woman we have on tape 20 hasn't been interviewed by the police." 21 A. Not that I can recall. I think there are one or two 22 emails that Meirion sent during that period which would 23 have -- which we looked at last time, which again 24 reinforced that view, where he talks about the Duncroft 25 women and the police investigation as if they were all Page 28</p>

7 (Pages 25 to 28)

<p>1 one thing.</p> <p>2 MR POLLARD: Yes, okay, thank you.</p> <p>3 MR MACLEAN: I meant to ask you this at the beginning but</p> <p>4 now is probably a convenient moment. You remember last</p> <p>5 time we talked about the evidence you have given about</p> <p>6 being concerned about the fact that interviews had been</p> <p>7 done on the telephone and that they had been conducted</p> <p>8 by just -- some of them anyway -- by Hannah Livingston</p> <p>9 who wasn't very experienced, and the decision we had</p> <p>10 about the importance in this kind of story of</p> <p>11 individual, face to face, neutral territory interviews.</p> <p>12 You remember that discussion?</p> <p>13 A. Yes.</p> <p>14 Q. Was that something that you, as it were, tackled</p> <p>15 Meirion Jones and Liz MacKean about at the time?</p> <p>16 A. We had conversations about my concerns about the</p> <p>17 editorial threshold. So I'm -- it is difficult for me</p> <p>18 to recall the specifics of conversations, so I can't</p> <p>19 specifically recall a conversation in which we had that</p> <p>20 discussion, but --</p> <p>21 Q. But are you --</p> <p>22 A. We must have done at some point. I can't -- I can't --</p> <p>23 Q. Is this right, what you are saying is Liz MacKean and</p> <p>24 Meirion Jones were made aware by you that you had these</p> <p>25 concerns that this type of story required a particular</p> <p style="text-align: center;">Page 29</p>	<p>1 saying, "She's told us this, do you agree?" That kind</p> <p>2 of contamination would have occurred, and I was aware</p> <p>3 that Liz -- that Liz would have followed up those</p> <p>4 conversations and spoken to the same women. But as</p> <p>5 I understood, that was all on the phone.</p> <p>6 Q. So to some extent your concerns about</p> <p>7 Hannah Livingston's lack of experience, to some extent</p> <p>8 might have been assuaged by the fact that Liz MacKean</p> <p>9 had followed it up because Liz MacKean has much more</p> <p>10 experience? Or was --</p> <p>11 A. No, my main concern would have been if the initial</p> <p>12 contact had been made --</p> <p>13 Q. The damage is done.</p> <p>14 A. -- yes, had been made by somebody who had planted ideas</p> <p>15 and said, "We've spoken to a woman who tells us this.</p> <p>16 Did that happen to you?" Once that thought has been</p> <p>17 planted, I think the contamination is already there.</p> <p>18 But I do want to stress that I didn't -- it was --</p> <p>19 it was just one thing that you kind of weigh when</p> <p>20 judging the degree of certainty. I certainly did not</p> <p>21 think because all of these things had been done on the</p> <p>22 phone we shouldn't -- that was a killer. It was just</p> <p>23 one of the things that I weighed.</p> <p>24 Q. Right, okay.</p> <p>25 Now, bundle 5, page 113. This, I think, is the</p> <p style="text-align: center;">Page 31</p>
<p>1 care, if you like, in the way that the evidence was</p> <p>2 gathered?</p> <p>3 A. Being completely fair to them, I can definitely recall</p> <p>4 discussing the fact that the testimony was anonymous,</p> <p>5 was pre-discussed among themselves -- the women had</p> <p>6 pre-discussed it among themselves --</p> <p>7 Q. Yes.</p> <p>8 A. Which, you know, kind of -- on a legal kind of framework</p> <p>9 weakens the strength of the testimony. I can't</p> <p>10 specifically recall having a conversation about the way</p> <p>11 the testimony had been collected.</p> <p>12 Q. You knew, obviously, that one of the women was on film,</p> <p>13 had been interviewed on tape. And we know that</p> <p>14 Hannah Livingston -- you probably at the time knew that</p> <p>15 Hannah Livingston had done some telephone interviews</p> <p>16 with some of the other women. To the extent that</p> <p>17 Liz MacKean had spoken to almost all those other women</p> <p>18 did you understand she had done that also on the</p> <p>19 telephone or face to face?</p> <p>20 A. I thought she had followed up -- I thought most of the</p> <p>21 initial contact had been made by Hannah Livingston.</p> <p>22 Q. On the phone or --</p> <p>23 A. On the phone. Which to me is where, if there was a kind</p> <p>24 of risk of contamination if you like, where we're</p> <p>25 leading questions and planting stories and, you know,</p> <p style="text-align: center;">Page 30</p>	<p>1 first suggestion that I've seen in the papers that you</p> <p>2 might have put something out under your own name.</p> <p>3 I think what has happened now is that there has been</p> <p>4 something in, "The Tel" -- I assume that is</p> <p>5 The Telegraph?</p> <p>6 A. Yes.</p> <p>7 Q. "We have obviously issued a denial (says Karen Rosine)</p> <p>8 of any pressure."</p> <p>9 She's in the News communications department, so she</p> <p>10 is not in BBC Corporate, not in Mr Mylrea's part of the</p> <p>11 empire.</p> <p>12 A. No.</p> <p>13 Q. "If we got any calls, it might well also be useful for</p> <p>14 us to have some form of words from you, Peter, as the</p> <p>15 editor of the programme."</p> <p>16 And then she's drafted something. You see she sets</p> <p>17 it out. Am I right that this is the first suggestion</p> <p>18 that you might put something out in your own name?</p> <p>19 A. Yes.</p> <p>20 Q. Is this, albeit a few months ahead of time, the kind of</p> <p>21 genesis of the idea of the blog? I know it is not the</p> <p>22 genesis of the editor's blog, obviously, I think that</p> <p>23 already existed, but this idea that you might put</p> <p>24 something out in your own name?</p> <p>25 A. Er, I -- I don't know whether I would characterise it as</p> <p style="text-align: center;">Page 32</p>

1 that or not. I mean it was the press office suggesting
 2 that because the question of the denial didn't seem to
 3 be preventing people continuing to write the story, that
 4 the more they could put a face to the person making the
 5 denial it might give it more weight. I think that is
 6 all they were trying to do.
 7 Q. And Steve Mitchell agreed this was a good idea, didn't
 8 he, if we go to 115?
 9 "I think that makes sense. The allegations are
 10 personally damaging for your credibility as an editor,
 11 Peter, so it would be good to put your name behind the
 12 denial. S."
 13 Did that strike you as a slightly odd thing for
 14 Steve Mitchell to say?
 15 A. Er, no. Not particularly. Because the allegation that
 16 I had dropped something for anything other than
 17 editorial reasons is damaging to my reputation, and it
 18 is untrue. So I -- that doesn't strike me as odd.
 19 Q. But it might be said that if you had dropped the story
 20 for non-editorial reasons because of pressure from the
 21 bosses, he being the most immediate and one of the
 22 obvious bosses, that that would have been damaging not
 23 only for your credibility but for his as well, wouldn't
 24 it?
 25 A. Well, I didn't view that email in that context, or even
 Page 33

1 when you just pointed it out to me --
 2 Q. In the sense that you would have been the, as it were,
 3 the oppressed and he would or might have been one of the
 4 oppressors?
 5 A. Well, I didn't read it in that context, because I was,
 6 er, very firmly of the view that I hadn't dropped it for
 7 anything other than editorial reasons. So I only read
 8 it in that context with that -- with those kind of
 9 glasses on.
 10 Q. So if I was to suggest to you that one might think
 11 perhaps, looking back on it, that you might be getting
 12 set up for a fall here, what would you say?
 13 A. That's certainly not how I read that email at the time.
 14 It seemed like a perfectly reasonable thing to ask me to
 15 do.
 16 Q. Okay. Then if you go to 117, it looks as if you have
 17 picked this idea up, which as we have just seen had come
 18 from Karen Rosino and suggested by Steve Mitchell. You
 19 seem to be passing it on to Meirion Jones, because you
 20 say you are now, "Mulling over making a formal
 21 statement."
 22 A. Um-hm.
 23 Q. "Seriously damaging." And then you say:
 24 "Everything we got was from the same women the
 25 police spoke to, was it not?"
 Page 34

1 A. Yes.
 2 Q. And you see at the bottom there has been a piece in the
 3 Daily Mail, so all sorts of newspapers are now running
 4 these stories. And you say over the page, at 118, this
 5 is in response to Steve Mitchell's email that we looked
 6 at a moment ago:
 7 "I'm happy to put my name to something. The
 8 allegations that we are somehow withholding something
 9 from the police is also highly damaging. Let me just
 10 check with Meirion that we had nothing else than just
 11 what we got from the same women the police spoke to."
 12 So you are going back to Meirion Jones to check the
 13 lie of the land. Then Jones's reply is at 119. The
 14 first point he makes is that he's not a great enthusiast
 15 for you issuing a statement I think, and then he says:
 16 "If you do issue one you should end it by saying we
 17 have not withheld any information from the police and we
 18 would of course be happy to talk to them about any
 19 information we have gathered. Factually we did not
 20 begin this investigation until after his death."
 21 He makes the point there was no possible prosecution
 22 against Savile. That was true, of course, because he
 23 was dead:
 24 "We did have information the police did not have in
 25 2007 because we found another victim. [redacted] who did an
 Page 35

1 on camera interview about being sexually abused when
 2 underage by Savile, but he was already dead by then so
 3 it was not possible for the police to prosecute him.
 4 She did tell us about Gary Glitter having sex with an
 5 underage girl in Jimmy Saville's dressing room but she
 6 could not identify the girl and, in any case, Glitter is
 7 already on the paedophile register."
 8 Now, that was as an answer to your question:
 9 "Everything we got was from the same women the
 10 police spoke to, was it not?"
 11 The answer appears to be, "Not quite?"
 12 A. Yes.
 13 Q. Do you agree?
 14 A. I agree.
 15 Q. It is not the very clearest answer to your question, you
 16 might think, but he does say that you did have
 17 information, or Newsnight had information that the
 18 police didn't have.
 19 A. And with hindsight I should have read this email much
 20 more clearly.
 21 Q. Because you had found another victim?
 22 A. Because the -- you know, because he's clearly telling me
 23 there something that should have alerted me to not
 24 repeat the error that I eventually made in the blog
 25 which, um -- so I should have read that -- the second
 Page 36

1 paragraph of that, much more clearly.
 2 In mitigation I would say that this is 10 February.
 3 There is no active investigation. I'm reading this in
 4 the context of replying to a press enquiry, unaware of
 5 what is going to unfold down the line, so I think
 6 I would have just read the first paragraph and been --
 7 and took the first paragraph from that, and I didn't pay
 8 enough attention to the second paragraph.
 9 Q. What about the last sentence? Why does the fact that
 10 Gary Giltner is on the paedophile register, what does
 11 that have to do with it?
 12 A. Because I think if you are going to -- I mean there are
 13 in fact no BBC guidelines about when you have a kind of
 14 moral and civic duty to inform the police of things that
 15 you have. The only guidelines are about when you have
 16 some unpublished material that the police are asking you
 17 legally to turn over, but with PACE orders and stuff
 18 like that.
 19 Q. So it is reactive, not proactive, in other words?
 20 I think we discussed this last time -- maybe we didn't
 21 with you -- the BBC guidelines, there are guidelines, as
 22 you say --
 23 A. There is no guidelines --
 24 Q. -- if the police come knocking at the door, "We think
 25 you might have X, can we have it?" There is a guideline
 Page 37

1 about that?
 2 A. Yes.
 3 Q. But when you have something and they haven't got it
 4 there is no investigation because nobody has told them
 5 about the alleged crime having been committed. They are
 6 not going to come and ask you about it, because they
 7 don't know anything about it.
 8 A. No. So the question is: when, as an editor, do you have
 9 a kind of moral/civic responsibility to volunteer
 10 information to the police that you have that you know
 11 that they don't have?
 12 Q. Yes.
 13 A. I think that judgment is around whether you have
 14 something that would lead to a conviction. Therefore
 15 all the Savile stuff, the answer to that is no, because
 16 he's dead.
 17 Q. Yes.
 18 A. Whether you think there is some public harm that could
 19 be avoided as a result of you disclosing this
 20 information to the police -- now, if you have
 21 information about somebody who is not a known
 22 paedophile, who has behaved -- who has clearly
 23 illustrated that, then you probably might want to
 24 disclose it. But because [redacted] was a known
 25 paedophile and he's on the paedophile register, I don't
 Page 38

1 think the public interest in that disclosure is -- it
 2 doesn't get over that threshold, unless you are aware --
 3 I suppose the other criteria is whether you have a --
 4 whether you are aware of ongoing police investigation to
 5 which this evidence would be of value. Again, that
 6 didn't apply in the case -- the information, as
 7 I understood it at the time, that we had.
 8 Q. It is right, isn't it that I think among you -- you and
 9 Meirion Jones and Liz MacKean -- you, over time,
 10 slightly softened the line about the police. This email
 11 says:
 12 "We have not withheld any information from the
 13 police."
 14 That's what Jones wants you to say at the end of any
 15 public statement. Now in fact the allegation about
 16 [redacted] in the BBC dressing room had, in a sense,
 17 been withheld or perhaps more neutrally, not provided to
 18 the police, hadn't it? As a matter of fact it had not
 19 been provided to them. Whether it would have helped
 20 them or been evidentially amounted to a row of beans is
 21 a different point. And over time we will see that the
 22 position gets softened into saying, "We didn't think we
 23 had anything of evidential value to the police", which
 24 is a slightly different thing.
 25 A. Yes, I would add to that that Meirion at various points
 Page 39

1 was under the understanding that not [redacted] but one
 2 of the other women we had spoken to had reported the
 3 [redacted] incident to the police.
 4 Q. You understood that was what Meirion Jones thought?
 5 A. That was what he told me, yes.
 6 Q. Did you understand what the basis of that was?
 7 A. Well, that one of the other anonymous women had -- had
 8 told him that.
 9 Q. Had told him that?
 10 A. Or, well, had told us that.
 11 Q. Right. So that reassured you on the [redacted] front?
 12 A. Yes, it did. It also contributed to my -- it slightly
 13 contributed to my concern that the -- because I assumed
 14 that [redacted] was part of the police investigation as
 15 well, that the pre-discussion that they had had on the
 16 blog was, er, the fact that there was a similar story
 17 from different points that actually added to my concern
 18 about the credibility of the testimony overall.
 19 Inaccurately, I now know, because [redacted] was not
 20 part of that discussion.
 21 Q. Right. I think I asked you last time, tell me if I'm
 22 wrong, about the steps which Hannah Livingston in
 23 particular -- with Liz MacKean but in particular
 24 Hannah Livingston -- had made to get fairly close to
 25 having at least a likely candidate for the other person
 Page 40

10 (Pages 37 to 40)

1 involved in the incident in the dressing room?
 2 A. You mentioned that to me last time and that was the
 3 first time I became aware of that issue.
 4 Q. Right. Page 123, the same bundle, this is sent from
 5 your iPhone and we all get iPhone emails, the syntax
 6 goes wrong, some time automatically, but you say:
 7 "Thanks, I realise it may give it legs, but the
 8 current line is [not] emphatic enough?"
 9 A. I guess so, yes.
 10 Q. So did you actually make a public statement at this
 11 stage or --
 12 A. I think I did, yes. Through the press office -- I think
 13 I did, yes.
 14 Q. So we then, this is start of the development when the
 15 BBC then gets other press queries, they typically tag on
 16 the end, somewhere to the end, the line:
 17 "And the editor of Newsnight, Peter Rippon has
 18 said..."
 19 A. Yes that is the point at which that quote --
 20 Q. That quote gets developed?
 21 A. I can't recall the actual quote.
 22 Q. We will see it ad nauseam.
 23 A. Okay.
 24 Q. So then at page 125, the same day, this is it, isn't it?
 25 A. Yes.

Page 41

1 Q. So you have written this now, about we saw one of the
 2 press people had had a first bash at this. You have now
 3 had a go at it, "How about the below?" And you send
 4 that to Steve Mitchell and he suggests dropping the last
 5 sentence, which is a bit of a dig at the press, isn't
 6 it, the last sentence?
 7 A. Okay.
 8 Q. Is that right? Your last sentence was:
 9 "I know a number of newspapers are using the fact
 10 that we have not broadcast something to put the
 11 allegation into the public domain themselves."
 12 A. Yes.
 13 Q. And Steve Mitchell says you can do without that,
 14 basically.
 15 A. Very wisely.
 16 Q. But the rest of that then gets --
 17 A. It did strike me as ironic at the time that the
 18 newspapers were publishing these allegations about
 19 Jimmy Savile under the cloak of me not having published
 20 them.
 21 Q. Not having done it themselves, you mean --
 22 A. Yes.
 23 Q. -- originally.
 24 A. But he's right to note that that was probably not
 25 helpful in a press statement.

Page 42

1 Q. In any event, the quote from the Newsnight editor then
 2 gets hardened by this stage, yes? The BBC now has that,
 3 so it can now say in its response to press queries, "The
 4 BBC's position is X, Y and Z" and then they add at the
 5 end:
 6 "Peter Rippon, the editor of Newsnight has said ..."
 7 And that is it.
 8 Then you go to 127, please, and then Meirion Jones
 9 sends you quite a long email in which he has done a bit
 10 of digging into Miles Goslett. Did you ask him to do
 11 that?
 12 A. No.
 13 Q. Why do you think he sent you this email?
 14 A. Er, because he was aware that there was clearly a lot of
 15 leaking going on, so he wanted to assist me with an
 16 understanding of where it might or might not have come
 17 from, I would guess.
 18 Q. Now, the first thing he does in this email is to suggest
 19 to you that he's confident that [redacted] hadn't
 20 been talking to anyone at Newsnight. Well, hang on,
 21 is it [redacted]
 22 "I have looked at Miles Goslett's claims, we know he
 23 is linked to [redacted] but I think he has either
 24 multiple sources or someone with access to high level
 25 BBC gossip. I am confident he [probably Goslett] has

Page 43

1 not been talking to anyone at Newsnight about Savile."
 2 Then he says:
 3 "The only line he wouldn't have got from that is the
 4 Mark Thompson one. Obviously we are most aware of the
 5 two the Newsnight knocking stories and there are obvious
 6 suspicions about where the first one came from."
 7 What does that -- what's he getting at there? What
 8 did you understand --
 9 A. I don't know. Do you mean is he referring to The Mirror
 10 story?
 11 Q. Presumably he's referring to The Mirror story, but the
 12 obvious submissions about where the first one came
 13 from --
 14 A. I have no idea.
 15 Q. -- does that mean anything to you?
 16 A. No.
 17 Q. You sent this on to -- well, first of all at 132 you
 18 replied to Mr Jones saying this was, "Thanks, useful".
 19 And then you sent it to Steve Mitchell, page 136, and to
 20 James Hardy. And you say:
 21 "Meirion's work, after I asked him who he thought
 22 had leaked."
 23 So if that was the question you had raised with
 24 Jones, what did you think the answer was?
 25 A. I can't remember asking him the question. So, um -- so

Page 44

11 (Pages 41 to 44)

1 **I don't know what motivated me to ask him that question.**
 2 Q. Right. Let's assume, as you say, that you did ask him
 3 the question. His answer is the long email we've just
 4 looked at. I find slightly hard to detect what the
 5 answer to the question is, from his email. You sent an
 6 email back saying, "Thanks, useful". I don't know
 7 whether you really did find it useful, but can you help
 8 me to interpret Jones's answer to the question you
 9 apparently asked?
 10 **A. I don't quite know what you are driving at.**
 11 MR POLLARD: Isn't the inference -- I might be wrong on
 12 this -- that you asked him who he thought had leaked,
 13 with a pretty strong background view that it was
 14 probably him, and this is his attempt to say in
 15 a slightly obscure way, "It wasn't me, and here's a few
 16 sort of suspects and lines". And you passed the message
 17 on to Steve Mitchell, both of you with tongues firmly in
 18 cheek?
 19 **A. Yes. I couldn't put it better myself.**
 20 MR MACLEAN: Right. In fact at 136, you didn't just copy to
 21 Steve Mitchell Mr Jones's response about Goslett, which
 22 runs from 136, 137 to 138, but also in fact included in
 23 that email chain, if you go to 138, is Mr Jones's answer
 24 to your question which includes -- the one we looked at
 25 earlier, with the two paragraphs, the second paragraph

Page 45

1 being about [REDACTED]
 2 So, albeit at the end of this email chain,
 3 Steve Mitchell had -- as he had been sufficiently keen
 4 to find it, he actually had also from you the story, or
 5 the fact that, "We found another victim, [REDACTED] who
 6 hadn't been to the police?"
 7 **A. Yes.**
 8 Q. You see that?
 9 **A. Yes.**
 10 Q. But it appears from the documents, but also from what he
 11 told us, that Steve Mitchell hadn't clocked that at the
 12 time.
 13 **A. In the same way that I didn't (inaudible).**
 14 Q. My question for you is: maybe you didn't really register
 15 you were sending him that information with this email
 16 which just happened to be at the end of a chain, but did
 17 you have any discussion with Steve Mitchell? Presumably
 18 not, because you hadn't really clocked that second
 19 paragraph.
 20 **A. That's correct.**
 21 Q. Is that right? So we now can see, looking back on it,
 22 that here it is, but it didn't focus at the time?
 23 **A. No. I mean, I suppose I have said it before, but**
 24 **because this is -- this is about how to respond to**
 25 **a press enquiry, it's not about a piece of journalism**

Page 46

1 **that we are planning to put on air, so I think we look**
 2 **at it in a different context.**
 3 Q. Were you aware, at any stage, of an email to Newsnight
 4 from somebody called Susan Thompson?
 5 **A. Not that I can recall.**
 6 Q. Go to 168, please. This is 10 February and this is an
 7 email from somebody called Susan Thompson to
 8 Newsnight Internet. Can you help me with that email?
 9 **A. That's -- yes, it's a public -- it's an email address**
 10 **that people who want to email Newsnight collectively can**
 11 **email. Anna Bolton is my PA who monitors material that**
 12 **is sent to that address and forwards it to people whom**
 13 **she thinks it is appropriate to forward them to.**
 14 Q. Do you remember if it was forwarded to you,
 15 Susan Thompson? We can see Anna Bolton sends it to
 16 Meirion Jones, at the top of the page, on 13 February.
 17 And you can see, if you go over the page to 169,
 18 that Meirion Jones follows it up.
 19 **A. Okay.**
 20 Q. Do you see?
 21 **A. Yes.**
 22 Q. Then if you go to 187, you can see that Meirion Jones
 23 and Mark Williams-Thomas are still in contact, one with
 24 the other. Do you see?
 25 **A. Yes.**

Page 47

1 Q. And in fact Meirion Jones tells us that he passed the
 2 Susan Thompson information along to
 3 Mark Williams-Thomas?
 4 **A. Okay, I was not aware of that.**
 5 Q. Does that strike you as sensible, appropriate,
 6 inappropriate, odd?
 7 **A. I mean, well I mean if he felt that we were no longer**
 8 **doing the story, then if he's helping out a colleague**
 9 **then I don't think there is a particular issue with**
 10 **that. But, I'm surprised that he -- it wasn't raised**
 11 **with me.**
 12 Q. I think Susan Thompson eventually features in the ITV
 13 documentary. Are you aware of that?
 14 **A. I am now, yes.**
 15 Q. So there wasn't any discussion in Newsnight about, "Oh,
 16 Peter, somebody else has come forward... "
 17 **A. No.**
 18 Q. "... Perhaps we can have another look at the
 19 Jimmy Savile business?"
 20 **A. No.**
 21 MR POLLARD: Can I just ask, I'm not sure whether you
 22 answered the question, did you see that Susan Thompson
 23 email?
 24 **A. I can't recall seeing it, no.**
 25 MR MACLEAN: Do you remember that there was a --

Page 48

1 A. It is frustrating to see that. I just want to -- it is
 2 frustrating because I wasn't aware that ...
 3 Q. We're about to career ahead as far as April into
 4 Mr Goslett's Freedom of Information request, and then we
 5 will come to The Sunday Times and the blog in October.
 6 Richard, is it time for a short break?
 7 We will have a quick break. Ten minutes.
 8 (11.20 am)
 9 (A short break)
 10 (11.40 am)
 11 MR MACLEAN: If you still have bundle 5, please go to
 12 page 218. Mr Goslett made a Freedom of Information
 13 request of the BBC in April of this year. That was
 14 considered in some considerable detail by the BBC over
 15 the next month or so. Were you involved in that to some
 16 extent, or not?
 17 A. I was aware of it. But my view was that things that are
 18 for the purposes of journalism are not covered by the
 19 Freedom of Information Act. So I didn't think it was
 20 going to be an issue.
 21 Q. You see there are three aspects to his request. The
 22 first is that he wanted written material, produced
 23 between December 2011 and March 2012 by several people
 24 including you, which touched upon any matter relating to
 25 Jimmy Savile. Secondly, a list of meetings concerned
 Page 49

1 with the Jimmy Savile Newsnight story. And then
 2 thirdly -- and this is the one that the BBC I think
 3 wrestled with more than the other two -- confirmation
 4 that the BBC had -- whether the BBC has had any contact
 5 with the police about Sir Jimmy Savile since 1 December
 6 2011. And if so, what this has involved, and:
 7 "Provide full details of all legal communications
 8 arising from Newsnight's investigation into claims he
 9 sexually molested minors on BBC premises in the 1970s."
 10 Now the eventual response to this is at page 237.
 11 It comes from somebody called Stephanie Harris, who is
 12 head of accountability. Did you have any dealings with
 13 her?
 14 A. I think she might have kept me informed that this was
 15 happening, but I don't recall any substance --
 16 Q. The answer Goslett is given, if you look at page 237, is
 17 that the BBC had interpreted the third request
 18 as relating to BBC News, and therefore said that all
 19 three questions were covered by the exemption in the act
 20 of journalism, art or literature. In other words
 21 Mr Goslett was told politely to get lost.
 22 A. Yes.
 23 Q. To what extent in the spring and summer of this year did
 24 you have any reason to think about the Jimmy Savile
 25 story?
 Page 50

1 A. None at all that I can recall.
 2 Q. So the next time that you were involved was -- was it,
 3 The Sunday Times in August?
 4 A. I can't recall.
 5 Q. You can't remember? If you go to page 268 in the same
 6 bundle, do you know who Mark Edmonds is?
 7 A. No.
 8 Q. You can see that he is the associate editor of The
 9 Sunday Times Magazine, or at least he was in August. He
 10 sends an email to Helen Deller, giving notice to the BBC
 11 that they propose to publish a piece about the late
 12 Jimmy Savile in the BBC in The Sunday Times Magazine,
 13 looking at a number of allegations regarding the
 14 behaviour of him, specifically that he took advantage of
 15 a series of young women. Some of the alleged assaults
 16 took place on BBC premises. Then:
 17 "We understand that the BBC is already aware of the
 18 allegations in that Newsnight was planning a major piece
 19 about Savile shortly after his death. This programme
 20 was cancelled at the last minute at the behest of senior
 21 staff we intend to explore that aspect of the story in
 22 our piece. You may also know that ITV are planning
 23 documentary on the subject for broadcast this autumn."
 24 When did you first become aware about ITV having
 25 something in the pipeline, which we know was eventually
 Page 51

1 broadcast on 3 October?
 2 A. I can't recall the specific date. I can't recall
 3 whether I was involved in the response to this either,
 4 but this would probably be the point. I definitely --
 5 I spoke to the BBC lawyers dealing with the right of
 6 reply letter that came from ITV,
 7 Q. Right.
 8 A. So whenever that was.
 9 Q. We will see that.
 10 A. That was after this, but --
 11 Q. What did you know about -- I mean, Meirion Jones knew
 12 about the ITV documentary being in the pipeline, because
 13 he was in communication with Mark Williams-Thomas. But
 14 you didn't have that inside track from Williams-Thomas
 15 did you?
 16 A. No.
 17 Q. So you -- I'm not sure, I don't know the answer to this,
 18 but had Mark Williams-Thomas done any more work for
 19 Newsnight?
 20 A. He'd -- we'd discussed one or two other projects.
 21 Sorry, I can't recall the phrasing in terms of the
 22 timings, but I certainly wasn't -- I can't -- I can't
 23 recall having spoken to him about this. I certainly --
 24 actually I didn't speak to Mark about the documentary he
 25 was doing for ITV at all.
 Page 52

13 (Pages 49 to 52)

1 Q. Did you know he was doing one?	1 involvement."
2 A. I would have done at some -- yes, but the point at	2 Then there is something that is blanked out, but if
3 which, I don't know. It may have been this --	3 you go to page 290, we can see what has been blanked
4 Q. You only knew that he was doing this documentary in the	4 out. It shouldn't have been blanked out, but there we
5 relatively short period in the lead up to the	5 are:
6 transmission?	6 "If you are happy, we will then involve Helen,
7 A. Yes.	7 Peter, Mark T's office and the lawyers."
8 Q. If you go to 273, this is still The Sunday Times. If	8 Mitchell, we see from 290, is happy with the
9 you go to 274, that is the email we just looked at, now	9 response. If you go to 288, you will find at the very
10 at the end of an email thread. Karen Rosine who is in	10 foot of 287 and 288, these are the draft responses. So
11 the press office, to Helen Deller, has had a look at	11 if we just look at these, so far as they are concern
12 a suggested response and looked back at previous emails	12 you:
13 and logs. Those would be in the press office, I assume,	13 "1) Why was the Newsnight film on Jimmy Savile not
14 because the press office keeps a log, right?	14 broadcast as planned?
15 A. Yes.	15 "We were pursuing a particular angle relating to the
16 Q. "As discussed I thought your suggestion while good went	16 CPS/Police which we were unable to substantiate and
17 slightly further than we did before."	17 which was therefore not broadcast. Any suggest
18 She copies in James Hardy:	18 suggestion that the story was dropped for anything other
19 "Miles is clearly at it again. Below is	19 than editorial reasons is completely untrue."
20 a suggested first email back to the journalist, but	20 And you agree with that, do you? Or would you
21 there is going to be a conversation."	21 qualify that?
22 Then if you look at the draft response, it deals	22 A. Well, as you know, the fact that we couldn't
23 with -- do you see in the 5th paragraph --	23 substantiate that particular angle was the moment at
24 Mark Thompson, and refers to the claim about	24 which I chose to broadcast it. But I was also -- we
25 Mark Thompson being particularly vexatious, and then in	25 were pursuing -- the judgment I made was also about the
Page 53	Page 55
1 brackets:	1 strength of the allegations, it wasn't just about the
2 "(We may need to think about whether we say the same	2 CPS angle, which, as I think we will come to later, has
3 now for Helen)."	3 been confused. I think that has become problematic.
4 So this is dealing with people pretty far up the	4 Q. Let me just make sure I understood this. What you are
5 managerial chain. Then we get the, by now familiar line	5 saying is that as we saw, back in the "Reflecting
6 that any suggestion that the story was dropped for	6 overnight" email on 30 November, what became the
7 anything other than editorial reasons is completely	7 ultimate key, or fulcrum on which the question of going
8 untrue. Then over the page --	8 ahead or not going ahead turned, was the CPS old and
9 A. Yes.	9 infirm versus not enough evidence point. But -- but
10 Q. -- the usual reference to the quote from the editor of	10 what? But --
11 Newsnight. Obviously you. That's the piece that we saw	11 A. Yes, that's true, because I wasn't comfortable that the
12 you putting together --	12 strength of the allegations on there -- the strength of
13 A. Yes.	13 the testimony on its own would -- was something that
14 Q. -- and Steve Mitchell dropping the last sentence off	14 I could put on air without this kind of corroboration
15 earlier.	15 about the allegations about the CPS. So the CPS becomes
16 A. Yes.	16 the key but I'm also aware -- I think people -- that has
17 Q. So that was the line from you that had been developed	17 been misinterpreted -- think that I was only doing
18 several months previously?	18 a story about the police investigation and I was not
19 A. Yes.	19 interested in the substance of the allegations as well.
20 Q. If you then go to 285, James Hardy sends it to	20 That's the point I'm trying to make.
21 Steve Mitchell. Sends the request to Steve Mitchell,	21 MR POLLARD: Just for clarity, if that first answer had been
22 and asks him:	22 shown to you -- I don't know whether it was or wasn't,
23 "Could you please cast your eye over the proposed	23 in the end -- you would have said, "That is too focused
24 answers for accuracy. Feel free to amend. We have	24 on one part of the story, I actually made my decision
25 tried to keep you out of it while battling away Helen's	25 not only on that, but also on my judgment of the
Page 54	Page 56

14 (Pages 53 to 56)

<p>1 strength of the allegations"?</p> <p>2 A. Yes.</p> <p>3 MR POLLARD: Okay.</p> <p>4 A. Well, I don't recall seeing this, so I don't think it</p> <p>5 was shown to me.</p> <p>6 MR MACLEAN: I'll show you in a minute what you did see.</p> <p>7 I will come to it. I will show you, because it is not</p> <p>8 entirely clear to me what you did see. You saw an email</p> <p>9 with some response, but whether you saw these answers to</p> <p>10 the questions, I'm not sure.</p> <p>11 A. I don't recall seeing this.</p> <p>12 Q. Then question 2, that's about Mark Thompson and</p> <p>13 Helen Boaden.</p> <p>14 A. Yes.</p> <p>15 Q. Then number 3:</p> <p>16 "Since December 2011 has anybody from the BBC ever</p> <p>17 been in touch with either Surrey Police or the CPS or</p> <p>18 any of the women Newsnight interviewed."</p> <p>19 Number 4:</p> <p>20 "Internal inquiry, who made the decision?</p> <p>21 "This was a purely editorial decision taken by</p> <p>22 Newsnight."</p> <p>23 Are you comfortable with that as an answer, 5?</p> <p>24 A. Er, yes. It was a decision taken by me, yes.</p> <p>25 Q. 6:</p> <p style="text-align: center;">Page 57</p>	<p>1 A. Yes.</p> <p>2 Q. -- about this, from start to finish?</p> <p>3 A. Yes.</p> <p>4 Q. Then you see there is some particular allegations about</p> <p>5 Thompson and Boaden, which I don't think we need to</p> <p>6 spend time on with you.</p> <p>7 Now, that email went to Steve Mitchell. We see that</p> <p>8 from 285. So 285 through to 289 has gone to</p> <p>9 Steve Mitchell. And then he replies at 290, essentially</p> <p>10 saying that was fine with him.</p> <p>11 A. Um-hm.</p> <p>12 Q. And it goes to Helen Boaden at 292, saying:</p> <p>13 "If you are broadly happy we will run it past Peter</p> <p>14 R, Mark T's office as well as the lawyer. Steve is</p> <p>15 happy."</p> <p>16 And we have Helen Boaden's response at 306, chunks</p> <p>17 of which have been blanked out. You get more of it at</p> <p>18 308. It is a bit more comprehensive if we go to 308</p> <p>19 rather than 306. Helen Boaden:</p> <p>20 "Some of these allegations are highly litigious, we</p> <p>21 need to make clear we will take them very seriously</p> <p>22 indeed and would seek legal redress."</p> <p>23 So pretty heavy fire to be directed at the</p> <p>24 Sunday Times so far as she is concerned:</p> <p>25 "By the way the film was definitely mentioned to me</p> <p style="text-align: center;">Page 59</p>
<p>1 "Which BBC executives were involved in discussing</p> <p>2 the commissioning of the Newsnight film on Savile, and</p> <p>3 how many of those same executives were involved in</p> <p>4 discussing whether or not the film should be broadcast?"</p> <p>5 Now the full answer to that, I think, is that no</p> <p>6 executives -- nobody higher than you -- had been</p> <p>7 involved in discussing the commissioning of the film, is</p> <p>8 that right?</p> <p>9 A. Correct.</p> <p>10 Q. And those involved in discussing whether or not the film</p> <p>11 should be broadcast were Steve Mitchell and the</p> <p>12 discussions you had with him, and Helen Boaden in the</p> <p>13 one discussion you had with her as she passed through</p> <p>14 the office on the way home one night?</p> <p>15 A. That's correct.</p> <p>16 Q. "7) Mark Thompson." So far as you are concerned, you</p> <p>17 didn't know that Thompson knew anything about this at</p> <p>18 any stage, is that right?</p> <p>19 A. That is correct.</p> <p>20 Q. And then Helen Boaden, is this right, you didn't tell</p> <p>21 Helen Boaden that the story wouldn't be broadcast? That</p> <p>22 was something that was communicated to her by</p> <p>23 Steve Mitchell?</p> <p>24 A. That's correct, yes.</p> <p>25 Q. You only had one conversation with Helen Boaden --</p> <p style="text-align: center;">Page 58</p>	<p>1 before the decision was taken not to broadcast it, but</p> <p>2 the decision was not mine. Indeed Steve told me some</p> <p>3 weeks after it was decided that they did not have the</p> <p>4 info to justify broadcasting."</p> <p>5 I think you say all this?</p> <p>6 A. Can I just make one point here? I mean, throughout this</p> <p>7 period there were a number of news organisations who,</p> <p>8 when the press office made the defence -- the current</p> <p>9 lines against the enquiry, that we had decided not to</p> <p>10 broadcast it, he did believe that there was not anything</p> <p>11 in this. A number -- I'm not sure whether that is</p> <p>12 apparent from the emails you have from the press office,</p> <p>13 but I think there were a number of newspapers who came</p> <p>14 to us with the story and when we explained that this was</p> <p>15 nothing -- there is nothing in it and it was taken for</p> <p>16 editorial reasons, didn't run the story. I don't know</p> <p>17 whether that is relevant but I think it's worth</p> <p>18 mentioning.</p> <p>19 Q. Okay. This is the email where it does get run past you</p> <p>20 at 348. It is not clear whether they gave you the</p> <p>21 answers to the specific questions or just the response.</p> <p>22 You see Helen Deller says to you at 12.13:</p> <p>23 "Below is the email we've received from Sunday Times</p> <p>24 Magazine about their intentions and attached are their</p> <p>25 list of questions. In addition see our response. this</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

1 will go from James copying their legal department, the
 2 editor and group managing editor. It has been through
 3 the lawyers and HBSN. Hopefully it all makes sense."
 4 And you say "all fine by me".
 5 I'm afraid we don't have the answers to the specific
 6 questions, but what we do have is the response email at
 7 349.
 8 A. Yes.
 9 Q. But you do see that the response at 349 in the third
 10 paragraph does say:
 11 "We were pursuing a particular angle relating to the
 12 CPS/Police which we were not able to substantiate and
 13 which was therefore not broadcast."
 14 A. Yes.
 15 Q. That is the same line to the answer to the question that
 16 you qualified a few minutes ago.
 17 A. Yes.
 18 Q. So --
 19 A. I should have --
 20 Q. It is true, you would say, would you, that you were
 21 pursuing that angle, and that was --
 22 A. And the fact that we were unable to substantiate it was
 23 the moment I decided not to broadcast.
 24 Q. So that's not the whole story?
 25 A. It is true, but it's not the whole story, yes.

Page 61

1 of day, would say that you were pretty seriously
 2 underplaying -- even on the facts that you knew -- what
 3 the case was. I mean, "More sexual harassment than
 4 assault", sort of takes out of the equation of fact that
 5 everybody accepted that these kids were underage. What
 6 are your feelings about that email now?
 7 A. It's clearly written in frustration at this story not
 8 going away. And, um, I would have phrased it more
 9 accurately had I known it was going to become subject to
 10 an inquiry such as this.
 11 MR POLLARD: Okay.
 12 MR MACLEAN: Leave aside the inquiry such as this for
 13 a moment. It is obvious -- maybe it's not obvious, but
 14 The Sunday Times is now pressing, other broadcasters are
 15 getting involved: did you go back and look, for example,
 16 at the material that Newsnight had gathered, the note of
 17 the interviews and the web memoir, to remind yourself of
 18 what the facts were? Because you have been operating
 19 really from memory from the beginning of the year,
 20 hadn't you?
 21 A. No, I didn't do that until I wrote the blog.
 22 Q. We will come to that. So you are still operating, in
 23 these responses, from your recollection of what had gone
 24 on, rather than going back to check what you had?
 25 A. Yes.

Page 63

1 Q. You followed that up, your email at 348 saying, "All
 2 fine by me", with an email to Helen Bowden at 357.
 3 13.07, let's have a look at that.
 4 You were pretty steamed up about this, weren't you?
 5 A. Yes.
 6 Q. "I dropped it because we were unable to establish any
 7 institutional failings by any party so we were left with
 8 very old allegations that were more sexual harassment
 9 than assault, made by woman whose evidence would have
 10 been undermined in a court because of their known
 11 character."
 12 I appreciate this is an email written quickly, not
 13 to be construed like statute, but we have "woman" and
 14 then "their character", so it may be that "woman" should
 15 have been "women"?
 16 A. Um-hm.
 17 Q. Presumably when you say, "More sexual harassment than
 18 assault", you don't have in mind, do you, the allegation
 19 about the full sex in the dressing room?
 20 A. No, I don't.
 21 Q. Because that could hardly be consistent with the
 22 description of, "More sexual harassment than assault",
 23 could it?
 24 A. Yes.
 25 MR POLLARD: Anybody reading that now, in the current light

Page 62

1 Q. What about Liz MacKean and Meirion Jones, who knew at
 2 least as much about the story as you did, and probably
 3 more, for good reason? One thing you could have done
 4 was sit down with Liz MacKean and say, "This damn Savile
 5 stuff is not going away, can we sit down and see if we
 6 can agree what the facts were?"
 7 A. We didn't do that until we're -- until much closer to
 8 the Exposure documentary.
 9 MR POLLARD: Was that partly because it was a raw subject
 10 between you and them?
 11 A. I think potentially, that was -- that was one of the
 12 reasons. I think I -- I think it's fair to say I had my
 13 suspicions about what was fueling a lot of the press
 14 stories and so, given, you know, my role in this is
 15 about managing, helping the press office manage a story
 16 that's being broadcast rather than my day job which is
 17 doing journalism on Newsnight. I didn't, um -- I think
 18 that -- I didn't feel it was appropriate at that time to
 19 focus on it in that kind of -- to go back and review it
 20 and do all that, I didn't feel appropriate at that time.
 21 MR MACLEAN: You see, for what it is worth, the final
 22 response is provided to The Sunday Times at page 366.
 23 It is not copied to you at the time, it is sent to
 24 a bunch of people at the Sunday Times, if you want to
 25 see what went to The Sunday Times --

Page 64

<p>1 A. 366?</p> <p>2 Q. 366. If we move into September, did you know that</p> <p>3 Meirion Jones had a meeting with Steve Mitchell on</p> <p>4 11 September 2012, it seems, specifically about</p> <p>5 Jimmy Savile?</p> <p>6 A. Not that I can recall.</p> <p>7 Q. You don't remember, do you, discussion with either of</p> <p>8 them in the wake of that discussion?</p> <p>9 A. Just remind me of the timeline. So this is --</p> <p>10 Q. We have just seen The Sunday Times get their answer on</p> <p>11 the 29th. I think the letter comes from ITV on</p> <p>12 7 September, but that is not news to the BBC because you</p> <p>13 saw The Sunday Times had mentioned that ITV was doing</p> <p>14 a piece.</p> <p>15 A. So the ITV right of reply comes on the 7th --</p> <p>16 Q. I don't know about the right of reply, but there is</p> <p>17 a letter saying, "We are planning a piece..."</p> <p>18 A. Okay.</p> <p>19 Q. Then I'm just trying to see where -- I think it is</p> <p>20 Meirion Jones who tells us about this. Meirion Jones</p> <p>21 says, on Friday 7 September:</p> <p>22 "Exposure contacted the BBC to put the allegations</p> <p>23 about Savile."</p> <p>24 Tuesday 11th, this is Meirion Jones:</p> <p>25 "Heard that Exposure were planning to broadcast</p> <p style="text-align: center;">Page 65</p>	<p>1 things and not actually something a bit wider.</p> <p>2 So on 20 September the press office sends something</p> <p>3 round concerned with the forthcoming ITV documentary.</p> <p>4 This has obviously been trailed by ITV:</p> <p>5 "Former police detective child protection expert</p> <p>6 Mark Williams-Thomas conducted the investigation. The</p> <p>7 BBC had been investigating similar claims for Newsnight</p> <p>8 but dropped the report because it could not be</p> <p>9 substantiated. The corporation denied claims that it</p> <p>10 shelved the feature over fears of it damaging its</p> <p>11 reputation, since some of the assaults allegedly took</p> <p>12 place at Television Centre."</p> <p>13 Then Karon Rosinc replies at the bottom of 261:</p> <p>14 "They haven't got the bit about Newsnight right. We</p> <p>15 weren't investigating similar claims, we were</p> <p>16 investigating a particular story relating to the CPS</p> <p>17 investigation which we could not substantiate and</p> <p>18 therefore did not air."</p> <p>19 Doesn't that comment illustrate the point you</p> <p>20 mentioned about ten minutes ago?</p> <p>21 A. Yes, it does.</p> <p>22 Q. Because Newsnight had in fact been investigating similar</p> <p>23 claims?</p> <p>24 A. Yes, and I --</p> <p>25 Q. It is obvious?</p> <p style="text-align: center;">Page 67</p>
<p>1 their Savile film in October and I emailed Peter Rippon</p> <p>2 and Steve Mitchell to tell them. Around about that time</p> <p>3 Steve Mitchell sought me out for a face to face</p> <p>4 conversation about the decision not to run the Savile</p> <p>5 film. He seemed to be aware how strongly I had felt</p> <p>6 that not broadcasting it would be a serious mistake. He</p> <p>7 told me there had been no high up decision to pull the</p> <p>8 film and that George Entwistle had been informed at the</p> <p>9 time, which was news to me, but that no pressure was put</p> <p>10 on News from other parts of the corporation."</p> <p>11 A. And what -- now you say that to me, I can recall Meirion</p> <p>12 telling me that he'd had that conversation with</p> <p>13 Steve Mitchell, yes.</p> <p>14 Q. Did that cause you to do anything or was that just</p> <p>15 a piece of information that you had?</p> <p>16 A. It made me aware that the Exposure documentary was going</p> <p>17 to be broadcast and it would require some, you know,</p> <p>18 press management and it would be -- it was potentially</p> <p>19 going to be awkward for the BBC.</p> <p>20 Q. Then if you put bundle 5 away and take 6, please, if you</p> <p>21 go to 262, this is an email that didn't come to you, I</p> <p>22 don't think, but I just want to see if this is an</p> <p>23 illustration of something you touched on a minute ago</p> <p>24 about the view getting hardened if you like, that the</p> <p>25 Newsnight investigation was only into the CPS side of</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Yes.</p> <p>2 Q. So we can see how this is press officers talking to</p> <p>3 themselves. "Fine with us", says Julian Payne. "Thanks</p> <p>4 Julian". And then Heleu Deller goes back:</p> <p>5 "This has been my line thus far, we were pursuing</p> <p>6 a particular angle related to the CPS/police which we</p> <p>7 were unable to substantiate and which was therefore not</p> <p>8 broadcast."</p> <p>9 I just show you that as an illustration.</p> <p>10 A. Yes.</p> <p>11 Q. I think you will agree how there has been slight Chinese</p> <p>12 whispers about what has been going on --</p> <p>13 A. Yes.</p> <p>14 Q. -- which gets hardened into a line which is not really</p> <p>15 a fair reflection of what Newsnight was up to?</p> <p>16 A. Yes, I agree.</p> <p>17 Q. If we then go to 1 October -- I think you can put 6 away</p> <p>18 and take up 7 and go to page 3 -- I think this is</p> <p>19 a Monday, is that right?</p> <p>20 A. Yes, this is a Monday morning. Neil Breakwell is the</p> <p>21 output editor for that day's programme. He is obviously</p> <p>22 aware of some of the pre-publicity for the ITV</p> <p>23 documentary so he is suggesting whether we should</p> <p>24 revisit the material that we had.</p> <p>25 Q. Others on Newsnight, for example, Jeremy Faxman took the</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

1 same view, didn't they?
 2 A. I'm not sure. Was Jeremy on that day? He certainly did
 3 during the period, but I'm not sure he was on that
 4 particular day.
 5 Q. I will show you. You had an email change with --
 6 A. Jeremy, yes.
 7 Q. -- Jeremy Paxman, which I will show you later, in early
 8 October. One of the thrusts of that exchange with
 9 Jeremy Paxman was that he wanted Newsnight to be dealing
 10 with this story and you didn't.
 11 A. On a day to day basis, we made an assessment as to
 12 whether we should or we shouldn't. So that was -- that
 13 conversation is about a particular edition of the
 14 programme, I think, yes.
 15 Q. I will show you now, if you like -- it is in this bundle
 16 actually, if you go to 319 -- we're jumping ahead a bit
 17 because the blog has now been published, which obviously
 18 I need to come back to.
 19 On the 2nd, the day of the blog, the blog goes up on
 20 the afternoon of the second, I think -- we will come to
 21 that -- you wrote the chain of events and sent that to
 22 Steve Mitchell at lunch time.
 23 A. Yes.
 24 Q. And then the blog. And the blog goes up on the editors'
 25 website or wherever it goes. Paxman says:
 Page 69

1 make as to what we were doing on the programme, or how
 2 we reflect the story on the programme.
 3 Q. Did you take advice from others about what the
 4 appropriate answer was to the point that Mr Paxman was
 5 raising?
 6 A. I -- I can't recall specifically, but I would assume
 7 I may have spoken to Steve Mitchell about it. I would
 8 have almost definitely spoken to my deputies about it,
 9 because we have a meeting at -- we have a daily
 10 editorial meeting where we discuss what we're doing on
 11 the programme that day. So we would probably have
 12 discussed whether we should or shouldn't be doing it in
 13 that meeting.
 14 Q. I think it might help to jog your memory if you go to
 15 page 204. These are text messages, between you and
 16 Steve Mitchell --
 17 A. Right.
 18 Q. -- on the 2nd, the same day, the day the blog goes up.
 19 In the afternoon, Steve Mitchell, Hewlett, that is
 20 Steve Hewlett --
 21 A. Yes.
 22 Q. -- a BBC broadcaster who does media programmes, who had
 23 called Mitchell about you. And then this one, the
 24 afternoon, 16.38:
 25 "Need you or Helen to sign off the blog."
 Page 71

1 I read your blog, it doesn't answer all of the
 2 allegations made against us. I think we make a problem
 3 for ourselves by running away from this story."
 4 Then he says:
 5 "Even though we would be very late starting on it,
 6 can I ask you to reconsider?"
 7 So he wanted Newsnight to be dealing with the story
 8 on the Tuesday night.
 9 A. Yes.
 10 Q. What was your attitude to that?
 11 A. I tried to make a judgment on a day to day basis on what
 12 the strength of the story was and what we could
 13 meaningfully add to it. And the thing that was
 14 difficult was -- I didn't want the programme to appear
 15 to be, um, kind of self-- self-pleading for itself, and
 16 then there was one particular conversation, I think it
 17 may have been that day, where I had had a telephone
 18 conversation with Jeremy in the morning, who was very
 19 keen for me to come on my own programme that night and
 20 be interviewed by him about it, which I just felt would
 21 be very difficult because I'm granted this gift by the
 22 licence fee payer to put stuff on BBC2 for 47 minutes
 23 a night, and it didn't seem appropriate that I should
 24 use that for my own -- to kind of plead my own case. So
 25 it was a very unusual and slightly difficult judgment to
 Page 70

1 Why was that? Why did they need to sign off the
 2 blog?
 3 A. Because anything -- since Hutton, there is a very strict
 4 compliance process around anything which is published by
 5 editors in the BBC's name. So anything that I write --
 6 any blog that I write has to be signed off by my line
 7 manager and agreed by the press department, which we can
 8 get on to if you want. So I'm not allowed to publish
 9 anything -- I'm allowed to do anything -- ironically I'm
 10 allowed to do anything on my programme between 16.30 and
 11 11.15 that I like and be responsible for it, but I'm not
 12 allowed to publish anything written in the form of
 13 a blog without it being signed off corporately.
 14 Q. So we have been told -- it has been described to us as
 15 follows, the blog. "The editor's blog..." Tell me
 16 what you think about this:
 17 "The editor's blog is a site where editors across
 18 BBC News explain stories and share their dilemmas and
 19 other issues with the public".
 20 A. I agree with that.
 21 Q. "Their blogs are not always overseen or checked by
 22 management and I do not believe that the detailed
 23 supervision of a blog lies within managerial
 24 responsibility."
 25 A. Um, I don't agree with that. I think the --
 Page 72

18 (Pages 69 to 72)

1 particularly after Hutton, it was decided -- and
 2 actually I used to write the blog quite a lot before
 3 I was even editor of Newsnight, but it was then decided,
 4 as part of the new formal compliance process, that
 5 anything that we wrote had to be signed off by, um, line
 6 managers/press office.
 7 Q. So if I was to tell you that Steve Mitchell wrote those
 8 words and Steve Mitchell tells us that:
 9 "I do not believe that the detailed supervision of
 10 a blog lies within my responsibilities".
 11 You would disagree with that?
 12 A. Well, yes, I would. And if you are -- I'm using the
 13 word "sign off" there, you will see in that text
 14 message.
 15 Q. Yes.
 16 A. So sign -- I'm using those words because that's what
 17 I understand the process is -- publishing blogs requires
 18 a sign off and that has to mean something more than --
 19 MR POLLARD: Is it written down somewhere, do you think, the
 20 sort of clear rules for this?
 21 A. I can't recall them. It may have been written in the
 22 Neil Report which was written after Hutton. So it may
 23 be explicitly stated in there. But I have certainly --
 24 I mean you can look. I used to regularly write blogs in
 25 the spirit of which you originally described them and
 Page 73

1 was then, I think, put off -- and I think quite a lot of
 2 editors were put off -- because of the level of
 3 compliance required to do it made it a less, er,
 4 attractive a way of communicating with your audience.
 5 MR MACLEAN: We will come to this particular blog on
 6 2 October. I assume this was no ordinary blog, is that
 7 fair comment?
 8 A. That's fair, yes.
 9 Q. So even if it were right that blogs weren't routinely
 10 overseen or checked by management -- which is not your
 11 understanding, I think, of the process -- but even if
 12 that were true, that sometimes they weren't, presumably
 13 this particular blog was in a rather different category?
 14 A. Er, yes. I would agree with that. I think you can see
 15 from the number of people involved in the email chain
 16 discussing it before it's published.
 17 Q. Yes, we will come to that.
 18 Then it is suggested to you:
 19 "Editors do liaise with the press office on
 20 publishing their blogs"?
 21 A. Yes.
 22 Q. That's the BBC News press office, I think?
 23 A. Yes.
 24 Q. So it would seem it might be said, as an outsider, that
 25 it is a bit odd -- as you say, you are able to put
 Page 74

1 whatever you want on your own programme, you don't have
 2 to check with the press office about that, you may need
 3 to liaise with them afterwards, but before you stick
 4 something on this blog, the press office puts its
 5 tuppence worth in?
 6 A. Yes, which is why I think a lot of us who used to write
 7 fairly regular blogs found the process rather more
 8 laborious than it needed to be.
 9 MR POLLARD: Does it also -- as well as being laborious,
 10 does that arrangement compromise, in your view, what the
 11 blog actually is? Because I'm just sort of struggling
 12 to get a clear definition of whether it is, if you like,
 13 part of the BBC's journalism, in which case it's within
 14 the, if you like, the editorial circle, or partly in
 15 what you might call a sort of PR area which would be the
 16 only reason why you would have the press office
 17 involved.
 18 Was there a confusion, say, in your mind and in
 19 other editors' minds?
 20 A. I wouldn't call it a confusion, but I do think you are
 21 right to highlight that, and I think the fact that it
 22 became more corporate -- it sounds like a negative word,
 23 but the fact that the press office was more involved
 24 does make what I felt the value of the blog, which is
 25 just another means of trying to explain to your audience
 Page 75

1 and communicate with your audience about the kind of
 2 dilemmas and issues that you deal with as an editor on
 3 a day to day basis -- yes, you did feel that there was
 4 a conflict in that. You will see that there was a real
 5 marked -- I mean I used to try to do something every
 6 week, every couple of weeks, and then I just stopped
 7 because it just -- it just seemed to me to be something
 8 very different and much more formal once the
 9 (inaudible).
 10 MR POLLARD: Did the press office like to get involved, or
 11 like to have their say on it?
 12 A. I mean, it's one of those things that if you ask
 13 somebody and they don't have a -- and they kind of
 14 acquiesce and don't have a view -- I think people feel
 15 they have to suggest something, otherwise what's the
 16 point of them? And I think you can see that from the
 17 way the blog was written, everybody has to say
 18 something.
 19 MR MACLEAN: Just looking on the text message: JP, that is
 20 Paxman, isn't it?
 21 A. Yes.
 22 Q. "JP still pushing to do it tonight. I think we should
 23 consider it."
 24 A. Yes.
 25 Q. So here we are at 20 to 5 in the afternoon considering
 Page 76

1 whether Newsnight was going to, was it cover the story	1 A. Yes.
2 or interview you specifically or what?	2 Q. And we see that, don't we, from the bottom of page 8,
3 A. Just remind me? This is the Tuesday --	3 "Will go to WI..."
4 Q. The day of the blog, the day before ITV.	4 That is New Broadcasting House?
5 A. To -- yes, to do the story in some way and reflect the	5 A. Yes.
6 fact that, you know, because clearly at this time there	6 Q. "... For pilot kick off". So you are running dummy
7 was a lot of other women who had, um -- you know, been	7 editions, is that right?
8 made -- been making the allegations about Savile and	8 A. Yes. This is -- I think this the first -- this is
9 there was clearly a much bigger body of evidence about	9 a really crucial week in the piloting of the programmes
10 the story. So I did think we needed to have a think	10 in the new studio.
11 about whether we were going to do it on the programme or	11 Q. So what are you doing? You are testing out the new
12 not.	12 studio?
13 Q. Did you discuss it with -- we can see that the next text	13 A. Yes.
14 message is at midnight, after, obviously, Newsnight had	14 Q. So you are running the same --
15 broadcast, done the programme, whatever it was.	15 A. So we have a team in New Broadcasting House making pilot
16 A. Four days later.	16 programmes in the new studio which, if you are --
17 Q. Yes, sorry. On the 6th. Did you have a discussion with	17 Q. Which I can't see as a --
18 Steve Mitchell?	18 A. No.
19 A. Er, I can't recall.	19 Q. -- television viewer?
20 Q. In fact, you didn't go on the programme to be	20 A. No, and a team back at Television Centre, which Neil is
21 interviewed by Jeremy Paxman?	21 leading, deciding what they are going to do on the
22 A. No, and I think -- I think if we had done the story in	22 programme that evening.
23 some form I would have felt very uncomfortable about	23 Q. On the real programme?
24 that being part of it.	24 A. Yes. So the proportion of my brain which is focusing on
25 Q. Newsnight in fact didn't cover the story, I think, until	25 the Savile judgment at that -- is not huge, I'm very,
Page 77	Page 79
1 11 October?	1 very concerned about whether we're going to be able to
2 A. No.	2 go on air on the date that we have said because the
3 Q. Is that right?	3 studio are, as is always the case with these things, is
4 A. That's right, yes.	4 technically complicated and difficult and I have all
5 Q. If we go back to the beginning of this bundle where we	5 sorts of concerns and worries about, um, managing that
6 were on the 1st -- so now going back to the day before	6 effectively. That is where my focus is at this period.
7 the blog, page 3, on the Monday morning, Mr Breakwell,	7 Q. We will see in a minute what happened on the morning of
8 who is -- he's a day editor?	8 2 October when you are asked to produce what
9 A. He's the output editor. He's responsible for that, he's	9 Steve Mitchell describes as, "A briefing note". And
10 the person making that night's edition.	10 then you also produced what everybody now calls the
11 Q. He's putting together that programme?	11 blog.
12 A. Yes.	12 Before 2 October, had anybody asked you to set out
13 Q. "Is there any material we should revisit or is this	13 in writing your account of the facts?
14 toxic for us now?"	14 A. No.
15 And you say:	15 Q. So if I tell you that the BBC -- we can see actually
16 "I think it would be a bit bizarre for us to jump on	16 they knew that the ITV documentary was on the way, not
17 ITV's wagon at this point."	17 from ITV's letter on 7 September, but from The
18 And you copy that to Liz Gibbons and Meirion Jones.	18 Sunday Times on 22 August. So nobody said to you,
19 A. Yes.	19 "Can I have half an hour, Peter, to either chat through
20 Q. And Liz Gibbons agreed with you, didn't she?	20 with whoever this person was?" Or, "Can I please have
21 A. I don't recall --	21 an account of what the facts were about Jimmy Savile?"
22 Q. If you go to page 8. You make the point in your	22 A. I had a conversation with Valerie Nazareth and
23 statement that there's a number of things going on at	23 Nadia Banno, who are the two lawyers. I don't know why
24 Newsnight at this stage. One of them is that you are	24 they were dealing with it, but they seemed to be dealing
25 actually running two programmes.	25 with the right of reply which ITV had put in. I did
Page 78	Page 80

20 (Pages 77 to 80)

1	have a sit down conversation with them at some point,	1	to be about this, this and this. We are giving you an
2	I can't remember the date, but it would have been prior	2	opportunity to say your piece?
3	to this.	3	A. Yes.
4	Q. You said with Valerie?	4	Q. What do you have to say for yourself? The BBC then has
5	A. Valerie Nazareth, and Nadia Banno, who were in BBC	5	lots of meetings, does some thinking and then replies to
6	legal, about the right of reply from ITV. But at no	6	ITV.
7	point was I asked during this entire period was I asked	7	MR POLLARD: That particular exchange, obviously, is before
8	by anybody to sit down and give a full account of why	8	the ITV letter on the 7th.
9	I took the decision I did.	9	MR MACLEAN: But they know it is coming.
10	MR POLLARD: What would be covered in that conversation,	10	MR POLLARD: Yes, because it was quoted in The Sunday Times.
11	roughly, if they weren't asking you what happened?	11	MR MACLEAN: Okay.
12	A. They were asking - I think they had the right of reply	12	Just tell me a bit more about this meeting, then.
13	from ITV and they were asking me whether I had any	13	Did they have the source material or did you have the
14	information that would help them make the judgment to	14	source material, or was this just - what's your
15	how they were responding to it. It was about	15	recollection, Peter?
16	a 15-minute, 20-minute conversation. But they were just	16	A. I'd seen the ITV right of reply letter. That was sent
17	trying to satisfy themselves of information that they	17	to me. I can't remember by whom. And they wanted -
18	were going to use in their right of reply. I can't	18	and as I understood it, Valerie was kind of coordinating
19	remember the details on that.	19	the response and she wanted a discussion with me as part
20	MR MACLEAN: I suspect that we haven't yet been furnished	20	of that process. It was a meeting in my - in New Bill,
21	with whatever product there was of a meeting with the	21	so it must have been, you know, it was around this kind
22	BBC lawyers. Do you - when you sat down with these two	22	of time because we only moved there at about that kind
23	lawyers, did they produce some note of the meeting?	23	of time. But I can't remember specifically what - it
24	A. No, I don't think they did. It wouldn't have been	24	was a conversation that was unminuted. It was not
25	minuted.	25	a request for me to write a full written account of what
	Page 81		Page 83
1	Q. They didn't give you something in writing, "This is what	1	I did and why I did it.
2	we discussed, Peter, is this right?"	2	Q. Right. Okay. Perhaps over lunch time we will see if we
3	A. Not that I can recall, no.	3	can find something in that bundle that is more useful.
4	Q. So you didn't have - you don't have any pieces of paper	4	But you can see why at the moment I haven't got the
5	that evidence this meeting that you could show us?	5	detail of that?
6	A. No. And it - I'm pretty confident it would have	6	A. Okay.
7	emerged, because my emails seem to be much less erratic	7	MR POLLARD: But from the fact that you say it was a 15 or
8	at this period than they were at the 2001 period.	8	20-minute conversation, by the sound of it, it wasn't
9	Q. On 3 September, if you go to bundle A6, page 102, you	9	a detailed backtracking through the course of events in
10	will see why I'm not able to take this much further	10	the previous November?
11	forward at the moment.	11	A. No.
12	A. Am I in that chain? I don't understand why they would	12	Q. No?
13	redact that?	13	MR POLLARD: No.
14	Q. Because it is discussion with a lawyer. We will see if	14	A. It was more - this is from memory - it was more ITV
15	we can find - until you told me about this meeting,	15	are saying this, what do you think of it? You know,
16	I was not aware that you had had a sit down conversation	16	whether, given your knowledge of what happened -
17	with the BBC lawyers in what must have been in	17	MR POLLARD: Yes.
18	September.	18	MR MACLEAN: We were in bundle 7 at page 8. I think we
19	A. Yes.	19	started this with the observation about W1 and the pilot
20	Q. It must have been some time in September?	20	kick off at the bottom of page 8, do you see?
21	A. Yes. It was when they were preparing the right of	21	A. Um-hum.
22	reply.	22	Q. Then Liz Gibbons to you:
23	Q. The response to ITV?	23	"I think it is all fine to. I still think we are
24	A. The response to the Exposure right of reply.	24	absolutely right to not run and would have got way more
25	Q. ITV says we're going to do a documentary. It is going	25	stick than ITV if we had. Neil asked me if he thought
	Page 82		Page 84

21 (Pages 81 to 84)

<p>1 we should follow it up to date, I said I felt not but to 2 ask you." 3 Then you reply saying: 4 "I'm happy where we are..." 5 So Liz Gibbons was supportive of the decision - 6 A. Yes. 7 Q. -- that you had taken. Now, Meirion Jones was not 8 happy, if we look at page 10, same day. 9 A. Yes. 10 Q. He sent you an email saying: 11 "I'm happy to accept the line that the 12 Newsnight/Savile paedophile investigation was dropped 13 for editorial reasons." 14 A. Yes. 15 Q. You took that with a pinch of salt, did you? 16 A. No, I assumed that that was -- that was him reiterating 17 what he told me when I made the decision not to run it 18 back in December. I -- I took it that he did accept. 19 Q. "Even if I strongly disagreed with that decision as 20 I made clear." 21 A. Um-hm. 22 Q. Then he says at the end: 23 "I don't know what happened to change your mind, and 24 I thought that was a bizarre decision, but I accepted 25 that you had decided to drop the story for editorial Page 85</p>	<p>1 I said I did not think it was a Newsnight type story. 2 When, as is your job you pushed and discovered the 3 police investigation and the woman claiming that the 4 police had dumped it because he was too old I was 5 interested again. My response you mentioned when you 6 confirmed the police investigation reflects that 7 interest. However in the final judgment when we were 8 told in terms [that] the old sick man allegation was not 9 true and we could not establish any clear institutional 10 failure, I decided to on balance it was not editorially 11 strong enough for us to run." 12 And then you said to Mitchell: 13 "Or may be I should just talk to him first?" 14 And he says: 15 "I would talk to him. Emails seem more prone to 16 leak." 17 It is obviously what you and Steve Mitchell have in 18 mind, isn't it? 19 A. Yes. 20 Q. If you go to page 36, this is the same day, the Guardian 21 is now knocking at the door. Paddy Feeney to you, This 22 is sent to Valerie Nazareth. You just told us that 23 she's a lawyer? 24 A. Yes. 25 Q. To Julian Payne, to Helen Deller, to Helen Boarden and to Page 87</p>
<p>1 reasons because ultimately you are the editor and it is 2 up to you to make those calls and decide which stories 3 should be prioritised." 4 So he's emphasising that he accepted the referee's 5 decision? 6 A. Yes. 7 Q. And you replied, page 11: 8 "What disturbs me about this story..." 9 Sorry, you didn't reply to him. That's not right. 10 A. No. 11 Q. This is a -- 12 A. This is a draft of an email that I sent to 13 Steve Mitchell. 14 Q. Yes. Saying, "I need to respond to this". And you 15 needed to respond because you thought that Jones's email 16 was baloney, didn't you? 17 A. Yes. 18 Q. So you wanted to respond. You wanted to say: 19 "What disturbs me about the story is all the 20 briefing and leaking that is going on about what really 21 happened. That is inaccurate and damaging. The truth 22 is I was always conflicted about the editorial strengths 23 of the story, as were Liz and Shaminder who I discussed 24 it with at length. 25 "As you will recall when you first mentioned it Page 86</p>	<p>1 Paul Mylrea. 2 A. Yes. 3 Q. What's his role in all this? 4 A. He's the head of communications for the DG, for the 5 corporate centre. 6 Q. So his involvement is an indication that the very top of 7 the organisation is now involved in this? 8 A. Yes. 9 Q. If I could say, perhaps uncharitably, he's the 10 mouthpiece for the Director General: is that right? 11 A. Yes. 12 Q. A fair summary? 13 A. Yes. 14 Q. So Mr Feeney sends this to you: 15 "Latest attempt by The Guardian to keep this going." 16 Mr Feeney suggests a statement that pretty much 17 sticks to what we said before: 18 "Are you happy with our approach? Essentially we 19 don't unpick our previous statements." 20 Then it is the same stuff. 21 A. Um-hm. 22 Q. You see The Guardian's questions, from Mr Sabbagh, over 23 the page: 24 "I am told Newsnight initiated investigation in 25 October 2011. Peter Rippon initially said a film would Page 88</p>

22 (Pages 85 to 88)

1 only be broadcast if it could be established if
 2 Surrey Police had investigated the allegations."
 3 Now that suggests that the first - initially the
 4 key was establishing that the police had investigated.
 5 Is that right? I mean, is it right that that was ever
 6 the key?
 7 A. No.
 8 Q. "Surrey confirmed this to the team, so passing the test
 9 set."
 10 Is that right?
 11 A. That wasn't the test.
 12 Q. Because you hadn't set that test?
 13 A. No.
 14 Q. "Rippon consulted his superiors, a new condition was
 15 introduced to ask the CPS were they did not proceed to
 16 prosecute."
 17 And then on the basis that the CPS said insufficient
 18 evidence:
 19 "On that basis the film was canned, even though
 20 victims [plural] were willing to go on the record."
 21 That is partly right, isn't it? That that was the
 22 reason why the film was canned. That was why it was put
 23 in the can, right?
 24 A. Yes.
 25 Q. Victims being willing to go on the record. In fact
 Page 89

1 I think the only victim on the record was [REDACTED]
 2 A. That's correct, yes. Well, anonymously on the record.
 3 Q. Anonymously on the record?
 4 A. Yes.
 5 Q. Okay. And then we can see the questions that
 6 The Guardian asked. You passed that on to
 7 Steve Mitchell and he asked, "Do you want to come up?"
 8 in upstairs for a chat.
 9 A. Yes.
 10 Q. We see the BBC's line on 1 October, at page 60. In fact
 11 this is --
 12 MR POLLARD: Could I just ask a question? You may be going
 13 back to this: I just wondered, if we go back to page 11,
 14 after that message from Steve Mitchell to you saying,
 15 "I would talk to him, emails seem more prone to leak",
 16 where there is a pretty clear laying out of
 17 Meirion Jones' case, did you talk to him?
 18 A. Yes.
 19 Q. And what was the gist of that?
 20 A. It was a more temperate version of this email in verbal
 21 form. Me telling him - reminding him of my reasons for
 22 dropping it and I was particularly, you know, because
 23 I don't want anyone to rewrite - I was very concerned
 24 about this whole - I thought that rewriting history
 25 thing - it was very unfair to make that allegation.
 Page 90

1 MR POLLARD: Yes.
 2 A. So I wanted to discuss to him that we - discuss with
 3 him - I can't remember the details of it, but it was
 4 basically a conversation which, from what I can
 5 remember, was amicable and was reasoned and -
 6 MR POLLARD: In your office?
 7 A. In my office, yes, in Television Centre. At this point
 8 I have two offices, but it was my office in
 9 Television Centre.
 10 MR POLLARD: Yes.
 11 A. So it was a perfectly - it was a reprisal of what -
 12 why I had done what I had done, so far as I was aware,
 13 so far as I can recall.
 14 MR POLLARD: So presumably the conversation reached the
 15 point where partly he was saying, "Look, you gave the
 16 go-ahead on November 25" with, "Excellent, let's pull
 17 the TX plan together." And then you would say to him,
 18 "That's not an absolute green light because I had other
 19 things in my mind, namely the CPS letter." And you set
 20 that out.
 21 So how did the conversation go at that point? It
 22 seems to me you have absolutely reached the point where
 23 you are discussing his view of the bar that was passed
 24 and your view of the bar that had to be passed.
 25 A. I know this is unhelpful, but I can't recall the details
 Page 91

1 of the conversation. I do remember us discussing, you
 2 know, the idea that it was - I do think - I do think
 3 we went back over this. You know, he need to understand
 4 that the reason I didn't want to run it was for
 5 editorial reasons and these were the editorial reasons,
 6 and he needed to - he can disagree with it, but that
 7 was my judgment at the time and I reiterated, you know,
 8 that, and I think that from memory he - again he
 9 accepted that it was legitimate for me to do that.
 10 MR POLLARD: I absolutely get that. The discussion was
 11 about how you judged the evidence. He didn't suggest,
 12 did he, at that meeting, that you were pressured,
 13 either, if you like, internally through the editorial
 14 chain or by wider BBC corporate interests?
 15 A. No. He really - he didn't, no.
 16 MR POLLARD: Okay, thank you.
 17 MR MACLEAN: Now, did you get to page 60? If you go to 61,
 18 that's the email we just looked at from Paddy Feeney to
 19 you regarding keeping it going. And your reply starts
 20 at the very bottom of 60, being twelve minutes later:
 21 "Paddy, yes, I'm happy. For your information the
 22 account is inaccurate."
 23 And then Helen Deller, a few minutes later, sends
 24 you and Paddy Feeney the email at 60:
 25 "The Sun have been on now."
 Page 92

<p>1 And she quotes something that The Sun have said to 2 her about [REDACTED]. And then she says, Deller says: 3 "I suggest highlighting the following element of the 4 statement to them and briefing, if this is correct re 5 the women, for background. We had no reason to believe 6 that the information was not already passed to the 7 police." 8 It [REDACTED] information. But of course it 9 hadn't been, because she hadn't been to the police? 10 A. Yes. 11 Q. Your reply to this email is at 73, "Yes it is the same 12 women." That was true, it was: 13 "We had nothing that she would not have told the 14 police already." 15 A. Yes, because at that point I was under the impression 16 that she had been part of the police investigation. 17 Q. Yes. Then at 91, an hour later, you obviously had 18 a further thought because you say to Helen Deller: 19 "Just to add on this, what was alleged about Glitter 20 and Starr was a long way from anything the police would 21 have considered helpful. With Starr it was not even 22 abuse or with anyone underage." 23 Now, where did that come from? Had you been back 24 to -- had you spoken to somebody or had you looked at 25 some information you had, or was that just a further Page 93</p>	<p>1 MR POLLARD: May I just raise one further point? Sorry, to 2 go back to the conversation that you had with Meirion 3 after the exchange of emails and "let's talk rather than 4 email". I appreciate it is difficult, you can't 5 remember this conversation word for word and why should 6 you be able to, but when you were putting to him the 7 idea that you had in your mind that the CPS test was 8 a key one for you, did he not at that stage, as he might 9 be expected to logically, say: 10 "Yes, but the important thing to remember about the 11 CPS line is we had a brand new witness who had never 12 spoken to police and who therefore would be, if you 13 like, outside the importance of that CPS letter." 14 Because that's his case in many ways. 15 A. Yes, I can't recall the nature of that conversation, but 16 had he told me at that point that [REDACTED] had not 17 been part of the police investigation, I clearly would 18 not have written the blog in the way that I wrote it. 19 MR POLLARD: You would have remembered that? 20 A. Yes, if it is the day before I would have remembered it. 21 As I think you can see from my witness statement 22 I actually then have a phone conversation with Meirion 23 later on that day where, you know, he uses this phrase 24 which I remembered because I was -- basically all the 25 women had been involved in the police investigation. Page 95</p>
<p>1 thought? 2 A. Sorry, that was just a thought from memory, or it may 3 have been a conversation with Meirion. I can't -- 4 I remember at some point -- sorry, it is so difficult 5 because you are not making notes of every conversation 6 that you are having. 7 I do remember having a conversation with Meirion 8 about the [REDACTED] allegations and the 9 fact that she'd not accused him of abusing her in the 10 interview that she did with us, therefore the only 11 allegation against [REDACTED] was that he -- excuse 12 me, but he pulled some pubic hair out of his trousers 13 and waved it at somebody, and that wasn't -- and so it 14 wasn't considered that serious. And that the -- you 15 know, that the [REDACTED] allegation was this, you 16 know, she couldn't identify who the person was and, um, 17 therefore evidentially how valuable would it have been? 18 And I think that he said, you know, that he was saying 19 that he thought that they already knew about it -- that 20 the police already knew about the allegation from 21 a separate person. 22 But, sorry, I can't recall whether that was as 23 a result of that conversation or whether I was just 24 remembering it. 25 Q. Okay. If you go to 144 -- Page 94</p>	<p>1 MR POLLARD: Yes, thank you. 2 MR MACLEAN: Later on on the -- 3 A. Monday. 4 Q. On Monday the 1st? 5 A. Yes. 6 Q. We will see that, but that is the email when you then 7 say to Liz MacKean: 8 "That's not what Meirion told me on Monday." 9 A. Yes. 10 Q. This might be more of the same so we will take it 11 quickly. 144, this is the press office. It is 12 Paddy Feeney who is head of communications for BBC News 13 Group, and Helen Shreeve, I am afraid I have forgotten 14 precisely what she does. Is she in the same group, 15 a press person? 16 A. I'm sorry, I don't know. I recognise the name but I'm 17 not sure what her function is. 18 Q. Right. You will see that she sends an email to Feeney 19 on 1 October at 1.30, "Daily Mail", and then he says: 20 "There are a number of swirling anonymous BBC 21 sources making vague allegations. The Newsnight story 22 was looking specifically at the Surrey Police 23 investigation into JS which was dropped." 24 And that is a line that gets perpetuated later by 25 others, doesn't it, including Mr Jordan and Page 96</p>

24 (Pages 93 to 96)

1 Mr Entwistle?
 2 A. Yes.
 3 Q. Quite a lot has now been lost in translation about what
 4 this Newsnight story was, hasn't it?
 5 A. I think Helen Shreeve, from memory, has a kind of child
 6 protection role within the BBC.
 7 Q. She's the lead manager for child protection in BBC News,
 8 I am told --
 9 A. Yes, I think that's correct. So she's taking a view in
 10 that context.
 11 Q. Right. But it is the Paddy Feeney line that I'm
 12 interested in, rather than Helen Shreeve:
 13 "The Newsnight story was looking specifically at the
 14 Surrey Police investigation into JS which was dropped."
 15 A. Yes. You used the phrase better than I did earlier:
 16 it's not -- it's not a fair reflection, I think you
 17 said, of what we were doing.
 18 Q. Yes. Now none of the things -- we see this in the blog
 19 in a minute -- that seems to have operated on your mind
 20 at the time was a reluctance to tell the whole truth
 21 about -- that sounds worse than I'm intending it to
 22 sound --
 23 A. I know what you are saying.
 24 Q. -- about the reasons why you dropped the story. In
 25 particular you had a sensitivity about being seen to

Page 97

1 suggest that these women weren't credible.
 2 A. Yes, I think that's fair. I felt slightly hamstrung
 3 when I was writing the blog about how fair it was to
 4 someone like [redacted] for me to say -- you know, for
 5 me to appear to be kind of criticising her or doubting
 6 her, particularly in the context of the hundreds of
 7 other people I think at this point that were -- that
 8 were coming out. And I didn't think it was -- so yes,
 9 I did feel slightly hamstrung by the extent to which
 10 I wanted to make that explicit in the blog. And also
 11 some of the issues I had about the way the testimony had
 12 been collected, I didn't want to get into that either
 13 because it would have looked like I was criticising my
 14 team.
 15 Q. If you go to 155, on 1 October in the evening, 9.30 at
 16 night -- which day of the week is this?
 17 A. Monday.
 18 Q. It is a Monday. You had obviously been back at this
 19 stage to what you call the original blog. That is the
 20 [redacted] web memoir?
 21 A. Yes.
 22 Q. And you quote bits of it. And then you say:
 23 "Obviously we cannot second-guess the stories
 24 publicly and I have no reason to defend JS but also note
 25 she was on Lithium at the time."

Page 98

1 Which is what she says in the blog:
 2 "So in my view, and again I cannot say this
 3 publicly, not a brilliant witness. Also the final thing
 4 that led me to spike it was not being able to
 5 substantiate the allegation made by the women that the
 6 CPS/Police covered it up because of his age/celebrity.
 7 If you look at the CPS email below they specifically
 8 deny the allegation. They could have just sent the
 9 quote, but instead it is unequivocal."
 10 So something has caused you on 1 October to go back
 11 to the web memoir?
 12 A. Yes, that must have been Helen Deller or Paddy Feeney
 13 asking me to show them where the original story had come
 14 from.
 15 Q. And then, at 172, is a continuation of the same email
 16 thread. If you look at 172, there is the one about "I
 17 didn't realise it was a family connection" which we just
 18 saw on the previous page. If you follow it up:
 19 "Yes, I guess that's why he felt so strongly."
 20 That is obviously a reference to Meirion Jones and
 21 the family connection with Duncroft. Deller says:
 22 "No excuse. No more discussions with him. I would
 23 suggest a discreet conversation ..."
 24 I'm not sure what that is a reference to.
 25 MR POLLARD: Look at the email above.

Page 99

1 MR MACLEAN: Sorry, yes, thank you:
 2 "Sorry, sent that too soon. I meant a discrete
 3 conversation with IIR to establish options."
 4 This is vis-a-vis Meirion Jones?
 5 A. Yes, because when you -- [redacted] had updated her blog
 6 at that point and [redacted]
 7 [redacted]
 8 [redacted]
 9 [redacted]
 10 Q. She was also upset that she had been told by text by the
 11 BBC that the original piece was not going out?
 12 A. Yes, I'm not sure whether that was in the blog that
 13 I saw then, but, um, she identified Meirion particularly
 14 by referring to him as Margaret Jones's nephew, which is
 15 why [redacted] doesn't realise (inaudible).
 16 Q. I see. You add at the top:
 17 "And finally note [redacted]
 18 [redacted]
 19 Which was one of the things you mentioned last week
 20 had been one of the factors?
 21 A. Yes.
 22 Q. I think, to be fair to you, you were not saying it was
 23 a definitive factor or maybe even not the main factor,
 24 but one of the things that was in your head.
 25 A. Yes.

Page 100

1 Q. Now we come to the blog.
 2 Does it make sense to stop now? I think it probably
 3 makes sense to stop now and then deal with this
 4 last section.
 5 A. Good, okay, fine.
 6 MR MACLEAN: We're coming to 178, 2 October. We will have
 7 a look at the September stuff that we have over lunch to
 8 see if we can show you anything else.
 9 A. Okay.
 10 (12.55 pm)
 11 (The short adjournment)
 12 (1.47 pm)
 13 MR MACLEAN: Mr Rippon, we're at 2 October. Can you go to
 14 bandic 7, page 178? At 8.43 in the morning, a Tuesday
 15 morning, you get an email from Steve Mitchell saying:
 16 "Given the press this morning, this isn't yet going
 17 away so it might be a good idea for you to draft
 18 a briefing note for our use on the decision-making
 19 process, from commission to decision not to proceed, as
 20 best you can recall ... obviously various members of
 21 staff are putting their version out there."
 22 Was that the first heralding of this briefing note?
 23 A. Yes.
 24 Q. Who did you understand to be our, of "our use"?
 25 A. Um, internal BBC people. I didn't - I think - in
 Page 101

1 a subsequent email it becomes clear that he means -
 2 Q. Helen and George, he says?
 3 A. Either him and Helen or him and Helen and George.
 4 Q. Was this it, or was there a conversation around this
 5 about briefing notes?
 6 A. Er --
 7 Q. Are these the extent of the instructions, if you like?
 8 A. I think they probably are, yes.
 9 Q. When he says:
 10 "It might be a good idea to draft a briefing
 11 note..."
 12 Did you understand you could have emailed back and
 13 said, "I don't think it's a good idea, I'm not doing
 14 it", or was this an instruction?
 15 A. I, er, I couldn't think of a good idea why it wasn't
 16 a good idea, if you see what I mean, so I was happy to
 17 do it. In fact I was more than happy to do it, because
 18 I was quite keen for -- to get -- I felt we needed to
 19 get a more -- an account of what I had done written.
 20 Q. What was the timeframe for doing this?
 21 A. He didn't set a timeframe, but he meant now - I mean he
 22 wanted it, so it was kind of something to prioritise and
 23 do as soon as possible.
 24 Q. So you replied 20-odd minutes later, over the page:
 25 "Will do by lunch time. I agree it may be a good
 Page 102

1 idea to get my side out there."
 2 That's not to Steve Mitchell. That is out there to
 3 the public, yes?
 4 A. Yes.
 5 Q. Is that right?
 6 A. Um --
 7 Q. Or not? Have we not got to that yet?
 8 A. Yes, I mean, I'm not discussing the prospect of a blog
 9 at that point, so I don't know why I've written it in
 10 that way.
 11 Q. You say:
 12 "Although it is tricky because I cannot point to
 13 many of the weaknesses in the story that meant I judged
 14 on balance not to run it."
 15 That would not apply to a document only going to be
 16 seen by Steve or Helen, or Steve and Helen and George?
 17 A. No, so maybe I misread what he wrote and thought it
 18 meant - I can't explain why I've written that.
 19 Q. You see my point? We're going to see in a minute that
 20 when we get to the idea of there being two documents -
 21 which is what happened; something you call a chain of
 22 events, which is for Mitchell, or possibly Mitchell and
 23 Boarden and Entwistle, and then we have the blog, which
 24 is for the public consumption - you have this concern
 25 that in the blog you can't, as it were, tell the whole
 Page 103

1 story.
 2 A. Yes.
 3 Q. But that would not apply to something that was only
 4 going to Steve and --
 5 A. I agree.
 6 Q. Look at 180, the one you had in mind a minute ago. "For
 7 now it is for internal consumption."
 8 So it looks as if you have picked up on the point
 9 that you appear to be contemplating at 9.11, something
 10 that is going to the public -- and he's, as it were,
 11 correcting you saying:
 12 "No, no no, it is for internal consumption, so the
 13 full version. If this goes on, as you say, we may need
 14 to put an edited version out there. For now I want
 15 Helen and George to know the full story from you."
 16 So by 9.14 it is clear that the first task at least
 17 is an internal, full version for internal use.
 18 A. Yes.
 19 Q. So what you did then was send something to
 20 Steve Mitchell and Helen Boarden at 12.15, page 191.
 21 This is the chain of events.
 22 A. Yes.
 23 Q. What had you done between 8.43 and 12.15 in order to get
 24 to this document? What had you looked at?
 25 A. I went back and looked at the original blog that
 Page 104

26 (Pages 101 to 104)

<p>1 [REDACTED] had written, and the final statement we got 2 from the CPS were the two kind of source documents 3 I used and the rest I did as best as I could recall, as 4 Steve had requested. 5 Q. What about ROUGHSAVILE 2, which was the script, if 6 script is the correct description? 7 A. I may have looked at that. I can't recall whether I did 8 or I didn't. 9 Q. We can see you went back to the [REDACTED] web memoir, 10 because you have the link to it there, don't you? 11 That's the link? 12 A. Yes. 13 Q. And then you explain your initial view that it wasn't 14 really a Newsnight story. Meirion then came back, said 15 there was more than one woman and the key witness was 16 alleging the police had investigated it but had dropped 17 it on the grounds he was too old. 18 A. Yes. 19 Q. And then you see in the next paragraph, third line: 20 "The key witness said in her original blog ..." 21 So this document proceeds on the basis that that's 22 the same key witness? 23 A. Yes. 24 Q. So it is the same point we had before? 25 A. Yes.</p> <p style="text-align: center;">Page 105</p>	<p>1 generated that meant it should be on the Managed 2 Programmes Risk List? 3 A. Because it would -- because he's a very high profile 4 public figure who we would have been accusing of the 5 most serious of behaviour and so it would have created 6 a significant amount of kind of noise around it. 7 Q. So the risk -- 8 A. The risk wasn't specifically directed at -- 9 reputationally at the BBC, the list -- if that's what is 10 implied by your question. Anything that goes on the 11 MPRL is about a story where there's a -- that we -- 12 I mean it's a loose definition, but it's mainly about 13 where something is going to be contentious and create 14 a lot of noise. 15 Q. I certainly was not suggesting that the risk was 16 specifically directed at reputationally to the BBC, but 17 it certainly included that, didn't it? 18 A. Yes, it did, yes. 19 Q. What you just described -- and it may be that events of 20 the last month demonstrate this -- if you run a story 21 saying that X is a paedophile and that's true, then that 22 has a reputational consequence for that person's family 23 and for them if they are still alive and so on. If you 24 run the story and it is false it has reputational 25 consequences for the BBC.</p> <p style="text-align: center;">Page 107</p>
<p>1 Q. Then, unless you want me to, I'm going to skip over the 2 next paragraph about the key witness on tape, and 3 Mark Williams-Thomas. You then say: 4 "At this stage we put the story on the MPRL and 5 I discussed it with Stephen Mitchell, as I would with 6 any contentious story we were potentially going to do. 7 Steve was very firm in stating that whether I did the 8 story or not it had to be on editorial merit alone and 9 any wider concerns about the BBC should be set aside." 10 You remember our discussion about the MPRL last 11 week, which you said you considered to be some sort of 12 bureaucratic requirement of the BBC. I think I showed 13 you some documents, didn't I, from Liz Gibbons and 14 Sara Beck about the MPRL. Why did you mention that in 15 this document? 16 A. Well, because my obligation in terms of the MPRL is if 17 we're doing a contentious story, I have to -- I have to 18 put it on, make sure that it's listed on that. Part of 19 my responsibility is to make sure that it is put on 20 that, on that list -- 21 Q. And you had done that -- 22 A. So I thought it was worth marking that, yes. 23 Q. What was the sensitivity or contentiousness about the 24 Savile story? It may be obvious but just explain to me. 25 What was the risk, if you like, that the Savile story</p> <p style="text-align: center;">Page 106</p>	<p>1 A. Yes. 2 Q. So much is obvious. 3 A. Of course, yes. 4 Q. So if I was to suggest to you that where a reputational 5 risk was a risk to the BBC, as opposed to a risk to the 6 reputation of the person about whom the piece of 7 journalism was about -- if I was to suggest to you that 8 where the reputational risk was to the BBC, that meant 9 that the piece was not an appropriate piece to be 10 identified on the MPRL, you would disagree with that 11 presumably? I have not put that very well, let me try 12 to put it more clearly. 13 If I was to suggest to you that somebody comes along 14 and sees on the MPRL a piece of journalism where the 15 risk is a reputational risk to the BBC, and said: 16 "Oh, that's a reputational risk to the BBC, that's 17 not what this list is about, I'm going to take it off." 18 A. Sorry, and the question is? 19 Q. Would that come as a surprise to you, if somebody 20 took -- 21 A. That is not what -- the list can include -- should 22 include both, irrespective of who the reputational risk 23 is for. 24 Q. So if I was to say to you that it has been suggested to 25 us that in fact the Jimmy Savile story might not have</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 been appropriately on the Risk List because, to the 2 extent that the risk was to the BBC, that's not what the 3 Risk List was about, you would say --</p> <p>4 A. It is -- completely the opposite is the case, yes. 5 Q. Yes. Right.</p> <p>6 MR POLLARD: Just so I'm clear, at the point that you wrote 7 this chain of events, did you have any idea whether the 8 Savile story was off the list, or had been taken off it 9 after you had put it on? Or when you last left things, 10 as it were, back in November, it was on the list and 11 your view was it stayed on the list, and should have 12 stayed on the list.</p> <p>13 A. I was on the impression that it had been on the list 14 throughout the process --</p> <p>15 MR POLLARD: Until the story died?</p> <p>16 A. Until I decided not run it. Just to reiterate, 17 obviously on reflection the point -- the reason I have 18 raised the MPRI. Issue here is because it is an email to 19 Steve and Helen, who -- I wanted to make clear to them 20 it is -- my kind of bureaucratic obligations were 21 fulfilled as well. Which is why I'm referring to it 22 there rather than in a blog.</p> <p>23 MR MACLEAN: We talked about the MPRL last week and I don't 24 want to go back over that ground, but since then we have 25 learned more from others about what they thought was</p> <p style="text-align: center;">Page 109</p>	<p>1 not been -- you know, the fear about it, about the MPRL 2 is the number -- is too many people get to know about it 3 and it needs to be --</p> <p>4 Q. So your speculation is that -- and it is speculating, 5 I understand that -- is that it may have been taken off 6 the MPRL almost to protect the integrity of the 7 editorial process? Almost to protect you, in a sense?</p> <p>8 A. To, um -- there was certainly a degree -- I mean I was 9 concerned about the level of the fact that the Impact 10 people were getting -- all seemed to be involved in 11 discussions of the story, the fact that the press office 12 all seemed to be involved in discussions of a story that 13 I had yet to make a judgment about whether or not 14 I wanted to run; that had never happened before. So 15 that may have been --</p> <p>16 MR POLLARD: Isn't that partly a factor of, if you like, 17 literally the impact and the importance of the story, 18 and in a way the bigger the potential impact and the 19 bigger the size of the story, arguably the more reason 20 there would be for it to stay on the list, because if it 21 is going to make a big impact inside it is going to make 22 an even bigger impact outside.</p> <p>23 A. I think that is a fair point and if somebody did make 24 that judgment about taking it off for that reason they 25 are obviously wrong to do it because they are forgetting</p> <p style="text-align: center;">Page 111</p>
<p>1 going on.</p> <p>2 The fact that a piece might be some way away from 3 transmission or the transmission date hasn't been fixed 4 yet, would that affect whether a piece was on the MPRL? 5 You know what the piece is, but you don't know --</p> <p>6 A. There are things on there that have no fixed 7 transmission date. Definitely. And some -- and in fact 8 I would say most of them are put on there at the point 9 before they have a fixed transmission date.</p> <p>10 Q. So the fact that a piece doesn't have a fixed 11 transmission date doesn't keep it off the MPRL?</p> <p>12 A. No, it wouldn't, no. I did reflect slightly from last 13 week on the reason why it had come off. This is pure 14 speculation, I don't know, but I think there was 15 a concern at the time about just generally the amount of 16 noise that was being created and the -- the pressure 17 that was putting on the judgment that I was having to 18 make to be purely an editorial one.</p> <p>19 So if you notice that the Helen -- you see that 20 Helen Deller email, the fact that the press office is 21 getting involved before I have actually made a judgment 22 to publish something or not, that has never happened 23 before. So somebody may have made a judgment that we 24 just need to withdraw the fact that this is going on, 25 because too many people are getting to -- you know, it's</p> <p style="text-align: center;">Page 110</p>	<p>1 about the function of that list which is to let other 2 people in the BBC who may have to, know about it. So it 3 would have been the wrong motive.</p> <p>4 MR MACLEAN: You get to the slightly odd situation that if 5 that were right then things go on to this list because 6 they are sensitive and important for other people to 7 know, unless they are really sensitive and important in 8 which case they can't know, which is a subversion of the 9 whole process.</p> <p>10 A. Yes.</p> <p>11 MR POLLARD: I just wanted to double check. I think it was 12 your view last time that you didn't have a role in 13 taking that story off the MPRL?</p> <p>14 A. Yes, I'm sure -- as I say, from my point of view, 15 I just assume it's on there. I would never have any 16 reason to --</p> <p>17 MR POLLARD: I think there was no question about it, 18 Steve Mitchell caused it to be taken off. I suppose my 19 question is not did you take it off, but do you think 20 that the conversation between you and Stephen led him to 21 take it off?</p> <p>22 A. I can't imagine it would, because I wouldn't have minded 23 whether it was on there or off there. It didn't really 24 matter to me.</p> <p>25 MR POLLARD: Okay. Sorry, just one final point about the</p> <p style="text-align: center;">Page 112</p>

28 (Pages 109 to 112)

1 list: I think from -- without looking at the emails, we
 2 need to look at the emails again -- am I right in
 3 thinking that probably because Liz Gibbons was away on
 4 holiday that you would have put it on the Risk List
 5 originally?
 6 A. Um, no, I can't recall, at all, I'm sorry.
 7 MR POLLARD: Okay.
 8 A. That was about the beginning of November when she was
 9 away.
 10 MR POLLARD: It might be worth --
 11 A. That may be true, that may not be true --
 12 MR POLLARD: I know there is a point where she comes back
 13 from holiday and asks Sara Beck for a copy of the list.
 14 MR MACLEAN: A2/188.
 15 A. And it is on the list at that point.
 16 Q. It's not start of the story. That's Nick's point.
 17 We showed you this last week, I think.
 18 A. Yes. That is November 18th. Have I had my meeting with
 19 Stephen Mitchell? Sorry I'm asking you about when I've
 20 had my meetings.
 21 Q. Have you had what?
 22 A. Have I had my meeting with Steve Mitchell yet --
 23 Q. The Vision issues one?
 24 A. The first meeting to discuss this story, at this point.
 25 MR POLLARD: I think that is a few days later.

1 the 18th, but I think it is probable that it was on
 2 there a bit before that and we will see if we can find
 3 that date.
 4 A. Okay.
 5 MR MACLEAN: Put that away, too, and go back to the chain of
 6 events at A7/191. We can read what you've said there.
 7 I don't think we need to go through it in great detail,
 8 unless you have any particular observation about it?
 9 So you wrote that. We see Steve Mitchell's response
 10 is at 198:
 11 "Thanks Peter, as discussed this is for Helen and
 12 I and we will not be on passing."
 13 There was a reference to George earlier, but that
 14 seems to have disappeared:
 15 "It is in effect the detail behind our existing
 16 public position; namely that Newsnight had focused on
 17 a very specific approach and when that didn't stack up,
 18 dropped the project on editorial merit."
 19 Just pausing there, before we come to the next
 20 sentence, you had been asked to produce a briefing note
 21 as best as you can recall, and you had done it in three
 22 hours.
 23 A. It had been less than three hours.
 24 Q. Well, sorry, you are absolutely right. 3.5-hours
 25 actually, from being asked to do it to producing it, but

1 MR MACLEAN: I think that is the one I have in mind, if you
 2 go to A2/276. At the top, "Peter and Steve talked about
 3 the vision issues."
 4 A. Okay.
 5 MR POLLARD: So this is a few days before that.
 6 You see from 188, we're talking to Liz Gibbons at
 7 some stage, so we can get this clear, but it reads to me
 8 as though Liz is sort of picking things up and then she
 9 says:
 10 "Can you send me latest MPRL by the way?"
 11 Suggesting she doesn't have a copy of it, and then
 12 just above that Sara Beck sends her those five items,
 13 which has Jimmy Savile on, suggesting that that small
 14 list is already in existence.
 15 A. Yes.
 16 MR POLLARD: So it may be that Liz Gibbons has compiled
 17 that, or it may be that you have sent some items --
 18 A. I'm sorry, I can't --
 19 MR POLLARD: Okay.
 20 A. I mean, I -- yes, I can't. I don't know. I can't
 21 recall ever having put anything on the MPRL, actually,
 22 so it may --
 23 MR POLLARD: It would be useful to us just to have a date
 24 for when that story first was put into the system, the
 25 MPRL system. I mean, we obviously know it was there on

1 it may be you were doing other things as well?
 2 A. Yes, as I said, this is an extraordinarily busy period,
 3 as unprecedented busy period for the programme because
 4 we are effectively running two different programmes. So
 5 it would have been significantly less than that, yes.
 6 Q. I'm struck by the fact that you are asked to do it, "As
 7 best as you can recall". You weren't asked, for
 8 example, to produce a briefing note making, as it were,
 9 damn sure you go back to the source material and getting
 10 every detail correct. You are asked to produce
 11 a briefing note, "As best as you can recall"?
 12 A. Which is what I did.
 13 Q. Which is what you did. But it is immediately being
 14 interpreted or taken to be:
 15 "The detail behind our existing public position;
 16 namely that Newsnight had focused on a very specific
 17 approach and when this didn't stack up, dropped the
 18 project on editorial merit."
 19 Is that in effect not the same telescoping of what
 20 the story was really about that you have been critical
 21 of earlier this morning?
 22 A. I think you could read that like that, yes. I think you
 23 could.
 24 Q. But you didn't -- that didn't set off an alarm bell for
 25 you, did it? What we're going to see, I think, is that

<p>1 this blog -- what becomes a blog -- becomes like almost 2 some tablet of stone for what the facts actually were.</p> <p>3 A. Yes.</p> <p>4 Q. Did you understand that's what was going to happen?</p> <p>5 A. No, I don't think I or anyone else involved in putting 6 that blog together quite realised how pivotal it was 7 going to become in the kind of corporate reputation and 8 as a defense for it. I certainly didn't. As I say, 9 I produced the information as best I can recall, rather 10 than prepared it for that kind of environment.</p> <p>11 Q. So do you think, looking at it now, what Steve Mitchell 12 says in that first sentence is a fair summary of what 13 you were saying in the chain of events?</p> <p>14 A. Sorry, can you repeat that?</p> <p>15 Q. I'm just focusing on his first sentence in his email.</p> <p>16 A. Where he describes it as a very specific approach?</p> <p>17 Q. Yes, "Focused on a very specific approach".</p> <p>18 A. I mean, with hindsight maybe I could have picked him up 19 on that, but --</p> <p>20 Q. It may be that you and he know -- it may be that you and 21 he understood what that meant. But others, perhaps, 22 later --</p> <p>23 A. I didn't contemplate that phrasing particularly strongly 24 because I was -- I was happy with what I said, which 25 includes a lot of the detail about the problems with</p> <p style="text-align: center;">Page 117</p>	<p>1 going to be a warts and all account of the truth. Is 2 that a fair way of putting it?</p> <p>3 A. Not quite. I would be restricted in the way I could 4 describe what happened in order to -- because I wanted 5 to steer away from elements of witness reliability. But 6 I do refer to that in the blog, as you can see. I don't 7 ignore it. It is part of the blog.</p> <p>8 Q. Would you say it was your idea to write the blog?</p> <p>9 A. I -- I can recall arriving at work about 10 to 10.30 10 that morning. So this is after having been asked to 11 write this. And bumping into Helen from the press 12 office as I was -- I bumped into her as I was entering 13 the building and we just had a kind of general, "How are 14 things looking today?" And as a result of that 15 conversation -- I can't remember whether she suggested 16 it or whether I suggested it, but from that it became -- 17 so I can't remember whether I specifically suggested it 18 or whether she suggested it, but it was as a result of 19 that conversation, I think I picked up the idea that 20 I could possibly do something, yes.</p> <p>21 Q. What did you understand the purpose of the blog to be?</p> <p>22 I don't mean the editor's blog generally, but the 23 purpose of this post on the editor's blog.</p> <p>24 A. Personally for me I felt that a -- the Newsnight 25 audience could reasonably -- given the amount of</p> <p style="text-align: center;">Page 119</p>
<p>1 witness testimony which were equally part of the story 2 which I had included in the account.</p> <p>3 Q. Right. So then he says:</p> <p>4 "The Blog [which now has a capital B] will obviously 5 have to steer away from some of the elements of witness 6 reliability, but in essence can follow the same lines."</p> <p>7 So he's recognising -- and one might think directing 8 you -- to produce a blog which isn't going to be telling 9 the whole truth, is it? Not to say it is going to be 10 false, but it's not going to be telling the whole truth?</p> <p>11 A. Yes, that has to be written carefully in order to not -- 12 yes, because it -- because it didn't seem fair to be 13 publicly seen to be, um, criticising the testimony from 14 the key witness.</p> <p>15 Q. So it is not going to be telling the whole truth?</p> <p>16 A. Well, I tried to write it in a way that I felt did -- 17 did that.</p> <p>18 Q. But it's a bad start, isn't it? As a public statement 19 of, you know, this -- this blog gets put out as, "Here 20 is why the editor of Newsnight did what he did". That's 21 the purpose of the blog, right?</p> <p>22 A. Yes.</p> <p>23 Q. And in fact the editor of Newsnight and his boss are 24 agreeing that you are constrained in what you are going 25 to be able to say, so that at the very least it is not</p> <p style="text-align: center;">Page 118</p>	<p>1 coverage of the Exposure documentary that was likely to 2 happen because it was going to transmit the next day, 3 and there had been some press coverage of why I had 4 taken the decision I had taken -- I felt that the 5 Newsnight viewers would probably appreciate an account 6 from me as to why, when they are watching this Exposure 7 thing wondering why I hadn't run the piece I run -- that 8 they would deserve an explanation of that. That was the 9 spirit in which I agreed to write it.</p> <p>10 Q. So the purpose from your point of view was to explain 11 why you hadn't done the piece?</p> <p>12 A. To the audience.</p> <p>13 Q. To the Newsnight viewer?</p> <p>14 A. Yes.</p> <p>15 Q. So if I were to suggest to you that it has been 16 suggested to us that you decided to write a blog in 17 order to make it clear that you entirely rejected the 18 allegation that pressure had been put on you to drop the 19 Savile investigation, is that a fair description of the 20 purpose?</p> <p>21 A. I mean that was part of it, because there had been 22 significant press coverage the day before, which is why 23 I dealt specifically with those two issues. Sorry, the 24 two issues that the press -- sorry, the two issues that 25 the press kept talking about were whether we were</p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

1 withholding evidence, which I considered to be a pretty
2 serious allegation, and whether I was leant on to do
3 anything that I did. So I felt that I should deal with
4 those issues as part of the blog, yes.

5 Q. Right. Meanwhile the BBC, if we go to page 203, is
6 developing a briefing line, I think in a different part
7 of the BBC. This is Mr Jordan, Jessica Cecil, who is in
8 the DG's office, Mr Entwistle and then some lawyers and
9 Mr Mylrea. And they are developing the line -- you see
10 this is about Jimmy Saville, you see --

11 A. Yes.

12 Q. It is not about anybody else, Jimmy Saville;
13 "Some of these allegations relate to activity on BBC
14 premises. We are appalled that anybody could have been
15 the victim of such abuse. These are criminal actions
16 which are the responsibility of the police, who have the
17 powers to investigate anyone involved. We therefore
18 urge anyone with information evidence or allegations to
19 contact the police as soon as they can."

20 There is an tension, isn't there, to say the least,
21 between this line, that somehow the allegations against
22 Jimmy Saville are criminal actions which are the
23 responsibility of the police, on the one hand, and the
24 fact that you and Mr Jones and Liz MacKean had been, on
25 any view, sitting on the information you had for a year.

Page 121

1 So if this was right, this line, it rather punches
2 a hole in one of your arguments, doesn't it? Do you
3 follow?

4 A. If the BBC is taking the view --

5 Q. That the allegations against Jimmy Saville are the
6 responsibility of the police, that was not the view you
7 had taken.

8 A. No, it was not the view I had taken.

9 Q. As you explained earlier, because he was dead?

10 A. Yes.

11 Q. And the police made it clear later that they were not
12 investigating or going to investigate Jimmy Saville
13 because he was dead?

14 A. I didn't know that, but that would have been my
15 assumption.

16 Q. So this line that the BBC is developing, as I say,
17 punches a hole in one of Newsnight's arguments, doesn't
18 it?

19 A. I don't know what you mean by punches a hole. It's not
20 consistent, yes.

21 Q. If this is a line that the BBC puts out, it absolutely
22 begs the question of: if they are the responsibility of
23 the police, why hasn't Newsnight passed all its material
24 to the police?

25 A. I can see -- I can see that, but I think you are -- this

Page 122

1 is a position that's being evolved for this particular
2 moment. And at the point at which the BBC adopts this
3 position we do make everything available --

4 Q. Yes.

5 A. -- as part of the investigation that the police,
6 I think, is now doing.

7 Q. Yes. My point is if these were criminal actions which
8 are the responsibility of the police -- if that is right
9 on 2 October if 2012 presumably it was right on
10 9 October 2011?

11 A. Well, as I say -- as I say the judgment I took at the
12 time was because he was dead --

13 Q. I understand that. I understand that. I understand
14 that completely. I'm just showing you and, as it were,
15 inviting you to comment on the fact that the BBC's
16 corporate line here --

17 A. Yes, it changed as a --

18 Q. -- to someone in your position doesn't perhaps strike
19 you as the most helpful line to be adopting?

20 A. Thank you for pointing that out. But, yes, and I can
21 understand that this was a line that was developed once
22 the scale of what this man had done had started becoming
23 more apparent, and that's why they are developing this
24 line at this point.

25 Q. Why does that matter?

Page 123

1 A. It doesn't matter to my particular corner and my
2 particular argument, I accept your observation --
3 observation stands. But I can understand -- but the BBC
4 changed its position, I would say, at the point at which
5 the scale of what he did became more apparent.

6 Q. Is that because there was some -- maybe you weren't able
7 to observe -- I don't want you to speculate, but was
8 there some element of panic at the BBC by this stage?

9 A. Er, I think there was -- that -- you could conclude that
10 at various stages from this period for the next three
11 weeks, yes.

12 Q. You understand my point about this?

13 A. The corporate position conflicts with the position that
14 I -- with the view that I had taken.

15 Q. If it is right, it undermines completely the line that,
16 as it were, you were taking; that there was no reason to
17 take any of this stuff to the police because what were
18 they going to investigate because the fellow was dead?

19 A. Yes, I accept that they are different interpretations of
20 whether we should or should have not handed things over
21 to the police.

22 Q. So then if you go to 216, this is Mr Entwistle to the
23 management board. Now that is above your pay grade,
24 isn't it?

25 A. Yes.

Page 124

31 (Pages 121 to 124)

1 Q. Copied to Mr Mylrea:
 2 "After much consideration and consultation with
 3 Sara Jones, this is now the proposed line. Any
 4 feedback, could you call Jess [that is Jessica Cecil,
 5 presumably] or Paul [I infer Mr Mylrea] ASAP."
 6 It is the same point, a number of serious
 7 allegations by Jimmy Savile:
 8 "Allegations of a serious criminal nature which only
 9 the police have the proper powers to investigate."
 10 So that's really the same point that gets developed
 11 into the BBC line.
 12 A. Yes.
 13 Q. Had you been involved in the much consideration and
 14 consultation with Sara Jones?
 15 A. No, none at all. But at the point at which this became
 16 policy we obviously then did disclose all we had to the
 17 police as requested.
 18 Q. Because that was the corporate instruction, as it were?
 19 A. Yes.
 20 Q. That was the BBC's position?
 21 A. Yes.
 22 Q. Let me just show you at 341 -- it touches on something
 23 that you mentioned earlier, the same day, just after the
 24 blog has gone up, Helen Deller to Paddy Feeney at the
 25 bottom. They are trying to track down what the
 Page 125

1 procedures are for this. You touched on this this
 2 morning. Helen says:
 3 "There are procedures in place regarding requests
 4 for the release of material gathered in our
 5 investigations."
 6 Then Deller to Steve Mitchell:
 7 "Hi Steve, this is our standard line: there are
 8 procedures in place regarding requests for the release
 9 of material gathered in our investigations."
 10 We had that discussion earlier, but, yes --
 11 A. It didn't apply.
 12 Q. It didn't apply. You wrote the blog. If we look at
 13 page 86 in the same bundle, this is the proposed blog at
 14 14.22 on the 2nd, which you send to Mitchell, Booden
 15 Feeney, Mylrea and copied to Deller.
 16 A. Yes.
 17 Q. But at the bottom of page 85, Mr Feeney makes what he
 18 calls, "A teensy tweak". And then at 84 Mr Mylrea made
 19 some tweaks, and asked Helen Booden if she has signed it
 20 off.
 21 A. Yes.
 22 Q. And then at 83 there is a suggested change from somebody
 23 called Andrew.
 24 A. Can I just pause you there?
 25 Q. Yes.
 Page 126

1 A. We should note, shouldn't we, that Mr Mylrea is clearly
 2 under the impression that these things are signed off by
 3 somebody higher than the person who is actually writing
 4 them.
 5 Q. Yes, that is a true observation, yes. Who is Andrew,
 6 page 83?
 7 A. He's, um -- as I understand it, he's Paddy Feeney's
 8 boss. So he sits somewhere between Paul Mylrea and
 9 Paddy Feeney.
 10 Q. Then it goes, do you see Mylrea's email at 83:
 11 "Suggested change from Andrew. Just waiting for
 12 green light."
 13 Who is going to give the green light?
 14 A. Well, as far as -- well, Helen Booden or Steve Mitchell.
 15 Q. Right. Then it goes to -- who is Veena Radia?
 16 A. I have no idea. Sorry, this is Jessica Cecil forwarding
 17 it.
 18 Q. Jessica Cecil sits at the top of the tree, she's in the
 19 DG's office, right?
 20 A. I don't know who Veena Radia is.
 21 Q. All right. Then at 262 in the same bundle it does get
 22 signed off by Steve Mitchell, doesn't it?
 23 A. Yes.
 24 Q. So the final version of the blog is at 277. I think
 25 this is the as published version, from you, at 17.02:
 Page 127

1 "Can you put this blog up for me? Pass up, please."
 2 And then Helen Deller:
 3 "Did you see Paul Mylrea's email to hold fire, or
 4 is it sorted now?"
 5 Do you remember what that was all about?
 6 A. I don't know what he was specifically -- he did send an
 7 email saying hold and then it got cleared up, I can't
 8 remember what the issue was or why it was resolved.
 9 Q. At the same time as all of this is going on, the press
 10 are still asking questions. Just let me show you one.
 11 I think Nick might want to ask a question or two about
 12 this.
 13 Same bundle, if we go to page 190, somebody called
 14 Ben Webster at The Times has been asking a series of
 15 questions of Julian Payne. We can see that at 190 on
 16 1 October. If we go back to 189, there is toing and
 17 froing. At 188 there is more toing and froing. What it
 18 comes to is at 187. On 2 October, in the morning, while
 19 you were writing the chain of events, Helen Deller says:
 20 "Hi Ben, talked to Peter. As I said, there were
 21 discussions, as per normal in our editorial processes,
 22 but it was not referred up or sideways or wherever.
 23 Peter took the decision as editor of the programme. As
 24 I said, there was no internal pressure so cannot
 25 possibly be any discussion about people involved and
 Page 128

<p>1 what they knew."</p> <p>2 MR POLLARD: Yes, my point about this is not a specific</p> <p>3 question about where this sits in the chain of events,</p> <p>4 but a more general one. Because it is something that is</p> <p>5 going to be important to us because it has been the</p> <p>6 subject of a lot of the questions about this whole</p> <p>7 issue.</p> <p>8 It is really just to get your take on this fine</p> <p>9 distinction, if there is one at all, between what you</p> <p>10 might call -- her phraseology is absolutely fine,</p> <p>11 "Discussions as per normal in our editorial processes."</p> <p>12 She draws a very clear distinction between that and it</p> <p>13 being, "Referred up or sideways or whatever."</p> <p>14 This comes to something we were talking about last</p> <p>15 week. Your relationship with Steve and to some extent</p> <p>16 your relationship with Helen, do you draw a distinction</p> <p>17 between something being discussed and something being</p> <p>18 referred up?</p> <p>19 A. I'm not sure -- I'm not sure I do, really. I'm not sure</p> <p>20 I do. Um, me -- when I -- I discussed the story with</p> <p>21 Steve Mitchell because I felt he was my line manager and</p> <p>22 he needed to know that I was working on this potentially</p> <p>23 contentious story. So that was referring up. And it</p> <p>24 was done in the form of a discussion. And -- but at the</p> <p>25 same time I, you know, use him as a kind of sounding</p> <p style="text-align: center;">Page 129</p>	<p>1 and my decision to make and that the things that I was</p> <p>2 weighing in making that judgment were -- were the</p> <p>3 editorial things that we've discussed. I felt with the</p> <p>4 conversations I had with Stephen I was using him as</p> <p>5 a kind of sounding board to test some of the arguments</p> <p>6 from various different angles. I mean, as best as I can</p> <p>7 recall, I did not -- I didn't get a sense from him that</p> <p>8 he had a strong view either way. I thought he was just</p> <p>9 trying to help me kind of pick my way through the maze</p> <p>10 if you like.</p> <p>11 So I -- you know, I certainly didn't -- I didn't get</p> <p>12 an impression from him that he had a firm view one way</p> <p>13 or the other. Which means that the extent to which he</p> <p>14 may have assisted me in reaching the conclusion that</p> <p>15 I did wouldn't have been from a -- it wasn't from</p> <p>16 a position, if you see what I mean. That was my -- from</p> <p>17 memory, that's the way it worked.</p> <p>18 MR POLLARD: Yes. I think that is consistent with what you</p> <p>19 said last week. And I think it is consistent with what</p> <p>20 Steve Mitchell has said. But as you would expect, we</p> <p>21 are slightly struggling -- I'm slightly struggling --</p> <p>22 with the specific events of November 29th. Again we</p> <p>23 probably don't need to go back and look at emails, but</p> <p>24 you will remember the sequence of events is that you</p> <p>25 sent what appears to be a very positive supportive</p> <p style="text-align: center;">Page 131</p>
<p>1 board for the kind of things I'm weighing in making the</p> <p>2 judgment that I'm finally going to have to weigh. Does</p> <p>3 that help?</p> <p>4 MR POLLARD: We're going to have to, within this report, try</p> <p>5 to describe, as best we possibly can, the process by</p> <p>6 which -- it's not the whole story, but a key part of</p> <p>7 it -- the process by which the story was dropped. You</p> <p>8 will have seen the way various people outside have</p> <p>9 categorised it as Peter Rippon who is pressured into</p> <p>10 dropping the story, or he was told to drop the story.</p> <p>11 And the BBC's view, quite clearly, and both Stephen and</p> <p>12 Helen have said this to us, is it was your decision,</p> <p>13 having had proper editorial discussions.</p> <p>14 I think it is fair to say Stephen said to us -- and</p> <p>15 he was picking his words quite carefully -- he thought</p> <p>16 he had had a influence on the decision, but not an</p> <p>17 involvement in it. You can see how difficult it is to</p> <p>18 find the right words. I do want to discuss, either here</p> <p>19 or at a later stage, the issue of the 29 November, but</p> <p>20 perhaps just before we get to that, I wonder if I could</p> <p>21 just push you a bit further to describe, in this</p> <p>22 particular story, how much influence or whether you call</p> <p>23 it involvement particularly Steve Mitchell had in</p> <p>24 shaping your decision to drop it.</p> <p>25 A. I felt at the time very strongly that it was my decision</p> <p style="text-align: center;">Page 130</p>	<p>1 description of the story, including the line that you</p> <p>2 thought the women were generally credible and so on --</p> <p>3 A. Um-hm.</p> <p>4 MR POLLARD: You flagged up with Steve Mitchell the</p> <p>5 probability of a conversation about this, and slightly</p> <p>6 frustratingly neither you nor Steve can remember whether</p> <p>7 the conversation definitely took place, and if so what</p> <p>8 was said. But clearly by the following morning there</p> <p>9 is, without doubt, a difference in the tone --</p> <p>10 A. Yes.</p> <p>11 MR POLLARD: -- and your attitude to the story. One of the</p> <p>12 other things that I wondered if you could help us with</p> <p>13 in that area is that in one of those emails you clearly</p> <p>14 say, "I will send you a copy of the script by this time</p> <p>15 tomorrow."</p> <p>16 MR MACLEAN: I think we should show you these.</p> <p>17 MR POLLARD: Please, yes. And I think it is the case that</p> <p>18 Steve Mitchell says that he didn't -- he's never seen</p> <p>19 a copy of the script. I wonder whether you can remember</p> <p>20 whether you did show him the script or not?</p> <p>21 MR MACLEAN: Let me just show you the chronology.</p> <p>22 MR POLLARD: Please.</p> <p>23 MR MACLEAN: Bundle 3. Can I just ask a question which</p> <p>24 arises from the discussion you just had. You said you</p> <p>25 don't draw a distinction between normal editorial</p> <p style="text-align: center;">Page 132</p>

33 (Pages 129 to 132)

<p>1 processes and referral up. The meeting that you had on 2 the 21st or 22nd, the Vision Issues discussion, that 3 would be one such discussion. That was the meeting, 4 where there was an editorial discussion or a referral 5 up, whichever way you liked to put it, is that right? 6 A. Yes. 7 Q. So the 29th, I think the emails that Nick has in mind, 8 if we just keep a finger in two different places, first 9 of all chronologically if you go to 197.001, we looked 10 at these last week. 11 A. Yes. 12 Q. At the bottom you send an email at 1.18 in the afternoon 13 which is then on the next page: 14 "Seven victims, two on tape." 15 A. Yes. 16 Q. "Women are credible, no motive for speaking to us other 17 than they want the truth to be known ... are you around 18 to talk through in more detail?" 19 Then the reply at 13.37: 20 "I'm travelling to Belfast." 21 And then you send him another one before 2 o'clock 22 in which you have cut and pasted bits of the script? 23 A. Um-hm. 24 Q. Then the other email that Nick has just mentioned is at 25 the penultimate page of that same bundle, which is from Page 133</p>	<p>1 distancing myself from that judgment. 2 So what I'm doing -- they send me the script, 3 I think, the day before. This is the period at which 4 I'm trying to make a decision about -- and when I'm 5 engaging slightly more fully with the material I have 6 and the judgment that I need to make, so I'm kind of 7 exploring the editorial terrain as much as possible. 8 And I mean, I -- I think it's a particular 9 characteristic of Stephen that whenever -- his mantra, 10 you know, is that editors edit, and it's very clear to 11 me that that's the judgment he wants me to make. I 12 can't think of any occasion -- I can't think of any 13 occasion where he's -- where I've felt that he's taking 14 a particularly strong one way or the other view on 15 a story, and -- 16 Q. It was the same day that you got the script. 17 A. Was it? 18 Q. You remember 143, 9.51, ROUGHSVILLE comes around. And 19 then you remember 11.30: 20 "If you haven't looked at ROUGHSVILLE, ROUGHSVILLE 2 21 is better." 22 Do you remember? 159? Same bundle, page 159. So 23 143 is 9.51 from Meirion Jones to MacKean, Livingston -- 24 A. Okay, all right. 25 Q. Then 11.30: Page 135</p>
<p>1 you to Steve Mitchell at 7.30 that evening: 2 "I will get a script to you this time tomorrow. 3 I just need to iron out a few bits with Meirion first. 4 He's interviewing a second victim on camera tomorrow". 5 So that's what we have. Then the next thing we have 6 in writing is the one at 214, which is what I call, "The 7 pondered overnight email --" 8 A. Yes. 9 Q. -- at 9.37 the following morning. 10 MR POLLARD: I just wondered whether, having looked at those 11 emails last week, anything had come back to you about 12 the course of that day and whether you did have 13 a conversation or you sort of followed it up in any way 14 with Stephen? 15 A. I pondered this because I wasn't aware of the email when 16 it first -- the -- 17 MR MACLEAN: The 118 one? 18 A. Yes, the 197. If I had felt the conversation was 19 significant I am sure I could recall it. But 20 I genuinely can't. I thought when we spoke last time 21 you made a very good point you said -- I said it was 22 Meirion's account, but you said, "But you don't 23 attribute to him." I was pondering that afterwards but 24 that is very routine. I think if I had attributed it to 25 Meirion it would have made Steve think that I was Page 134</p>	<p>1 "If you haven't read the last draft yet, read this 2 one." 3 A. Okay, so I then -- 4 Q. 11.30. Then within two hours, you send the email to -- 5 A. Yes. 6 Q. -- Mitchell. 7 A. So what I have done is I have just kind of summarised 8 the script and sent it to him. I mean, the likelihood 9 is we would have had a conversation but as I say 10 I can't -- I can't recall the substance of that. 11 MR POLLARD: Okay. 12 A. I'm trying to -- I can't think what else to say. 13 MR POLLARD: I think what you are suggesting, if I may say 14 so, is you did ponder it overnight, without 15 a conversation, it would appear, with Steve Mitchell. 16 You pondered it overnight and came to a slightly 17 different conclusion. 18 A. No, I think I -- I mean I probably did talk to Stephen. 19 What I'm trying to remember is would that conversation 20 I've had with him, how would that have -- did that 21 affect the decision that I took? I can't recall, so 22 I can't make that judgment. But I would -- I would 23 counsel, though, don't -- it's quite normal for me to 24 kind of -- not play devil's advocate, that's not the 25 right phrase, but to kind of express stories in Page 136</p>

34 (Pages 133 to 136)

1 different ways in order to explore the terrain and come
 2 to a conclusion.
 3 It's not -- just because it's in an email doesn't
 4 mean that that's necessarily, you know, what -- a formal
 5 exposition of my view. What I'm doing is I've got --
 6 obviously Liz and Meirion are pushing me. They think
 7 the story is there, they think the script is good and
 8 these are the strengths of it. So I want a sounding
 9 board to think, "Hang on, what about all the
 10 reservations I've got".
 11 MR MACLEAN: But one of the curiosities is that the
 12 reservations that you have, for example that [REDACTED]
 13 was, or might have been --
 14 A. Yes.
 15 Q. -- trying to [REDACTED] for example, doesn't
 16 appear in the 118 email. Indeed quite the reverse. It
 17 says:
 18 "The women are credible and have no motive for
 19 speaking for us other than they want the truth to be
 20 known."
 21 A. Because I'm expressing the story in that strongest terms
 22 in order to -- but I mean it was -- that was -- that was
 23 a reservation that I had, and I think I expressed that
 24 quite clearly throughout.
 25 Q. It may be that it doesn't help that Steve Mitchell was
 Page 137

1 in Belfast and you couldn't have a chat face to face
 2 about this. But it may also be that, you see, at lunch
 3 time you have three emails within half an hour or so, so
 4 you are communicating in writing at that stage. 1.18,
 5 1.37, and 1.50. Then the next one we have anyway is
 6 from you at 7.30. It may be that there has been
 7 a conversation in between otherwise kind of out of the
 8 blue you are saying, "I will get a script to you this
 9 time tomorrow".
 10 That suggests that -- or might be thought to
 11 suggest -- that you could iron out a few bits with
 12 Meirion first and then -- maybe then have, as it were,
 13 a proper sit down with Steve Mitchell. But it doesn't
 14 appear that ever happened because he says he never got
 15 the script.
 16 A. Yes.
 17 Q. The script being ROUGHSAVILE 2 or 5 or whatever. He
 18 says he never got that. He gets it much later. I think
 19 somebody sent it to him.
 20 A. Um-hm.
 21 Q. So you see that it is a bit, on the face of it, slightly
 22 perplexing, the 29th and 30th?
 23 A. Can you just explain what perplexes you?
 24 Q. Steve Mitchell, as I understood it, said that he took
 25 your email at 118 as being the view you were then
 Page 138

1 expressing about the story?
 2 A. Right. And what I'm to do.
 3 Q. Not as; here is an email from Peter Rippon setting out
 4 views about the story that are held by somebody else.
 5 A. Yes.
 6 Q. He takes it at face value; the women are credible. He
 7 thinks you are telling him that you think the women are
 8 credible.
 9 A. Okay.
 10 Q. Not Meirion Jones thinks they are credible and I,
 11 Peter Rippon, either don't think they are credible or
 12 haven't got any view?
 13 A. Yes.
 14 Q. We see the email at 19.30 and then we see where you get
 15 to when you ponder overnight. What we don't have a lot
 16 of is much of a clear view of what happens in between.
 17 A. Yes. As I say, all -- to me it's perfectly normal for
 18 me to send this initial email expressing a story in its
 19 richest form to Steve in order for me then to be able to
 20 kind of test with him the strengths and weaknesses of
 21 the argument.
 22 Q. He would understand that's what you were doing?
 23 A. You say he wouldn't, but if I had said, "Meirion says",
 24 I think he would have thought: why is he distancing that
 25 judgment from himself? So I felt I had to own that,
 Page 139

1 that thing, in order to have the most kind of -- the --
 2 in order to have the best kind of conversation that
 3 I could have to test the evidence that I was -- that
 4 I needed to test.
 5 I would assume that we did have a conversation based
 6 on -- I would assume that we did, but I can't recall it
 7 and so I don't know how it went or when it happened.
 8 Q. It might be that your email at 214, the "pondered
 9 overnight" one, goes to Meirion Jones and we know that
 10 there were then some -- I think I may have used the
 11 expression, "Fairly frank exchanges of views", in the
 12 office on the 30th involving Meirion Jones and you and
 13 Liz MacKean.
 14 A. Um-hm.
 15 Q. I will come back to those in a minute, perhaps. But if
 16 you then go to Mr Mitchell's response to your email of
 17 the 29th on the penultimate page, which was interesting
 18 for a couple of reasons, interesting because of what he
 19 says Helen told George at the awards lunch which we
 20 might come back to, but the first sentence is -- there
 21 is a hole-punched through it, but I think it is --
 22 "unsure", I think it is.
 23 MR POLLARD: "Not sure".
 24 MR MACLEAN: "Not sure where you are with this".
 25 That suggests that Mitchell hasn't heard any more
 Page 140

1 from you since the 29th, at 19.30. At least not in
 2 writing, and we haven't seen any other writing.
 3 A. Um-hm.
 4 Q. It suggests that you didn't send him the script, "Some
 5 time tomorrow", because if you had, he might have
 6 commented on it. He might have said, "I've read this,
 7 it looks good to me", or "It looks like a lot of rubbish
 8 to me", or whatever.
 9 He says he never got the script, we have not got an
 10 email showing he received the script and this email, you
 11 might think, supports that he didn't get it.
 12 A. Sorry, your question is?
 13 Q. Can you help? Is that --
 14 A. I mean I would assume that I didn't, then, send him the
 15 script, because we -- I would assume we had
 16 a conversation, but I can't recall the nature of that
 17 conversation.
 18 Q. Shall we just deal with the 30th while we're at it?
 19 MR POLLARD: Sure.
 20 MR MACLEAN: If you go to 214, which is the "pondered
 21 overnight" email, if you go over the page again to
 22 215 -- and I showed you these last week -- there is this
 23 one and there is another one that is similar at 220,
 24 both of which are emails from Liz MacKean to
 25 Jackie Long. Let's take the first one:
 Page 141

1 "If the bosses aren't happy (they won't be), I can't
 2 go to the wall on this one."
 3 I think you said you couldn't remember using those
 4 words --
 5 A. No.
 6 Q. -- to Liz MacKean. Now one might think -- one might
 7 take a different view, but one might think that
 8 Liz MacKean sending a email to her friend Jackie Long at
 9 the time might be liable to be accurate, in the sense
 10 that everything is fresh in her mind and there is no
 11 reason why she shouldn't tell, as it were, the truth
 12 from her perspective, to her friend Jackie Long. She's
 13 not expecting it to come out and be looked at by some
 14 lawyer in a year's time.
 15 Might it be that you gave an explanation to
 16 Meirion Jones and Liz MacKean as to where the story was
 17 going that wasn't entirely accurate, but was an attempt
 18 to calm down the temperature or whatever?
 19 A. I'm sorry, I'm finding it quite difficult to follow what
 20 you are --
 21 MR POLLARD: Let me put it this way. This is really,
 22 perhaps, a sort of product of a suggestion based on many
 23 decades working in newsrooms, as you have. I could see
 24 the possibility -- and I appreciate this is not
 25 a particularly flattering thing to suggest -- that when
 Page 142

1 you are having your car heavily bent by somebody who is
 2 very strongly in favour of a story and has a completely
 3 different view from yourself, that it is a slightly easy
 4 way to defuse it by saying, effectively, "Look, you
 5 know, I hear what you say and I have some sympathy, but,
 6 you know, the bosses are not going to let me do this".
 7 It's a cowardly way to do it, but I suspect probably
 8 journalists at senior level have done it decade in and
 9 decade out in all sorts of newsrooms. Was there an
 10 element of that?
 11 A. Well -- sorry, I can't recall is my answer, my
 12 frustrating answer, to that view. Although -- I mean
 13 I -- I wouldn't have -- you see the point for me was if
 14 I did have this conversation with Steve Mitchell that
 15 I can't recall, it would have been purely on editorial
 16 grounds anyway and if they -- if I got the sense that
 17 any unhappiness would have been based on the kind of --
 18 would have been based on editorial strength. I think
 19 what Liz is jumping to is that there is something
 20 inappropriate about that. And to me --
 21 Q. That's?
 22 MR MACLEAN: That's a slightly different point though, maybe
 23 the long political chain one. But this one, "The bosses
 24 aren't happy", now it may be she took it that the bosses
 25 aren't happy for some, as it were, non-editorial reason,
 Page 143

1 but it is equally consistent, as a matter of language,
 2 with you having said, "The bosses aren't happy
 3 editorially and I can't go to the wall on this one".
 4 A. Yes, although I say "if", don't I? So I'm not -- I have
 5 pondered this a lot when I read those emails, and it is
 6 really difficult because if you can't recall you end up
 7 trying to construct a kind of logic around it that
 8 you -- that you don't know whether it actually happened
 9 or no. So it is very difficult to speculate.
 10 MR POLLARD: But there obviously were, on the 30th, face to
 11 face discussions about the fairly cold water-ish email
 12 that you sent out earlier on, the "pondered overnight"
 13 one. And Liz and Meirion wanted to have their say, you
 14 explained your thinking on it and then there is
 15 immediately the -- we can't -- we weren't there, we have
 16 no note or no witness about the, "If the bosses aren't
 17 happy, there's not much I can do about it".
 18 But do you have no recollection of saying anything
 19 remotely of that sort?
 20 A. I -- I really don't. Um, but I can imagine a context in
 21 which -- I can see you -- you know, I can see a context
 22 in which I may feel that I could say something like
 23 that, because I'm trying to explain to them that it's --
 24 if they are pushing me to run the story, and I feel that
 25 it's not something that I'm going to be able to convince
 Page 144

1 my bosses is editorially robust enough for us to run,
 2 I can imagine a scenario where I may have said something
 3 like that. But to me that's an entirely appropriate
 4 thing. It's not --
 5 MR POLLARD: In other words, more along the lines of, and
 6 I paraphrase, "The bosses have insisted on pretty heavy
 7 duty editorial rigour with this story, and I can't or
 8 won't fall short of that?"
 9 A. Well, I wouldn't put it like that. Because --
 10 MR POLLARD: It sounds very ponderous, but you know --
 11 A. I understand what you are trying to say, but if Stephen
 12 had said that to me I would have remembered it, and he
 13 genuinely didn't. He really did not. He didn't. He
 14 just helped me -- and it was me and my judgment that
 15 was --
 16 MR MACLEAN: Helen Roden said something along those lines,
 17 though.
 18 A. Helen had, which is in a sense the difference between
 19 her and Stephen, I would say. I can remember Helen
 20 saying, "You need to be aware of the threshold". And
 21 I shared that, so I didn't consider it pressure. But
 22 I don't recall Stephen having a strong view either way.
 23 MR POLLARD: No, I think the nearest we have to that in
 24 Stephen's account is him effectively saying:
 25 "Don't be distracted by Vision issues [in other
 Page 145

1 words things that are going on elsewhere), follow the
 2 evidence."
 3 A. Yes, that's the thing that I remember most clearly about
 4 him saying.
 5 Sorry, ask me more about this, I'm happy to explore
 6 it further if you want.
 7 MR POLLARD: I think we have reached the point, short of,
 8 you know, having a record of the conversation that you
 9 had with Liz MacKean and pre-her sending that email,
 10 I think we have got perhaps as near as we're going to
 11 get to a sense of how the discussion went.
 12 How unhappy were they, if you can judge that?
 13 A. Not as unhappy as this email trail would indicate me now
 14 seeing. I mean, I'm quite shocked by a lot of
 15 particularly what Liz is saying to her friends who work
 16 for rival News programmes about stories that they are
 17 doing. I was not aware -- that was not the impression
 18 I got from memory that I took away from those
 19 conversations. I knew they disagreed with me, but
 20 I didn't -- I wasn't aware of the extent of it.
 21 MR POLLARD: Does it seem to you perhaps a symptom of not
 22 a very good relationship, that they were saying one
 23 thing to you and then going away and sounding off to
 24 their pals? Did you feel that you had a pretty honest
 25 and open working relationship with one or both of them?
 Page 146

1 I don't know whether these are individual considerations
 2 or jointly with --
 3 A. I -- I felt I did and I continued to work with them on
 4 a number of stories, after this story that we did, which
 5 were difficult and controversial. And there is a point
 6 that when you are the boss you know that people are
 7 going to moan and gripe about what you do and the
 8 decisions that you take, so you kind of live with that.
 9 But I didn't feel the relationship was broken to that
 10 extent.
 11 MR POLLARD: Thank you.
 12 MR MACLEAN: Can we get back to the blog then?
 13 We looked at the final version. I just showed you
 14 the upwards or sideways. That is how we got into this
 15 debate. Let's go back to A7/345.
 16 Steve Mitchell emails Helen Deller. This is the
 17 evening before the ITV broadcast and he says, "The
 18 new..." He refers to:
 19 "The now rape allegation that has sparked the BBC
 20 offer to cooperate with the Mct only emerged today and
 21 isn't one that Newsnight were aware of when they were
 22 pursuing the Savile story. Finally, of course, we have
 23 already said that the police were aware of the
 24 allegations by the women that Newsnight talked to, so
 25 would have been able to talk to those women themselves."
 Page 147

1 So Steve Mitchell is now labouring under some
 2 misapprehensions, isn't he, about the material that
 3 Newsnight had gathered? Because the rape allegation
 4 wasn't new.
 5 A. Yes.
 6 Q. And it wasn't right that all the women had talked to the
 7 police and so it wasn't right that the police would have
 8 been able to talk to those women themselves.
 9 A. Yes.
 10 Q. Now we touched earlier on the fact that Jeremy Paxman
 11 wanted Newsnight to run the story. If you put bundle 7
 12 away and take bundle 8, page 34, the one we looked at
 13 earlier, Mr Paxman, "I have read your blog". We saw
 14 that earlier. And then you reply top of page and Paxman
 15 comes back. You said what allegations have you failed
 16 to address in the blog, and he says:
 17 "The notable one is whether there was pressure from
 18 the BBC not to run the story and whether there was
 19 embarrassment about the upcoming feature celebrating
 20 Savile's programmes."
 21 A. I disagreed with him. I think I addressed that
 22 correctly.
 23 Q. I'm coming to that. You say:
 24 "I think I do address that it really would look like
 25 special pleading if I came on [ie on to your own
 Page 148

37 (Pages 145 to 148)

1 programme]..."

2 A. Yes.

3 Q. "... To expand on it in such detail."

4 He then says:

5 "I think it is very unfair, and sadly not untypical.

6 that the BBC has dumped all this on one individual."

7 That was you;

8 "I think the BBC's behaviour now is almost as

9 contemptible as it was then."

10 I'm not sure what that is a reference to.

11 A. Nor am I.

12 Q. Then you say:

13 "Telegraph suggesting George should sack me today."

14 Et cetera, et cetera. That was the ITV broadcast

15 day;

16 "The leaking and briefing is actually what bothers

17 me more, it is only the older lags who do it I have

18 never worked anywhere where it is so pervasive."

19 Is that Newsnight old lags or BBC News old lags, or

20 what?

21 A. Newsnight old lags.

22 Q. One silver lining was Allegra. She is not an old lag.

23 she has just arrived. Mr Paxman:

24 "I agree it is corrosive, it is disgusting the way

25 the BBC is hanging you out since it must have been a

Page 149

1 corporate decision, whatever your blog says. Stick

2 with it."

3 So there is a healthy scepticism about the accuracy

4 of the blog from Jeremy Paxman:

5 "This is damaging for us, but it will pass."

6 A. Yes, based on no evidence at all.

7 Q. But he was right, wasn't he, that the leaking and

8 briefing was corrosive?

9 A. Yes.

10 Q. He was definitely right about that?

11 A. Yes.

12 Q. You reply to this, at 42 -- this is what I want to ask

13 you about:

14 "It wasn't corporate, honestly. I guess I may have

15 been guilty of self-censorship. In the end I just felt

16 that what we had, 40 year-old allegations about a dead

17 guy, was not a Newsnight story and not worth the fuss."

18 Now, why did you guess you might have been, "Guilty

19 of self-censorship"?

20 A. Because you are weigh -- there is no, um, it's a gut

21 judgment about whether the -- you feel you've got the

22 evidence to a threshold of certainty that you want to

23 publish. And you just kind of make the -- I made the

24 judgment that I made, you live with it every day and you

25 wonder was I -- did I set bar too high? Did I not set

Page 150

1 the bar too high? If I failed in that, then was

2 I censoring myself? That's what I mean by that.

3 Q. That evening when the ITV documentary was broadcast,

4 is it right that there was a kind of general view,

5 formed pretty quickly, that you had made a really

6 terrible decision not to run the story?

7 A. General view --?

8 Q. In the BBC, that it was, as it were, obvious that the

9 editorial decision was crackers?

10 A. Um, I don't think that's fair. You are generalising

11 about -- when you say "the BBC", it doesn't have --

12 there are thousands of views within the BBC.

13 Q. What about the corporate head -- forget about -- I'm not

14 talking about Steve Mitchell and Helen Boaden now. The

15 corporate centre of the BBC, did you form a view as to

16 whether they had formed a view?

17 A. Not until I heard George in front of the Select

18 Committee.

19 Q. Right. When you heard George in front of the Select

20 Committee, what conclusion did you come to?

21 A. That because he had watched Panorama he had made

22 a judgment as to whether he thought my decision was the

23 right one or not.

24 Q. Because he watched Panorama, not the ITV?

25 A. No, because he watched the Panorama the night before the

Page 151

1 Select Committee appearance, which I thought was a bit

2 odd; that he would watch a television programme and make

3 a decision about my judgment.

4 Q. So by that time it was clear to you that Mr Entwistle

5 took the view -- I am not suggesting he was right or

6 wrong about this -- but he took the view that the

7 decision you had made was basically one that --

8 A. Yes.

9 Q. -- no competent editor could have come to?

10 A. Yes. At this point there were various briefings being

11 done that I was -- that were beginning to concern me

12 about the, or -- you know, because there is an awful lot

13 of hindsight involved in making this judgment, and

14 I thought that was -- and I think you could feel the

15 hindsight that people were bringing to it, particularly

16 the Panorama, and so I feel -- that did concern me.

17 Q. I will show you if I can find it, but there is an email

18 where you say you got texts or emails, from high up

19 people in the Government and elsewhere, who were telling

20 you that you were being hung out to dry.

21 A. Yes.

22 Q. Which is what Paxman is telling you?

23 A. Yes.

24 Q. And Jeremy Paxman disagreed with your decision, he

25 thought you had made --

Page 152

1 A. He did eventually come to that position, yes.
 2 Q. Anyway, he came to the conclusion at some stage that the
 3 decision you took was wrong --
 4 A. Yes.
 5 Q. -- he says.
 6 A. Yes.
 7 Q. But nonetheless is telling you that you are being hung
 8 out to dry by the BBC?
 9 A. Yes.
 10 Q. And you came to share that view, did you?
 11 A. I was concerned at various points over -- and I have
 12 been concerned at various points over the last six weeks
 13 of my life that that was happening, yes.
 14 Q. We will come to a bit of that. Obviously one of the
 15 things we're curious about is -- we're about to see that
 16 Liz MacKean thought that what your blog said, at least
 17 in some respects was, and I quote, "Utter bollocks". We
 18 will see that in a second, and it that there were things
 19 in the blog which ought to be corrected but weren't
 20 corrected until 22 October. I just want to explore with
 21 you why that happened.
 22 A. Okay.
 23 Q. Okay. So can we look at the what I think of as the
 24 "Utter bollocks" email, which is in bundle A, page 10.
 25 So there is the blog. Then Liz MacKean emails
 Page 153

1 with Meirion Jones on the 1st. He told you then, did
 2 he, that all the women -- he was confident all the women
 3 had been spoken to by the police?
 4 A. Yes, I called him that afternoon because the press
 5 office were pushing me because this was one of the
 6 allegations that was repeatedly getting asked of them.
 7 So I called him just to reacquaint myself with the
 8 explanation as to why we -- he felt very strongly
 9 throughout that we didn't have any evidence that should
 10 have been handed over to the police. And as part of
 11 that conversation I -- I very -- had a very firm
 12 recollection that he said -- I mean I said to him, it's
 13 true, isn't it, we didn't have anything because all the
 14 women had been part of the police investigation anyway.
 15 And he said, basically that's right, and anyway we
 16 didn't have anything that would have been of evidential
 17 value, or something like that. And I remembered that
 18 very clearly, which is why I put it in the blog.
 19 Q. He said basically that's right? He says that on
 20 1 October, he again told you that we had more
 21 information than Surrey Police had in 2007 to 2009.
 22 I think there is a divergence of --
 23 A. There clearly is. Because after this he and I then had
 24 a conversation with Liz to try to establish what the
 25 situation was. And he, as far as I was aware, I felt he
 Page 155

1 Meirion Jones at 5.36 in the morning of 3 October:
 2 "Just noticed comment. 'We are confident all the
 3 women we had spoken to had gone to the police'. Utter
 4 bollocks, one of our contentions was we had more than
 5 the police and their investigation was suspect."
 6 Then page 38 on the same day, she emails you and
 7 Stovo Mitchell concerns about the blog. In slightly
 8 more temperate language.
 9 A. Yes.
 10 Q. And she raises the interviewee not having been to the
 11 police, and [redacted] and [redacted] :
 12 "And the Glitter element was corroborated by another
 13 woman we spoke to."
 14 This is, again, the morning of the ITV broadcast.
 15 Then you replied at page 41:
 16 "This is not what Meirion told me on Monday. He
 17 said we were confident all the women had been [I think
 18 that should be spoken to] by the police. He also said
 19 the Glitter claims were ..."
 20 And there is a hole through this, what is that?
 21 MR SPAFFORD: Nothing.
 22 MR MACLEAN: "... Nothing a police investigation could use,
 23 and the other allegations against the other person were
 24 not serious anyway."
 25 So you mentioned earlier this discussion you had
 Page 154

1 changed the account that he had given me on Monday to --
 2 Q. Right.
 3 A. -- to say that we -- to agree with Liz.
 4 Q. Could you have misheard or misinterpreted at that
 5 meeting? Because it appears to have been a key point of
 6 Meirion's, I think, all the way through, or for a large
 7 part of this journey, shall we say, that the key plus
 8 about [redacted] was that she was new, if you like, to
 9 the story. That she hadn't been -- that she hadn't been
 10 talked to by the police back in 2007.
 11 A. I think you can see from a lot of the email chain why
 12 I was under that impression. I think part of that is
 13 because the ambiguity in some of the emails that he has
 14 sent to me. Had he told me that that wasn't the case,
 15 then I'm confident I would have remembered it. The main
 16 reason being in that the claim that all the women had
 17 spoken to the police is an explanation for the
 18 conclusion that we didn't have anything evidential --
 19 which we can see from the subsequent emails -- that we
 20 agreed on.
 21 Had I not been left with that impression based on
 22 that conversation I had with him, I would have simply
 23 just used a different explanation. So I was -- I was
 24 very sure and I was struck by when he, um, challenges
 25 the truth of that, he doesn't -- he just says it's
 Page 156

39 (Pages 153 to 156)

1 wrong. He doesn't say, "That's not what I said".
 2 Q. So let's just look at some of these emails then. We
 3 just looked at the one at page 41. If you go, then, to
 4 58, you reply to -- sorry, Meirion Jones replies to you
 5 and to Liz MacKean to say:
 6 "Just to clarify, first half of this is wrong..."
 7 A. Yes.
 8 Q. "... I have always said we had more than the police did
 9 on Savile and most of the women we talked to had not
 10 talked to the police, although some had. The second
 11 half about [redacted] I think is correct."
 12 A. Yes.
 13 Q. That gets copied to -- in fact the whole thing is copied
 14 to Steve Mitchell. At page 46, if you go back,
 15 Mr Mitchell basically wants it sorted out:
 16 "I'm out of London today, it is important you guys
 17 sort this out."
 18 A. The Newsnight film is a very small part of the story
 19 now, yes.
 20 Q. Yes:
 21 "Can you agree [fourth line] on a crucial point that
 22 was being used internally and externally that you had no
 23 evidence that the police did not already have clearly if
 24 this is not the case it has serious implications, both
 25 for women making the allegations, the police
 Page 157

1 investigation and yourselves. As Liz also highlights,
 2 we need to be sure that Peter's version of events is
 3 also accurate."
 4 So there was then a discussion, I think, between you
 5 and --
 6 A. Meirion and Liz.
 7 Q. -- Meirion and Liz. If you go to 53 -- I think
 8 originally a discussion with you and Meirion Jones, if
 9 you go to 53, because you then email Liz:
 10 "I have talked this through with Meirion, let's meet
 11 and discuss. He and I agree on the fundamental point
 12 that we do not have anything that would help with the
 13 police investigation."
 14 You remember I mentioned to you earlier there was
 15 a softening of the position, you remember the email back
 16 in February was: we don't have any information that the
 17 police didn't have. Then there is:
 18 "We don't have anything which would help the police
 19 investigation."
 20 Which is slightly different, you might think.
 21 A. Okay.
 22 Q. Then at 57 there is a email from Meirion Jones:
 23 "Already talked to Peter about this. It is
 24 inaccurate. Our on-camera interview, for instance,
 25 who talked about oral sex with JS and [redacted]
 Page 158

1 having sex with underage girls had never talked to
 2 police, we always had more information than
 3 Surrey Police passed to the CPS.
 4 "We should probably correct if it, but if we don't
 5 we should at least tell the press office that if any
 6 press challenge it we should clarify it by saying that
 7 we didn't believe we had any additional material or
 8 information which could now lead to prosecutions, which
 9 the police didn't have.
 10 "However I'm of the belief that on the important
 11 point of whether we are withholding any information that
 12 would be of use to the police, I think we are clear.
 13 I was of the belief that another woman had told the
 14 police about [redacted] Even if that turns out not
 15 to be the case, neither witness could identify who was
 16 having sex with [redacted] so we couldn't be
 17 100 per cent sure that they were underage."
 18 And so on.
 19 A. Yes.
 20 Q. Then again, at 61, to Steve Mitchell:
 21 "Peter is wrong to say all of our witnesses spoke to
 22 the police. But more importantly Peter is right to say
 23 we did not believe that we were withholding anything
 24 from the police that could result in a prosecution of
 25 anyone who is alive."
 Page 159

1 Then from you, at page 88, you essentially agree
 2 with that last point that Mr Jones has made. So you and
 3 Liz MacKean and Meirion Jones are on the same page on
 4 that at least?
 5 A. Yes.
 6 Q. Were you comfortable with that line by this stage about
 7 anyone alive?
 8 "Never had any information about anyone alive that
 9 the police should have been told about?"
 10 A. I was, yes. Based on my understanding of the story
 11 from -- in the way that Meirion and Liz described it for
 12 me,
 13 Q. For the reasons discussed --
 14 A. The reasons to do with [redacted] we have discussed
 15 and the reasons to do with [redacted] were discussed.
 16 Q. That we discussed this morning?
 17 A. Yes.
 18 Q. Then there is a hole punch through the word I think it
 19 is:
 20 "I will brief the press office to stop using the,
 21 'everyone we spoke to had spoken to the police', line.
 22 Some had, some had not."
 23 So far as that is concerned, Steve Mitchell tells us
 24 that he got this email from you with the revised and
 25 what appeared to be an agreed line:
 Page 160

40 (Pages 157 to 160)

1 "I can see that the producer, Meirion Jones, the
 2 reporter, Liz MacKean and the press office,
 3 Helen Deller, were copied in and Peter undertook to
 4 brief the press office on the correct line to take. So
 5 far as I was concerned the blog had addressed the main
 6 issue; that is the reasons why Peter dropped the
 7 investigation and any dispute about other details in the
 8 blog was being addressed with press office involvement.
 9 "That continued to be my view for the rest of the
 10 week. I didn't hear any more on the subject and on
 11 Friday 5 October I asked that my weekly email message to
 12 staff include a link to the blog. I remained concerned
 13 however about what I now realised was a fractured
 14 relationship between Peter Rippon and the producer and
 15 reporter. At this time, and in the following days, my
 16 main concern was the argument over why Peter had dropped
 17 the investigation."
 18 Now, what about it is one thing to brief the press
 19 office to stop using the line, but what about correcting
 20 the blog?
 21 A. I should have corrected it.
 22 Q. Why not say, "I want to correct my blog"?
 23 A. Well, the reason I didn't -- I should have, and the
 24 reason I didn't was that -- as you can see from the
 25 emails -- that I felt that the substantive point about
 Page 161

1 evidence of value to the police, however you want to
 2 phrase it, still stood. So that particular error was --
 3 didn't undermine the conclusion of the main point I was
 4 trying to make in the blog.
 5 So that was the strategy that I proposed at the
 6 time, but I accept I should have corrected it.
 7 MR POLLARD: Can I just ask a question, just an observation
 8 really, I was just staring at that sentence on page 88:
 9 "We're agreed that we have never had any information
 10 about anyone alive that the police should have been told
 11 about."
 12 I suppose with the welter of questions that have
 13 been asked about this whole matter, that has certainly
 14 been challenged, hasn't it, that line? In other words,
 15 that perhaps that should have been -- that was not
 16 something that journalists sitting together or
 17 individually should have decided. And that by this time
 18 in October, before making such a clear assertion as
 19 that, perhaps either the police or a lawyer should have
 20 been spoken to?
 21 I mean there was information about [redacted] and
 22 arguably about [redacted]. Whether it had strong
 23 evidential value or not, there was certainly evidence
 24 that, I guess, on the face of it, police should have
 25 been told about, wasn't there?
 Page 162

1 A. At this point.
 2 MR POLLARD: Well, at that point, and logically the
 3 information itself hadn't changed for the best part of
 4 a year, it is quite an assertion to make, isn't it?
 5 A. I'm making that assertion retrospectively, but what is
 6 happening concurrently at this time is that the BBC has
 7 its position that it wants to hand over all our evidence
 8 to the police anyway. So the context that has emerged
 9 around it is being addressed -- not part of this, but
 10 separately.
 11 MR POLLARD: Sure.
 12 A. So we are giving everything that we've had to the police
 13 investigation, because that's --
 14 MR POLLARD: That's a separate thing, though, isn't it
 15 really? I'm just not sure that at 2 o'clock in the
 16 afternoon of October 3rd, that is a defensible statement
 17 to make, bearing in mind you discussed and considered
 18 this pretty carefully. You disagree?
 19 A. I do disagree yes. I felt quite strongly that we --
 20 that, too, we didn't have anything.
 21 MR POLLARD: There had been, on camera, a claim from
 22 [redacted] about the actions of [redacted] who is
 23 alive, describing a very specific -- what you would
 24 assumed, was an offence. So to say:
 25 "We are agreed we have never had any information
 Page 163

1 about anyone alive that the police should have been told
 2 about."
 3 That isn't right, is it?
 4 A. But Meirion was telling me that a different -- that the
 5 police were aware of the [redacted] allegation. So
 6 they -- there was no obligation. You see that was --
 7 that's the first thing.
 8 MR POLLARD: Okay, that's what it is based on.
 9 A. It's based on that, and also on the fact that
 10 I didn't -- you know, he and I judged that what
 11 [redacted] had told us in itself would not have been of
 12 particular evidential value to the police, because she
 13 didn't know who the woman was.
 14 MR POLLARD: I suppose that is my second part. That that is
 15 something that -- the police should have been given
 16 a chance -- it has been said, I know, quite clearly --
 17 I'm only repeating what has been said by others -- that
 18 really should have been something that was left to the
 19 police to decide rather than the BBC.
 20 A. Well, as I say, I think the criteria that I would use
 21 when you are -- about whether you would volunteer, at
 22 what point you would volunteer to give something to the
 23 police that they are not requesting is about whether
 24 there is anybody alive -- whether there is any imminent
 25 public harm that could be done by not disclosing it, or
 Page 164

41 (Pages 161 to 164)

1 whether there is an active police investigation which it
 2 might support.
 3 On those -- I have thought about this quite a lot,
 4 obviously, because the allegation has been made. And
 5 I thought on all those kind of criteria, it didn't hold.
 6 MR MACLEAN: If the assault had been an alleged physical
 7 assault by one adult male on another adult male, let's
 8 say, some serious violent assault, one might take the
 9 view, maybe, that the person most likely to go to the
 10 police is the person who was assaulted, and if he or she
 11 hasn't done so in the last 40 years, why should we, the
 12 BBC, burden the police with this information now. That
 13 might be a point of view.
 14 It may be -- but tell me if this is wrong -- it may
 15 be that that consideration would either apply equally,
 16 or perhaps in some attenuated or perhaps very much
 17 attenuated form, in circumstances where the alleged
 18 assault was a sexual assault on a minor.
 19 A. The significant thing, from my point of view, in terms
 20 of what she saw was that she couldn't identify who the
 21 person was. That was why we felt that it wouldn't have
 22 been of value to the police.
 23 Q. Because they wouldn't be able --
 24 A. They wouldn't know who --
 25 Q. They would not be able to go and knock on the door of
 Page 165

1 the victim and say, "Were you assaulted by [redacted]
 2 40 years ago?"
 3 A. Yes. Which was my understanding at the time, we don't
 4 know who that was.
 5 Q. Yes?
 6 MR SPAFFORD: Break?
 7 MR POLLARD: Ten minutes.
 8 (3.27 pm)
 9 (A short break)
 10 (3.43 pm)
 11 MR MACLEAN: If you have bundle 8, page 64.
 12 A. Before we do, we were just talking off line. I felt
 13 I didn't answer the sequencing around this 29 and 30th
 14 what those emails tell us and what we can read into
 15 them. I find this question and answer process, I'm not
 16 sure it is pulling out the best answer in the way that
 17 I'm answering it.
 18 From what I can remember, whatever happened on the
 19 29th -- those emails say who says I said what in what
 20 conversation -- all I can remember is having got the
 21 script and had various conversations and sent various
 22 emails and allegedly did or didn't say things to various
 23 other people, having kind of filtered all that
 24 information, I resolved that on 30th -- which is why
 25 I used the phrase, "Having slept on it", that the script
 Page 166

1 kind of, as it was, needed that line just to satisfy me
 2 that, um, it was going to get to the threshold that
 3 I wanted it to get to. And I didn't feel that that was
 4 an unreasonable hurdle to set, because of this letter
 5 which we look on as may have arrived at any point and if
 6 the women were telling us that the CPS had said that,
 7 then there was every likelihood that they would have to
 8 confirm that they had said it.
 9 So I don't know if that helps, but that's -- as
 10 I say, I genuinely can't remember the details, because
 11 it was over -- you know, it was a year ago now, of what
 12 actually happened and who -- and how I got to that
 13 position. And that may well have been as part of
 14 a conversation I had with Steve Mitchell, but I can't
 15 remember that conversation. All I remember is very
 16 firmly feeling -- and that is my judgment because it is
 17 my decision -- that I needed to establish that fact
 18 before I was going to be comfortable about going on air
 19 with what I was going to put on air. So I hope that
 20 helps slightly clear it.
 21 MR POLLARD: Yes. Thank you.
 22 MR MACLEAN: Bundle 8, page 30. One of the other things
 23 that is happening at the time is that [redacted] -- you
 24 touched on this earlier -- has complained, hasn't she,
 25 about the way she was treated by the BBC; by
 Page 167

1 Meirion Jones in particular?
 2 A. Yes.
 3 Q. That's what this chain of emails is about, I think.
 4 A. Yes.
 5 Q. From you to Steve Mitchell at the bottom, on 2-October.
 6 Mitchell to you, you see:
 7 [redacted]
 8 [redacted]
 9 [redacted]
 10 [redacted]
 11 [redacted]
 12 A. Yes.
 13 Q. So the "him" that's referred to in your email at
 14 9 o'clock in the morning is Meirion Jones.
 15 A. Well, this is consistent with an allegation that
 16 [redacted] made in her blog as well, which identified
 17 Meirion as, um, describing her [sic] as Maggie Jones's
 18 nephew. She makes the same allegation on her blog.
 19 Here she doesn't refer to him specifically, she just
 20 refers to Newswight having made her life hell [redacted]
 21 [redacted]
 22 [redacted]
 23 [redacted]
 24 Q. The "him", in your email at 9 o'clock on the second line
 25 at page 30, that is a reference to Meirion Jones;
 Page 168

<p>1 "As I say, I don't think it wise for me to lead any 2 possible investigation [but] do I tell him about it?" 3 That is Meirion Jones? 4 A. Yes. 5 Q. And then that is what -- and then Steve Mitchell says he 6 would probably lose his temper early on. That is lose 7 his temper with Meirion Jones? 8 A. And to this day I do not know what the BBC has done 9 about this email. 10 Q. Just keep 8 but go to bundle 9, page 44. A couple of 11 days later, Steve Mitchell to you and Meirion Jones. 12 44: 13 "By the way I meant to ask, did we really inform our 14 interviewee that the Newsnight film wasn't going ahead 15 as she alleged in the ITV doc?" 16 Is by text is what she said, is that right? 17 A. Yes. 18 Q. You said: 19 "I will let Meirion answer this. He and I discussed 20 it yesterday and he acknowledged it was his fault. 21 I had no idea we had done it this way until recently. 22 It would be normal procedure, given that he made the 23 contact, that he would have called her. I was shocked 24 that he had not. And then you say you sympathise with 25 him having to call her."</p> <p style="text-align: center;">Page 169</p>	<p>1 dripping is putting me off. Yes, so that's how we do 2 it. 3 Q. So the evolving document is? 4 A. About stories that are being worked on, things that 5 we're doing. I mean, you know, there's a whole range of 6 ways of doing it. So if it is on the programme that day 7 you tend to manage it from the running order itself on 8 the screen, in terms of what stories you are doing. For 9 things that involve films, that would be -- Liz would be 10 having -- would manage all that information and have 11 documents related to that. If it is to do with 12 interviews, special programmes, that would be more -- 13 Shaminder and her team would be managing that 14 information and I kind of just oversee the lot. 15 Q. Obviously some stuff, the day's news might be some big 16 news story, obviously that is very compressed from the 17 story breaking to being reported, but this kind of thing 18 is a bit more long range, isn't it? 19 A. Yes. 20 MR POLLARD: Do you just have a daily notebook that you 21 keep notes in? 22 A. It has evolved over the year. I tend to use my phone 23 now and -- 24 Q. Send them to yourself? 25 A. No, just store them.</p> <p style="text-align: center;">Page 171</p>
<p>1 Because it wasn't presumably a very easy call to 2 have to make? 3 A. At the point at which we had that discussion, yes, 4 because I was -- in a way I was offering him the 5 opportunity to do it myself but he didn't take me up 6 on it. 7 Q. You say, "I have no note of this conversation of 8 course". 9 When this story was in process, as it were, how did 10 it work as editor of Newsnight? Did you have like 11 a notebook, like what we have, a counsel's notebook for 12 each story that was running or a notebook like Nick has 13 that you made notes on stories as you went along? Or 14 did you keep a file on stories or? 15 A. A range of methods. I use email, use notes on my phone, 16 use bits of paper, notebooks. 17 Q. Did you have any kind of regimented system? Say, for 18 example, somebody says, "Let's do a story about such and 19 such a public figure", do you, as it were, open a new 20 file and put, "Jimmy Savile", and then jot down the 21 events as they unfold? 22 A. No, we don't. I have an ongoing conversation and list 23 of stories that -- Liz Gibbons and I are kind of aware 24 of who is working on what. But we don't have that, we 25 have a kind of evolving document that -- sorry, that</p> <p style="text-align: center;">Page 170</p>	<p>1 MR SPAFFORD: When you were (inaudible) your documents 2 returned, did you look at those notes on your phone and 3 print them off as necessary? 4 A. Yes, although there wasn't any historic ones from that 5 period. 6 MR MACLEAN: Because they had fallen off or there weren't 7 any? 8 A. There weren't any. 9 Q. All right. I think you can put bundle 9 just to one 10 side. I know you have a couple open at the moment, but 11 go back to 8, please. I just want to show you page 64. 12 This is a communication from Paddy Feeney to 13 Helen Deller. They are working up a line: 14 "BBC Journalists at Newsnight looked into how the 15 police investigated and then dropped a case against 16 Jimmy Savile. We interviewed a number of people, but 17 ultimately could not prove a failure of institutions or 18 unequivocal evidence of abuse by Jimmy Savile, so the 19 Newsnight editor took the decision not to broadcast. He 20 was not influenced in any way by anyone at this the BBC. 21 It is monstrous to suggest that our journalists would 22 have colluded to cover up abuse." 23 First of all, did you have anything to do with 24 this -- development of this particular line? 25 A. No.</p> <p style="text-align: center;">Page 172</p>

43 (Pages 169 to 172)

<p>1 Q. It is not right, is it, that Newsnight could not or did 2 not have unequivocal evidence of abuse by Jimmy Savile, 3 because it clearly did? 4 A. Yes, it was -- it was about the threshold of certainty 5 that we could have had, in that climate that we would 6 have been putting it out in, which was affecting my 7 judgment. 8 Q. But there was, well, unequivocal evidence, there was -- 9 A. There was evidence, yes. 10 Q. There was clear evidence of abuse by Jimmy Savile. 11 A. Yes. 12 Q. And to say that: 13 "He [that is you] wasn't influenced in any way by 14 anyone at the BBC ..." 15 Takes us back to -- 16 A. Yes, I mean that -- influenced inappropriately would 17 have been a -- 18 Q. Yes. 19 A. Of course I was influenced by -- in all sorts of 20 different ways. 21 Q. The BBC, one might suggest, develops a line that 22 basically an aberrant decision has been made by the 23 editor of this programme on his own, without help from 24 anybody else, and if he has made a Horlicks of it, well, 25 he can carry the can for it.</p> <p style="text-align: center;">Page 173</p>	<p>1 you in the decision that you had made. 2 A. Yes. 3 Q. Is that the text from -- is that the senior person in 4 Government, the "Hi, I'm guessing you had a pretty 5 horrible week"? 6 A. No, that is a fellow editor. 7 Q. That is the editor in News? 8 A. Who gets paid to make these kind of judgements in the 9 same way that I do. 10 Q. And this other editor is pretty disappointed, on your 11 behalf, at the interviews the BBC had given on the 4th, 12 which is the day after the ITV documentary? 13 A. Yes. 14 Q. On the 4th -- did any management figures at the BBC 15 speak to you on the 4th October? 16 A. I can't -- I would have thought so, I was having lots of 17 conversations with people all the time at this period, 18 this is the day after the Exposure documentary. 19 Q. Yes. 20 A. So I am sure they would have done. But -- 21 Q. Did you have contact with the Director General's office? 22 A. No. 23 Q. Did you speak Mr Mylrea, do you remember? 24 A. I don't think I would have spoken to him on that day. 25 I mean, most of my communication is done through</p> <p style="text-align: center;">Page 175</p>
<p>1 A. "He's entitled to make it", is the phrase they use. 2 Q. Then at page 84, just on that, "Entitled to make it", 3 that's why, is it, you were keen for Mr Mitchell's -- he 4 had a blog thing that he sent, or communication that he 5 sent round. You were keen for him to change, "happy 6 with", to "supported". 7 A. Yes, because I felt, particularly after the -- at some 8 point during that week, I was concerned that, yes, that 9 I was being hung out to dry, for want of a better 10 phrase, and I was quite keen to hear from the BBC better 11 language supporting the judgment that I had made. 12 Q. You wanted -- I will show you the email. It is in 13 bundle 9, 64 is the start of it. 5 October. This is 14 one I referred to earlier. 15 A. Yes. 16 Q. So you had had a chat with Steve Mitchell and 17 Helen Bowden: 18 "Just so you are aware of the perception we 19 discussed, I just got this unsolicited from another 20 editor in news, who is not even a friend of mine, who 21 I have ever worked with. I have even had texts from 22 senior people in Government asking if I'm being hung 23 out." 24 And then you wanted to know -- basically you wanted 25 the BBC to make it clear that they had fully supported</p> <p style="text-align: center;">Page 174</p>	<p>1 Steve Mitchell, who is my line manager. 2 Q. I'm not asking you -- I'm specifically not asking you 3 about news at this stage. So I'm not asking you about 4 the Mitchell/Bowden line. 5 A. There was a communication with David Jordan at some 6 point, because I felt that he had used this line in 7 a couple of interviews that he had done which were 8 misunderstanding my -- my blog and -- 9 Q. He went on Newswatch in particular. 10 A. Yes, so I offered to talk to him. I texted him saying, 11 "Do you want me to brief you in more detail?" I also 12 think after he appeared on The Media Show he -- I sent 13 him an email as well just trying to help him understand. 14 MR POLIARD: And the particular misunderstanding that he was 15 guilty of was? 16 A. I think it was about -- there was -- there was one 17 interview he did on The News Channel -- I'm sorry is 18 that on this day? 19 MR MACLEAN: Newswatch, I think it was -- 20 A. No, he did one on The News Channel where he said he 21 could see no reason why we couldn't just release the 22 Newsnight report. 23 MR MACLEAN: Because there wasn't one. 24 A. There wasn't one. That caused me a bit of a flap. He 25 also on -- I think it was Channel 4 News that night said</p> <p style="text-align: center;">Page 176</p>

44 (Pages 173 to 176)

1 something along the lines of, "It was a decision and he
 2 was entitled to make it", which was at the point at
 3 which I am thinking that the public position doesn't
 4 feel to me to be that supportive. So I don't know if
 5 that was on the 4th. It was around that time.
 6 Q. But you didn't have any contact with the Director
 7 General or his office?
 8 A. I had no contact with the Director General or his office
 9 at any point during any of this. Not since George --
 10 not whilst George was there, ie I didn't speak to him at
 11 any time.
 12 Q. You know George Entwistle, did you?
 13 A. Yes.
 14 Q. From the time when he had been an editor?
 15 A. Er, yes. I've known him for many years.
 16 Q. Would you consider yourself a friend of his?
 17 A. Not a friend, but a colleague, and I had a lot of
 18 respect for him.
 19 Q. You were looking for some support here, page 64.
 20 Steve Mitchell had drafted this document that you see at
 21 page 65.
 22 A. Um-hm.
 23 Q. About 7 or 8 lines from the end, there's a sentence
 24 which includes the words:
 25 "He explained [that is you] his thinking in a blog
 Page 177

1 earlier this week. I was happy with his decision then
 2 and I remain so now".
 3 A. Yes.
 4 Q. And you wanted him to change that, to harden it up, if
 5 you like, at page 67, to "supported". I think that
 6 change didn't get made, is that right?
 7 A. No, but I didn't feel strongly about that. I mean
 8 I was -- I don't think there is a hugely significant
 9 difference between the two words.
 10 Q. Okay.
 11 Then page 84, if you put 9 away and go back to 8,
 12 Paddy Feeney to Helen Deller on the 3rd:
 13 "We are truly sorry for this ... She says she's
 14 deceived, angry, et cetera, but no direct accusation."
 15 That is the reference to [redacted]
 16 "How about we are truly sorry for the disappointment
 17 and any distress caused by [redacted] and other contributors
 18 by not broadening their stories. The BBC decided in
 19 the end that we couldn't reach the standard of proof we
 20 needed to broadcast. That was the only criterion."
 21 Was that line developed by reference to you at all?
 22 Is that how you would have put it?
 23 A. I can't remember whether that was done in consultation
 24 with me. I may well have let that go, though, if I had
 25 been shown it.
 Page 178

1 Q. Let me show you, I think I have this right, 103. Now,
 2 what happened was that on the lunchtime news that day --
 3 this is the day of the Exposure broadcast, it hasn't
 4 happened yet but they are trafficking this really hard. On
 5 the lunchtime news these allegations had been trailed.
 6 So Paddy Feeney says:
 7 "We need to give them a short statement covering
 8 [redacted] new allegations that she was deceived by
 9 BBC who didn't use her evidence, and that she saw
 10 [redacted] having sex with an underage girl on BBC
 11 property."
 12 That of course was not a new allegation, that second
 13 one. Then there is the line that we just saw and then:
 14 "We have been asked by The-Mail why the BBC didn't
 15 pass information about the GG allegations to the police.
 16 This is harder, but how about ..."
 17 And then he gives a suggestion. You agreed with
 18 that at page 113. You agreed with the first one,
 19 I should say. As you said a minute ago, you might well
 20 have let that go. You say the first one is fine.
 21 A. So standard of proof, degree of certainty is -- you
 22 could argue it, but it didn't seem that --
 23 Q. It was, you say, more or less accurate?
 24 A. Yes.
 25 Q. Then you say.
 Page 179

1 "We can be much stronger on the second line to
 2 The Mail. We believe the allegation being made about Mr
 3 [redacted] was already known to the police. We were also
 4 unable to identify or trace Mr [redacted] alleged
 5 victim."
 6 That first sentence, you say that's what
 7 Mcirion Jones told you?
 8 A. Yes.
 9 Q. So at 134, which has been redacted and we can't see all
 10 of this, but you were happy with those responses,
 11 including the one to The Mail we see at the bottom of
 12 the page.
 13 A. Yes.
 14 Q. This is all moving quite quickly. You see:
 15 "I need to get ITN's statement to them in the next
 16 hour."
 17 These press enquiries are all rush rush, aren't
 18 they?
 19 A. Yes. I think from what I can recall ITN ran the
 20 interview with [redacted] who they can't include in the
 21 Exposure documentary without giving us any right of
 22 reply, at lunch time, so the press office was quite keen
 23 to make sure they did give us a right of reply in an
 24 evening broadcast.
 25 Q. David Jordan you mentioned. If you go to page 192, if
 Page 180

45 (Pages 177 to 180)

<p>1 you look at the bottom, in the evening, re Media Show. 2 So he has been on The Media Show, I think, by this stage 3 and he says: 4 "Thanks. I hope I didn't misrepresent your position 5 in any way and it made sense. Happy to do Newsnight 6 tomorrow, once I have watched the programme." 7 Then you say: 8 "Your defence was great." 9 I suspect that might have been to -- you might not 10 really have felt that his defence was great, is that 11 right? 12 A. I, um -- I was pleased that he did The Media Show 13 because I think there was some discussion about whether 14 I should go on The Media Show, which in the context of 15 me feeling that I was being slightly paranoid, maybe 16 not, about being hung out to dry, I was quite resistant 17 to the idea of me doing The Media Show because I didn't 18 want to be -- I felt that other executives needed to 19 engage on the story. So I was wanting to be supportive 20 of him doing it for me. 21 Q. Right. We can see what you said to David Jordan. You 22 were just trying to slightly readjust his sights, as it 23 were? 24 A. Yes. 25 Q. In case he gave any more interviews?</p> <p style="text-align: center;">Page 181</p>	<p>1 not a coverup it was a legitimate question: what if we 2 have got it wrong? No such problem now, of course. 3 Saville died last October and basically anybody can say 4 what they like about him." 5 A. I was struck by -- the few commentators who did express 6 an understanding of the position that I took and the 7 decision that I made were also editors. So Rod used to 8 be the editor of The Today Programme, and I think 9 Peter Preston wrote a piece being quite -- not 10 sympathetic but certainly understanding why I made the 11 judgment that I made. 12 Q. In fact, I was just reading at the foot of 430, this is 13 still the Liddle piece: 14 "The programme's editor, Peter Rippon, has said that 15 no pressure was brought to bear on his programme not to 16 run the report and that it was shelved for sound 17 editorial reasons. I suspect that this is largely true. 18 It seems to be unlikely, mind, that Newsnight would have 19 embarked on such an investigation without various 20 bureaucrats being aware of the matter." 21 That may be a reference to the fact that the BBC's 22 line was trying to suggest, one might think, that you 23 had done this all on your own without referring it 24 upwards, sideways and that you had been operating in some 25 sort of vacuum:</p> <p style="text-align: center;">Page 183</p>
<p>1 A. Yes. 2 Q. Then -- 3 A. And I do this throughout the period, where I can hear 4 BBC people who I think are not quite being accurate 5 enough about understanding what my blog actually says. 6 Q. At 429, the same bundle, the next day, there has been 7 a piece by Rod Liddle in -- I think it is The Spectator, 8 is that right? 9 A. Probably yes. 10 Q. I'm not sure where it is. And it gets sent by 11 Allegra Stratton to Liz Gibbons, at 429 -- 12 A. Yes. 13 Q. -- and then on to you, I think? 14 A. Yes. 15 Q. And Liz Gibbons says, "Rod Liddle gets it." You can see 16 what Rod Liddle is saying. For example, in this 17 penultimate paragraph: 18 "The BBC cannot win and this is one of the reasons 19 that, when it embarks on controversial investigative 20 journalism, the burden of proof needs to be that much 21 greater than might be required by, say the Daily Mail or 22 even Channel 4 News. In this case it needed to prove 23 stuff that it was quite beyond the abilities of the 24 police to prove. I suspect that this is why Rippon 25 exercised his right as an editor not to proceed, it was</p> <p style="text-align: center;">Page 182</p>	<p>1 "The instinct of such bureaucrats is almost always 2 to say no rather than yes to a tricky and controversial 3 investigation in order to protect their own backs." 4 And so on. 5 A. Okay. 6 Q. Having seen all that, you suggest to Liz Gibbons -- at 7 least you muse to Liz Gibbons at 429: 8 "Do You think I should do another blog along similar 9 lines?" 10 She says, "Maybe, yes". But you are unsure about 11 that? 12 A. It is very difficult at this point to judge the scale of 13 the story and what was the best way to respond to it. 14 Q. You can put bundle 8 away and take bundle 9, page 80. 15 I asked you a few minutes ago about the Director 16 General's office and you said you hadn't had any contact 17 with his office or with him. You did, however, get this 18 email on 5 October: 19 "The DG has taken a personal interest in how we are 20 responding to queries from The Sunday Times and Mail on 21 Sunday. The attached doc contains what we have been 22 asked to submit to enable Julian Payne [Paul Mylrea's 23 number 2] to respond. In addition they have requested 24 a timeline. After our chat this am, Peter, I have 25 pulled together this."</p> <p style="text-align: center;">Page 184</p>

46 (Pages 181 to 184)

1 Again, she's giving you the hurry up to reply. She
 2 then sets out a very brief timeline --
 3 A. Yes.
 4 Q. -- which has Helen Boden being made aware in passing in
 5 mid to late November, and in early December,
 6 approximately, the CPS information coming forward.
 7 A. Um-hm.
 8 Q. And then you replied at page 94, I think, with a short
 9 comment. There is no consultation with Meirion Jones at
 10 this stage in putting this together. Not from
 11 Helen Deller and not from you. We see Steve Mitchell is
 12 involved at 103. He says it is fine with me.
 13 So he's out of the loop in all of this?
 14 A. Yes, this is not an initiative that I'm initiating.
 15 Q. I understand that. I understand that.
 16 A. So I don't know why that was done in that way.
 17 Q. You are just making your contribution?
 18 A. I'm asked to provide something, so I did.
 19 Q. You do. Then Mr Entwistle sends round a note to staff,
 20 didn't he, at some stage? If you look at 146 in this
 21 bundle, this message is going to everyone.
 22 Do you remember seeing that?
 23 A. Yes.
 24 Q. Now the draft of this, just when it is in production, at
 25 page 69 of the same bundle, it would appear that it has

Page 185

1 been drafted by Mr Myrca. If you keep a finger in 146,
 2 you will see that this is a draft of what is at 146,
 3 from Myrca to Entwistle, Jordan, Mosey, Lucy Adams, who
 4 is a director of IIR, and Jessica Cecil:
 5 "Suggested draft note to staff from George."
 6 One of the paragraphs is:
 7 "As is now well known, the BBC Newsnight programme
 8 investigated Surrey Police's enquiry into Jimmy Savile
 9 towards the end of 2011 but decided not to go ahead with
 10 the broadcast. The decision was made honestly
 11 a honourably, I have seen no evidence to suggest that
 12 any pressure at all was placed on the editor, for the
 13 reasons he said in his blog earlier this week."
 14 The final version says much the same thing, at
 15 page 147. You, I don't think had any role in the
 16 production of that -- at least directly any role in
 17 that. It obviously refers to your blog?
 18 A. No, I didn't have any.
 19 Q. Then Meirion Jones replies or sent an email to
 20 George Entwistle on the 5th, at page 146. He points
 21 out, which was true, that we didn't know that
 22 Surrey Police had investigated Jimmy Savile at the
 23 outset. And that was correct.
 24 A. Yes.
 25 Q. Then Mr Entwistle I think went on The Today Programme,

Page 186

1 I think on 8 October, and gave an interview in the 10
 2 past 8 slot. Do you remember? Did you hear that?
 3 A. Yes.
 4 Q. What did you think when you heard that?
 5 A. I remember listening quite attentively for how he would
 6 describe his view of me. And I can't remember the
 7 language that he used but I was reassured by it.
 8 I don't remember what phrasing he used around the issue
 9 of what the nature of the investigation was. I'm sorry.
 10 Q. Then in bundle 9, at page 366, by 7 October -- this
 11 is -- I think it is the second page. I am afraid
 12 I can't remember what the second -- you see the
 13 7 October, 8.40, a second page?
 14 A. Right.
 15 Q. I think this is -- I'm not sure what it is. But what
 16 I want to show you is the middle of 366:
 17 "Thanks Paddy, Paddy, not sure how to deal with
 18 this now, think there needs to be disciplinary, not sure
 19 we can keep referring people to blog. Let's have a chat
 20 a bit later. Am amazed by the brazenness of his
 21 briefing."
 22 Then at 365, Helen Deller:
 23 "May need to find out if there is any truth in
 24 Panorama doing a programme. Meirion had emailed the
 25 whole of Newsnight telling them that's where he's

Page 187

1 going."
 2 Et cetera. So it looks as if by 7 October the press
 3 people were not sure that they could keep referring
 4 people to the blog. In your witness statement at
 5 paragraph 34 you say you made repeated efforts to
 6 correct inaccuracies that were being repeated in
 7 interviews, and you have in mind there for example the
 8 David Jordan exchange?
 9 A. Um-hm.
 10 Q. But you say:
 11 "It was not until the weekend of 20 and 21 October,
 12 nearly three weeks later, just before the Panorama
 13 programme and two days before the DG was due to appear
 14 before the Select Committee, that I was told firstly
 15 I did need to rewrite it, and then that it was going to
 16 be rewritten for me and I was being moved from my job as
 17 Newsnight editor."
 18 A. Yes.
 19 Q. So one of the things that happened was that
 20 Mr MacQuarrie gets asked by the Director General, it
 21 appears, to interview, talk to some people, and he
 22 talked to Meirion Jones and he talked to Liz MacKean.
 23 Did he talk to you?
 24 A. No.
 25 Q. Do you know why not?

Page 188

47 (Pages 185 to 188)

1 A. This is what I found quite frustrating at this point,
2 because it became clear to me that once Steve Mitchell
3 called me, which must have been about this time --
4 I can't remember if it was -- it was after the
5 MacQuarrie process had started, which was the result of
6 that email that Meirion sends George on the 5th.
7 After that process started I get a call from
8 Stephen Mitchell saying, "Two people from your team are
9 unhappy about some of the public statements being made.
10 Ken MacQuarrie is going to talk to them. It's not
11 a complaint." But he couldn't tell me whether it was
12 about the blog or whether Ken MacQuarrie was going to
13 talk to me or -- at this point I realised that I needed
14 to change the blog. Because I think if -- if this has
15 become a big corporate investigation -- I'm assuming it
16 was about the blog, so I start saying, "I need to change
17 the blog", but the issue I have is that unless I know
18 precisely what it is that is being disputed in the blog,
19 I can't change it. It until Ken MacQuarrie tells me the
20 detail of what is being disputed, I felt I couldn't
21 change the blog because the -- you know, the prospect of
22 having to change it twice was not something I was
23 prepared to contemplate.
24 So at that point I feel I get snookered, because I'm
25 saying, "We need to change the blog", but nobody is able

Page 189

1 to inform me or give me the information I need to be
2 able to do that. So that's either on the 5th or the
3 7th, I'm not sure precisely when Stephen calls me.
4 Q. Right. Then Steve Mitchell told us that he had met
5 Liz MacKean on 8 October. Liz MacKean, having
6 complained about the blog, the "unter bollocks" email
7 and so on. He then basically, what it comes to is he
8 says that once he heard that Ken MacQuarrie was
9 investigating the points made by MacKean and Jones about
10 the blog, that it was now a corporate process as he put
11 it and he -- these were my words to him -- he
12 essentially downed tools so far as any taking it forward
13 from his end was concerned. It all became a matter for
14 the corporate BBC and it then proceeded eventually to
15 the 22nd when corrections were made?
16 A. Yes, and from my perspective -- I mean he's my line
17 manager so he's who I'm talking to, and we probably
18 had -- we certainly had two, it was probably three phone
19 conversations where I'm saying, "Do you know what this
20 MacQuarrie process is going to be, because I need to
21 know whether he's going to talk to me and if I'm going
22 to change the blog I need to know what specifically is
23 being disputed."
24 Q. Right.
25 A. That -- sorry, go on.

Page 190

1 Q. No, go on.
2 A. Well, that runs until the point at which the MacQuarrie
3 thing is leaked to The Guardian, which I think is the
4 10th or something.
5 Q. The 10th. We will come to that.
6 Can I just show you in bundle 9, page 419 -- maybe
7 you can't help us with this, but maybe you can. This is
8 a text message. It is either from -- I think it is from
9 Helen Boaden to Paul Mylrea:
10 "Have been tied up with funeral I am speaking at
11 tomorrow. I have emailed you extra important fact for GE
12 tomorrow re-NN, I hope it goes as well as it can.
13 I think I know what you are going to say; it was GE or
14 LP would have stepped in."
15 Do you know who LP might be?
16 A. Sorry, I don't know --
17 Q. This is to Paul Mylrea or from Paul Mylrea?
18 MR POLLARD: Lord Patten?
19 MR MACLEAN: Could it be Lord Patten?
20 A. Possibly, I don't know.
21 Q. If we go to 405, there is a reference to,
22 "Great Panjandrum" [sic]. Have you ever heard the
23 chairman of the BBC so described?
24 A. Yes.
25 Q. So that is a reference to Lord Patten?

Page 191

1 A. Yes.
2 Q. Right. Now, the transcript of what Mr Entwistle said on
3 today is in bundle 13. It is an interview with
4 Evan Davis and it starts at page 166.
5 You said that you were -- I can't remember the way
6 you put it a minute ago, but essentially pleased rather
7 than disappointed in what he said about you in this
8 interview. Let me just show you that. 167, I think, is
9 the start of it. He talks about the discussion with
10 Helen Boaden. Do you see, just by the lower hole-punch:
11 "I was director of television".
12 That is to do with the Boaden conversation at the
13 awards lunch. Then Evan Davis said:
14 "Right, then the poor Newsnight editor making a
15 decision about whether to run this item knew that all
16 the management above him -- basically all he knew that
17 he was doing this investigation and at the same time the
18 BBC are making a hagiography to run at Christmas about
19 Jimmy Savile and he's meant it make some sort of
20 unbiased editorial judgement about that."
21 Then Mr Entwistle says:
22 "It is a heavy burden being editor of Newsnight.
23 It's an important senior job."
24 Then over the page he says:
25 "He [that is you] has made it absolutely clear that

Page 192

48 (Pages 189 to 192)

1 he was not put under -- brought under any pressure from
 2 any of the management chain, in his own division or
 3 elsewhere, to make a different judgment than the one he
 4 made."
 5 Then he is asked, "Was it is good call?"
 6 "With the benefit of hindsight I think we could all
 7 wish that Newsnight was able to go as far as ITV went,
 8 but on the basis of what he knew at the time I totally
 9 support his judgment. You can't use hindsight."
 10 And then he's asked about the rumours about
 11 Jimmy Savile which he says he hadn't heard at the time.
 12 A. Yes.
 13 Q. One might think -- one can see why you were buoyed up by
 14 what was said by the Director General.
 15 A. I was reassured by that, yes.
 16 Q. Bundle 11, now. We're trotting through.
 17 On the 10th there was a lunch. Lord Patten, I think
 18 there was a Q&A thing at a lunch, do you remember that?
 19 A. I was not there, but I remember seeing the transcript of
 20 it.
 21 Q. He was asked various questions by members of the print
 22 media, I think?
 23 A. Yes.
 24 Q. If you take this bundle, page 74.
 25 Mr Webster hasn't given up. He's asking some
 Page 193

1 questions. In particular why it took ten months to hand
 2 over information. One can understand perhaps why he's
 3 asking that question, given the line that the BBC had
 4 developed that these were all allegations for the
 5 police. It positively invites that question, the point
 6 I made to you earlier.
 7 A. I suppose it does, yes.
 8 Q. "I appreciate this has been set out in Peter's blog."
 9 And then she sets out the suggested response. And
 10 the last sentence of it is:
 11 "We could not identify or trace [redacted]
 12 alleged victim. let me know your thoughts."
 13 Mr Mitchell responds two pages further on, where he
 14 says:
 15 "I don't think you need the detail re [redacted]
 16 And you were happy with that response at page 80.
 17 You said that was fine?
 18 A. Okay.
 19 Q. In fact you were happy to leave in the -- if you look at
 20 page 80 -- the last sentence. Do you know why
 21 Mr Mitchell wanted the last sentence taken out about
 22 detail about [redacted] when in fact --
 23 A. Brevity, I would have thought, but I don't know.
 24 Q. In fact [redacted] was the one that the police were more
 25 likely to be interested in, being -- having the vital
 Page 194

1 statistic of still being alive?
 2 A. I don't know why.
 3 Q. Right. Let me see where else we need to go. Now The
 4 Guardian -- you mentioned The Guardian. In this bundle
 5 at page 291, if you go to 289 there is a photograph of
 6 Lord Patten. This is a guardian piece on the 29th.
 7 A. Yes.
 8 Q. I think the critical bit is at 291, isn't it?
 9 A. This is on the 11th --
 10 Q. This is on --
 11 A. -- October, yes?
 12 Q. On the 11th, yes, that's right. Yes. Do you see
 13 Dan Sabbagh, 11th?
 14 A. Yes.
 15 Q. Yes. 291:
 16 "Two BBC sources close to the investigation say
 17 Newsnight collected evidence unknown to the police at
 18 the time of filming. That contrasts with remarks made
 19 by Rippon in the blog post last week. Did we withhold
 20 evidence from the police, no. We are confident that all
 21 the women we spoke to had contacted the police
 22 independently already."
 23 So those two sources close to the investigation are
 24 the reporter and the producer, aren't they?
 25 A. They denied that to me.
 Page 195

1 Q. There weren't any other people close to the
 2 investigation other than Liz MacKean and Meirion Jones?
 3 A. No.
 4 Q. No.
 5 A. But I asked them -- Liz volunteered to me that neither
 6 she nor Meirion had leaked that.
 7 Q. And you were pretty upset about that, weren't you?
 8 A. I was very frustrated, because -- I keep using this word
 9 "frustrated", but I had spent at least a week trying to
 10 get the BBC to engage with me on what it was in the
 11 MacQuarrie report, the MacQuarrie investigation, so
 12 I could then take steps to correct what was in the blog.
 13 But I had heard nothing back at all. So to read it in
 14 The Guardian was a little bit frustrating.
 15 Q. And your frustration is evident from page 407. Or at
 16 least reportage of your frustration. We see that the
 17 culprits of that -- if that is the right word -- are
 18 identified by Helen Deller as:
 19 "MJ and LM. Pete is v upset, have done best to calm
 20 down."
 21 That is your frustration evident, isn't it?
 22 A. Yes.
 23 Q. Now Mr MacQuarrie's draft file note is in bundle 11,
 24 page 191. On the 10th. You didn't have any contact
 25 with Mr MacQuarrie at all?
 Page 196

1 A. No. He had no -- he didn't talk to me. I have not
 2 talked to him.
 3 Q. So you didn't know what he was asked to do, what his
 4 terms of reference were?
 5 A. No, I wasn't. And you should bear in mind here that the
 6 conversation that I had with Liz and Meirion Jones on,
 7 I think -- on the day that Liz sent me an email
 8 questioning what was in the blog. I was under the clear
 9 impression, as a result of that meeting, that we were
 10 all agreed on what the way forward was. So again, it
 11 was quite frustrating for me to feel that they then had
 12 obviously changed their mind.
 13 Q. You see at 237 and 238, it looks as if Mr MacQuarrie's
 14 note is passed to George Entwistle on 10 October:
 15 "Dear George, Kenny is travelling. Asked me to
 16 forward this file note to you."
 17 And his file note appears to be the one page at 238.
 18 A. Okay.
 19 Q. I think that is all there is. At 239, we see
 20 Mr Entwistle says:
 21 "I will read tonight and call Kenny to discuss in
 22 the morning."
 23 A. Um-hm. Yes.
 24 Q. Now the following day, on 11th -- this bundle,
 25 page 288 -- you asked for transcripts of the interviews

Page 197

1 with [redacted] and [redacted]
 2 A. Yes.
 3 Q. Certainly with [redacted] at 288:
 4 "One thing I could do with for my record is
 5 a transcript of the full interview with [redacted]"
 6 You got one, did you? They sent --
 7 A. No, I have never got one, actually. I got a -- to do
 8 with disclosure to the inquiry, I mean, we got, um, most
 9 of one.
 10 Q. "We" being you and Mr Price?
 11 A. Yes.
 12 Q. What about the [redacted] interview?
 13 A. Yes, I had a transcript of that.
 14 Q. That is quite short?
 15 A. Yes.
 16 Q. Then so far as -- we looked at the Guardian piece. If
 17 you go to 406 --
 18 MR POLLARD: Was there any explanation why you didn't get
 19 the full transcript?
 20 A. No.
 21 MR MACLEAN: 406, 11 October, Paddy Feeney to you and some
 22 other people:
 23 "Spoken to Steve who suggested we save for follow-up
 24 something like, the editor's blog was written in good
 25 faith and following conversations to recall the sequence

Page 198

1 of events between Newsnight staff."
 2 Presumably Steve is Steve Mitchell?
 3 A. Yes.
 4 Q. And the reference to, "Conversations to recall the
 5 sequence of events", that's a reference to the
 6 conversation you had with Meirion Jones on 1 October?
 7 A. Yes.
 8 Q. You are by now actively contemplating the correction of
 9 the blog?
 10 A. I have been trying to do that for several days, yes.
 11 Q. If you look at 408, you say, "Okay, fine." That is
 12 replying to the one I have just shown you:
 13 "We then need to take a view about whether we need
 14 to amend the blog if it is inaccurate. I would suggest
 15 we simply change the word 'all' for 'some.'"
 16 This is the business about all of the women or some
 17 of women:
 18 "I do not think it wise that I start negotiating
 19 this with Liz and Meirion. I guess maybe Kenny needs
 20 talk to them."
 21 A. Yes.
 22 Q. Kenny has already talked to them.
 23 A. Talk to them about --
 24 Q. You mean come back and talk to them?
 25 A. I don't know what I meant by that, sorry.

Page 199

1 Q. "We need to keep in mind that if we did have something
 2 that we needed to give to the police, Liz and Meirion
 3 failed to make that clear to me. Meirion has always
 4 strongly maintained to me that we did not."
 5 You are beginning to have doubts about that?
 6 A. This is the point at which I, um -- my -- up to this
 7 point I have only had the conversations with
 8 Steve Mitchell about the need to change the blog -- well
 9 I had them with Liz and Meirion. This is the point at
 10 which -- Paddy Feeney, Paul Mylrea, Julian Payne,
 11 Helen Daffer Karen Rosine all know that is my view from
 12 that date.
 13 Q. So this is an important --
 14 A. I think it illustrates that --
 15 Q. Your concern?
 16 A. -- I was trying quite hard to let as many people know as
 17 possible that I thought this needed to be done.
 18 Sorry, you asked me a question then about Meirion
 19 and whether we had anything.
 20 Q. Yes. I was suggesting that one might read this email as
 21 you are beginning to question whether in fact -- maybe
 22 you did have something that should have been given to
 23 the police. You are keen to emphasise that you have
 24 been proceeding on what Meirion had told you, as it
 25 were, doubting the substance of your position?

Page 200

1 A. Um, yes, I think that was caused by the emergence of the
 2 [redacted] interview which Liz MacKean had used
 3 in a clip form on the programme.
 4 Q. It was going to be on that night?
 5 A. That night. So that had emerged during the day and
 6 I was then slightly taken aback by the fact that this
 7 interview existed. And I didn't know, until that point,
 8 that it had been recorded. So, er, I think that's
 9 probably what is fuelling that.
 10 Q. Except for the reference on 29 November email to, "Two
 11 on tape".
 12 A. Yes. Well that -- but, yes, although I -- yes.
 13 Q. Which is inconsistent. If you had ever known, you had
 14 forgotten?
 15 A. Yes.
 16 Q. Newsnight dealt with the story that night. Did you know
 17 about Mr Entwistle's gold, silver and bronze structure
 18 for dealing with the Saville story?
 19 A. No.
 20 Q. So if you look at 368, at the bottom:
 21 "George would like a gold, silver, bronze structure
 22 to coordinate work on the Jimmy Saville allegations."
 23 And then the members of the gold team, George is the
 24 gold commander, Roger Mosey is the incident commander.
 25 Lucy Adams, she's a HR person, is she?
 Page 201

1 A. Yes, because I'm operating under the assumption that
 2 Stephen and Helen -- they, being my line managers so
 3 they are the people who I communicate up the tree
 4 through. So this is yet another attempt by me to deal
 5 with the issue of the blog and it needing to be
 6 corrected.
 7 Q. Did they ask you to do this?
 8 A. No, I volunteered it, because I was very concerned that
 9 it needed to be corrected.
 10 Q. You say:
 11 "In order to assist the corporate decision."
 12 So you obviously know that there was --
 13 A. Clearly, because within -- quite soon after the blog was
 14 written it became the main corporate defence of the
 15 BBC's position.
 16 Q. So then you set out why you wrote what you did. We can
 17 read what you --
 18 A. Yes.
 19 Q. -- say. You make the point that:
 20 "It wasn't until her ITV interview last week after
 21 I wrote my blog that I was aware that she was saying she
 22 had not spoken to the police. None of this undermines
 23 the reasons I decided to pull the piece, which, as
 24 I make clear, was about the police investigation and
 25 having to weigh issues like credibility of testimony."
 Page 203

1 A. The director of HR for the BBC, yes. Slightly more than
 2 that.
 3 Q. That is a true, but incomplete statement.
 4 David Jordan, Paul Mylrea, Jessica Cecil, Sara Jones
 5 who is a lawyer.
 6 So there is a gold, silver and bronze structure that
 7 gets established there but that was all happening --
 8 A. What is the date of that?
 9 Q. That is the 11th.
 10 A. Okay.
 11 Q. So Mr Mylrea is not that gold command and is one of the
 12 ones that you just sent the email to saying basically
 13 you want to correct the blog.
 14 A. Yes.
 15 Q. Then, in bundle 12 at page 11 -- I told you we were
 16 coming to this --
 17 A. Can we put away 9?
 18 Q. Yes, and 10 and 11.
 19 You send -- Steve Mitchell basically tells us that
 20 once Ken MacQuarrie comes on the scene this whole
 21 question goes over to the corporate side of the fence.
 22 But notwithstanding that, you send him this email on the
 23 12th.
 24 MR PRICE: What page are we?
 25 Q. Sorry, 11.
 Page 202

1 We discussed this last week; that if [redacted]
 2 hasn't gone to the police, then the fact that the
 3 investigation went into the sand for whatever reason
 4 doesn't impact on her story, because that's a new story,
 5 but then you are still left with the questions of
 6 credibility and all those questions.
 7 A. Absolutely, yes.
 8 Q. And then you say:
 9 "The accusation that we may be withholding evidence
 10 from the police was first made earlier this year after
 11 my decision not to publish in December had been leaked
 12 to the press. I discussed this with Meirion Jones then
 13 and he assured me we had no material that would be
 14 useful to a police investigation. This made sense to me
 15 as I was under the impression that the police had
 16 investigated the claims already."
 17 Was that a reference to the [redacted] stuff as well as
 18 the Saville stuff?
 19 A. Yes.
 20 Q. "Before writing my blog I was aware that this allegation
 21 needed addressing so I called Meirion Jones to clarify
 22 this position again. I made a note of the key exchange
 23 a few hours later. I said to him that we could not be
 24 holding anything from the police because all the women
 25 had been part of the investigation and he replied..."
 Page 204

1	And this is in quotation marks:	1	A. Well, I didn't have any more involvement in the way
2	"Basically all the women we spoke to had spoken to	2	Newsnight covered the Savile story on air from that
3	the police and anyway we didn't have any evidential	3	point.
4	about anyone alive that would have been useful to the	4	MR POLLARD: Sorry, could I just ask you to fill in a gap
5	police."	5	for me? The conversation that you had with Stephen, was
6	You are saying that was a direct quote from your	6	it he who said, "You are stepping aside"?
7	discussion with him on 1 October?	7	MR MACLEAN: This isn't the final stepping aside.
8	A. That was the piece of that conversation that I scared	8	A. It was actually -- Liz Gibbons and I had been going back
9	into my mind, yes.	9	and forth on how and whether we should be covering it on
10	Q. And then you set out the bit in the blog.	10	the programme and how we were doing it. It was quite
11	A. Yes.	11	difficult and we did do it on -- we did it on the night
12	Q. Then you say at the end:	12	of the 11th and, um -- so I can't remember whose -- you
13	"I hope this will assist the process in deciding	13	know, I can't remember whether that was a instruction or
14	what we may need to clarify on the blog."	14	whether it was volunteered, although I was perfectly --
15	What happened, so far as you are aware, to that	15	I was actually quite relieved, because it was
16	email? What was the consequence of it?	16	extraordinarily difficult to remove myself from the
17	A. I have no idea. I have no idea what happened to that,	17	story and make a considered judgment about how we should
18	what was done as a result of that email.	18	be covering it on the programme.
19	This is a Friday, I think, yes? Or is it not,	19	MR POLLARD: The instruction you mentioned. You say you
20	I don't know.	20	can't remember whether it was an instruction --
21	Q. I don't know.	21	A. I can't remember whether it was Stephen Mitchell saying,
22	A. Anyway, it doesn't matter. I --	22	"We're doing this", or whether it was a kind of, "Is
23	Q. Yes, it was a Friday, yes, Friday lunch time?	23	this wise, do we all agree?" That sort of conversation.
24	A. Yes. So I -- I don't know what they did with it. But	24	MR POLLARD: It would surely be a pretty vivid conversation,
25	it is clear what I'm trying to do.	25	wouldn't it? If the issue was arising whether your boss

Page 205

Page 207

1	Q. Now, that same day, at page 81, I think this is --	1	was telling you to run, at last, the Savile story on
2	sorry, that is two days earlier, Lord Patten. I'm not	2	Newsnight?
3	going to take you back to that.	3	A. No, sorry, you don't understand. Sorry. This was after
4	Let me show you something else. About this time you	4	we had done the story.
5	received letters from Panorama. Your one is around	5	MR MACLEAN: You did the story the night before.
6	about page 94. And there were similar letters to	6	A. We had done the story. This was about future coverage
7	Steve Mitchell, Helen Boardman, and George Entwistle. And	7	of the story. This was then -- this position then
8	they are inviting you to talk to them. You declined	8	happened --
9	that kind invitation?	9	MR POLLARD: I'm confusing myself. So the decision to run
10	A. Which I was advised by the BBC press office not to take	10	it the previous night, on the 11th, was not an
11	up, yes.	11	instruction?
12	Q. And then at page 107, the same day, the 12th. I think	12	A. No, no, no. That was my -- that was my --
13	it is the day that the reviews, including this one, were	13	MR POLLARD: Purely your --
14	announced.	14	A. That was my -- I mean we'd -- we'd thought about it
15	107, you received this email from Steve Mitchell,	15	every day. You come in, in the morning and think, "What
16	which followed a conversation with Steve Mitchell to	16	is the story today; what are the angles?"
17	confirm that you will now be stepping aside from any	17	We had always found a reason not to do it, and
18	future Newsnight cover of the Savile affair?	18	I felt -- and I was trying to wait -- you see what
19	A. Yes.	19	Jeremy thinks -- whether I'm conflicted --
20	Q. And should Newsnight decide to pursue the story in the	20	MR POLLARD: Sure.
21	near future you should hand-over editorial control to	21	A. -- is helping or not helping us make those kind of
22	Liz, Shaminder, or her replacement, because	22	judgements.
23	Shaminder Nahal was leaving in any event. Then did you	23	We finally did get it on air and the following day
24	have any more, as it were, involvement until the weekend	24	this process was suggested and I agreed with it.
25	of 20th and 21st?	25	MR MACLEAN: This isn't the final, or the later stepping

Page 206

Page 208

52 (Pages 205 to 208)

1 aside as editor. This is stepping aside as --
 2 A. No, this is just whenever -- yes, just when doing that
 3 particular story.
 4 Q. Yes. Do you have bundle 13 now? When you received the
 5 letter from Panorama, you sought advice, didn't you, as
 6 to how to reply? I think you mentioned that a moment
 7 ago?
 8 A. Yes.
 9 Q. If you go to page 221, one of the people you sought
 10 advice from was Mr Mylrea. Do you remember? So there
 11 is the email from Panorama at the bottom of the page,
 12 right? Then you say to Mylrea and Paddy Feeney and
 13 Helen Deller, "Can you suggest how I respond to this?"
 14 And he does suggest:
 15 "This should go through the press office, Helen and
 16 Paddy will advise."
 17 A. Yes.
 18 Q. I just want to ask you whether you formed a view about
 19 the attitude and the support from Mr Mylrea and his part
 20 in the BBC during these couple of weeks in October?
 21 A. Um, I -- certainly over the week, the weekend, the three
 22 days of the weekend which led to me being stepped aside,
 23 I had a view during that period. Prior to that I had
 24 a -- I'm not sure I had had a particularly strong view
 25 either way.

Page 209

1 Q. Right?
 2 A. Certainly in those last three days I got the distinct
 3 impression that I was being set up.
 4 Q. Right. What gave you that impression?
 5 A. Well, the fact that it suddenly became imperative that
 6 I had to correct my blog, when, um, I had been asking to
 7 do that for a significant number of days and nobody had
 8 raised it -- engaged with me on the need to do it. And
 9 then the sequence of events -- it just became apparent
 10 that, um -- that that was what was happening, I felt.
 11 Q. And the correction of the blog then, that was
 12 a function, was it, of the Director General's appearance
 13 before Parliament?
 14 A. Yes, so I got a call on the Saturday morning. This is
 15 the appearance is on the Tuesday. So the Panorama right
 16 of reply is in, I got a call on the Saturday morning
 17 from David Jordan saying, "You need to rewrite the
 18 blog". Me saying, "Yeah, I do need to rewrite the
 19 blog". He and I then discussed the best point at which
 20 I should do that. He felt it needed to be done before
 21 George appeared before the Select Committee. I agreed
 22 and said I can do it for Monday morning. I then had
 23 a call on Sunday morning -- and David was going to help
 24 me with the wording for the correction --
 25 Q. Just give us the dates then. The Monday is the --

Page 210

1 MR POLLARD: 22nd.
 2 MR MACLEAN: Monday is the 22nd.
 3 A. Yes, so I had the discussion with David Jordan on the
 4 20th in which we decide yes, I need to rewrite the blog,
 5 we will do it for Monday morning and David will help me
 6 with the wording on Sunday afternoon. I then get a call
 7 from Helen Boardman on Sunday, kind of midday-ish, saying:
 8 you have to rewrite your thing in the next three hours,
 9 which I thought was a little bit hostage to fortune
 10 because, you know, my main concern through this period
 11 is if I'm going to issue a correction, it need to be
 12 definitive. The more time pressure we put on making
 13 that judgment, the more the risk is it won't be
 14 definitive.
 15 I then got a call an hour later from the head of HR
 16 for News saying that, um, it was likely that I was going
 17 to have to come off editing Newsnight because of what
 18 had been written in the blog. I then got a call --
 19 Q. Because of what was written in the blog?
 20 A. I think -- I can't remember whether he actually made
 21 that connection at that point.
 22 Q. Right.
 23 A. But I certainly said, "Are you asking me or telling me
 24 you want me to step aside"? And he said, "Well, if you
 25 don't agree, I'm going to tell you". So it felt like --

Page 211

1 again it felt like there was something going on, of
 2 which I was being manoeuvred into a position that I was
 3 not particularly comfortable with.
 4 Q. And the head of HR for News, who is that?
 5 A. Richard Thurston is his name.
 6 Q. Right.
 7 A. Do you want me to carry on with the narrative?
 8 Q. Yes, I do, I think, yes.
 9 A. So then I -- I then contact Paul Mylrea and say, "What
 10 corrections do you want me to make?" He doesn't seem
 11 very sure. So I suggest four corrections. He says,
 12 yes, do that, but you must do it by 5 o'clock. That
 13 again creates a problem because David is not able to
 14 help me with the wording, which I'm very keen to get
 15 right this time.
 16 Then I get -- whilst we're working on the wording,
 17 I get another call from Steve Mitchell is saying, "You
 18 are being moved aside, it is because of what you are
 19 doing for the blog and there is a discussion going on as
 20 to whether you are going to -- the correction is going
 21 to be issued by you or whether it is going to be issued
 22 corporately."
 23 I then sent the suggested corrections that we came
 24 up with to Paul Mylrea at around 5 o'clock as discussed,
 25 and then didn't hear anything as to what they were going

Page 212

53 (Pages 209 to 212)

1 to do with it. I then got a call from the press office
 2 saying that the Daily Mail were asking whether I had
 3 resigned. That was the Sunday.
 4 Q. The 20th?
 5 A. Yes.
 6 Q. You had a long conversation I think on the 17th with
 7 Helen Boardman, is that right?
 8 A. Possibly. That's the --
 9 Q. The Wednesday, I think.
 10 A. Okay.
 11 Q. In the middle of the week, do you remember?
 12 A. Possibly.
 13 Q. And she was concerned about how you were bearing up
 14 under what must have been a considerable strain, amongst
 15 other things?
 16 A. Okay. I had a number of conversations with Helen. So
 17 it is quite likely I did have one, yes.
 18 Q. You got a telephone call from Chris Patten, I think?
 19 A. I did get a phone call from Chris Patten, yes.
 20 Q. What did he say?
 21 A. He was concerned because he had heard that a Sky
 22 television crew had tried to doorstep me outside my
 23 house [REDACTED]
 24 [REDACTED]
 25 [REDACTED] And

1 do you see the paragraph near the bottom, I think it is
 2 Peter Rippon? Your reasoning appears to be 1)---
 3 A. Yes.
 4 Q. 1) The discovery of institutional failure with a solid
 5 news value was therefore worth pursuing, but that
 6 perhaps 2), the exposure of a prominent BBC producer's
 7 rape and sexual abuse of girls over decades did not, in
 8 and of itself have news value, and further, that this
 9 was perhaps considered merely celebrity exposé. If this
 10 is the case we find this deeply worrying."
 11 And so on. So that was what was being said.
 12 What I want to show you is the first page, point
 13 001. "Here below", in the middle of the page:
 14 "Here below is a letter which five prominent women's
 15 organisations have sent to the BBC Director General
 16 today about both Savile enquiries, specifically on the
 17 Newsnight inquiry. We are concerned that while the
 18 issue of alleged editorial interference is important,
 19 another critical issue is being missed -- that
 20 Peter Rippon's own justification for dropping the
 21 investigation is that abuse of girls (by a celebrity
 22 over decades) was not newsworthy: he said had they
 23 pinned down institutional failure of CPS or police that
 24 would have been 'real' news, but the abuse of girls over
 25 years alone was not."

1 I think he called me to sympathise that that had
 2 happened.
 3 Q. By this time you knew that Meirion Jones was working on
 4 Panorama, did you?
 5 A. Yes.
 6 Q. And you were underwhelmed by that?
 7 A. I didn't feel I had any choice in whether that should
 8 happen or not, and I felt that, the conditions under
 9 which I understood that he had been allowed to go there
 10 was that he wasn't going to do a big piece of work about
 11 Newsnight.
 12 Q. Can I just show you bundle 14, page 232.001. I want to
 13 look at the middle of page first of all, there is
 14 an email from someone called Sarah Green to
 15 Meirion Jones. Sarah Green is from EVAW. Does that
 16 mean anything to you, that acronym?
 17 A. I'm sorry it doesn't, no.
 18 Q. It means End Violence Against Women Coalition. What
 19 then follows is a press release, at the bottom of the
 20 page, 18 October:
 21 "Women's groups write urgently to BBC regarding
 22 Jimmy Savile inquiries [sic]."
 23 A. Um-hm.
 24 Q. And then there is quite a long email on that. Just let
 25 me show you page 003. This is coming from this group,

1 And then Meirion Jones sends an email to Andrew-Bell
 2 at Panorama, Karen Wightman, who is at Panorama, and
 3 Tom Giles, who we know to be the editor of Panorama.
 4 You might be able to help me with Stephen Scott?
 5 A. He's one of the producers on Panorama.
 6 Q. And Eleanor Plowden. Is she at Panorama?
 7 A. I presume so, I don't know.
 8 Q. Copied to Liz MacKean. Keyline is this, then you see
 9 the keyline has been plucked out.
 10 A. Um-hm.
 11 Q. Do you have any observation about that?
 12 A. Yes, I mean he's using the -- he's misunderstanding the
 13 justifications that I took for not running the story
 14 that I -- he was aware of. Does that make sense?
 15 Q. Well --
 16 A. Meirion was aware that I had issues with credibility of
 17 testimony and that was one of the big reasons why I had
 18 decided not to pursue this investigation. And he's not
 19 alluding to that in this keyline.
 20 Q. In terms of the role that he was supposed to be
 21 performing in Panorama, as you understood it --
 22 A. Yes -- no, I realise. I watched the Panorama so I was
 23 aware that he had a very detailed and intimate input
 24 into it in a way that was designed to reflect as
 25 negatively on me as possible.

54 (Pages 213 to 216)

<p>1 Q. Mr Mylrea, if we go to the weekend, then, of the 20th. 2 This is really the end of this process you will be 3 pleased to know. The weekend of the 20th and then into 4 the 21st. Bundle 15 and 16, if you wouldn't mind as 5 well. The BBC was going to produce something called 6 a corporate statement, wasn't it? 7 A. That was the proposal, yes. 8 Q. If you look at page 16, for example -- 9 MR POLLARD: Which bundle, sorry? 10 MR MACLEAN: Sorry, 15, page 16. 11 Paddy Feeney sends you an email -- and others -- on 12 the 20th at 12.41: 13 "Attached is a final version of the corporate 14 statement and one from Fiona Reynolds for Panorama." 15 Fiona is -- 16 A. On the trust. 17 Q. -- on the trust board: 18 "Also attached is a fuller letter from Panorama 19 which arrived this morning to ask us to answer a series 20 of timeline questions and a couple of, 'when did you 21 stop beating your wife', questions. Call me in the next 22 three hours to discuss. Are you content with the 23 corporate statement still? Do you wish to make separate 24 representation to Panorama? Do you wish to consider 25 addressing the specifics in the Panorama letter?" Page 217</p>	<p>1 "Thought of the hour; PR changes blog and accepts he 2 was wrong and goes, giving Panorama a scalp. GE then 3 goes into Select [that is obviously the committee] 4 saying he backed his editor as you would expect. Turns 5 out he was wrong, sad but he did the right thing and we 6 all move on?" 7 Now one might think that they are preparing to throw 8 you under the bus. 9 A. That is certainly what it felt like. 10 Q. And if you go to page 178 -- sorry, who is that? 11 A. That is from Paul Mylrea is it? 12 Q. It is either from Paul -- it is hard to tell with these 13 texts, I am afraid we have not bottomed it out. 14 Somebody has written it is from J Payne, do you see? 15 I suspect it is on Mylrea's phone, the mobile number, 16 but we will find out. 17 Page 178, this, I think -- 18 A. Sorry, but that is appalling, isn't it? Is that not 19 appalling that he would do that? For 23 years I worked 20 in that organisation and I believe it in and to see 21 somebody -- I mean I understand they were under a lot of 22 pressure at the time, and I want to have a benign 23 interpretation of what people's motives are in all of 24 this, but I find that really shocking. 25 Q. I'm going to show you another one in a minute. Page 219</p>
<p>1 Then it has all been redacted so that we can't see 2 it, but we can see it if we go to page 11. The proposed 3 corporate statement was at the end of the page there: 4 "The BBC is putting first and foremost the victims 5 of Jimmy Saville's abuse." 6 Et cetera: 7 "BBC News managers also put themselves entirely in 8 the hands of a second review, this is to be led by 9 Nick Pollard." 10 And then there is a statement from Fiona Reynolds. 11 A. Um-hm. 12 Q. And then there are leaks going on, weren't there, from 13 Panorama to the press, at page 148? 14 Paddy Feeney to you: 15 "Sunday Telegraph also doing, we think, something 16 similar, all based on leaks from Panorama." 17 And you say: 18 "Okay fine. His message says it has been alleged 19 that I dropped it because I felt the girls were not that 20 young at the time anyway. That's not true." 21 So there is more leaking going on. 22 A. Um-hm. 23 Q. Then, if you go to page 157 of this bundle, now this is 24 either from Mr Payne to Mr Mylrea or the other way 25 round: Page 218</p>	<p>1 A. Great, okay. 2 Q. Page 178. This, I think, comes from a notebook. If you 3 go to 173, just to show you what this is, as we 4 understand it, this is Mr Entwistle's notebook, his 5 own -- this is Mr Entwistle's handwriting. 6 A. Okay. 7 Q. Look at 178. There is a reference in the middle of the 8 page to John Birt, 22.10. Do you see that? He was 9 a former Director General of the BBC? 10 A. Yes. 11 Q. "It is tough. Steel yourself, could be very long. Ask 12 if you need to pec." 13 These look like instructions for how to handle the 14 Select Committee: 15 "Never lose your temper, tougher as it goes on. 16 Don't let you ..." 17 I can't quite read that: 18 "[Something] down. They will say horrid things. 19 Open and honest, not evasive, proper sense of humility. 20 Purely shocking allegations. Must root things out, 21 learn lessons. Look like part of the solution." 22 Then this: 23 "Make a virtue of having to correct the blog." 24 Then let me show you in bundle 16 -- which is why 25 I asked you to have that open -- turn, please, to Page 220</p>

55 (Pages 217 to 220)

1 page 52. Mr Mylrea and Mr Payne, again it is not clear
 2 which one is sending it to the other, 22 October:
 3 "Think I'm going to need to brief hard today that PR
 4 blog was the basis for all our position on this. Only
 5 way to protect GE [et cetera]. Would be good to know if
 6 they had any corroborating views besides just that."
 7 A. Um-hm.
 8 Q. Then if you look over the page, there is an email --
 9 just look at the times -- on the same day, 11 minutes
 10 later:
 11 "Steve and Lucy. Here are the cleared lines. Happy
 12 for Peter to see them. Do tell Peter I'm happy to
 13 reassure him personally that we will be doing everything
 14 possible to support him."
 15 A. I believed that when I read that.
 16 Q. One might suggest that with friends like this you don't
 17 need enemies, Mr Rippon.
 18 A. I was aware that George -- I felt that I was being
 19 scapegoated ahead of that Select Committee appearance
 20 and I was aware that whenever George got in trouble
 21 under cross-examination he would kind of cling to
 22 blaming me about things. Um, I don't know -- what do
 23 you want me to say?
 24 Q. Say whatever you like. This is your opportunity to say
 25 whatever you like.

Page 221

1 A. This whole process has caused the BBC an awful lot of
 2 damage. I work there because I believe that it is
 3 a huge force for good in this country and I don't
 4 want -- I have tried throughout this whole process not
 5 to say anything that will just give ammunition to people
 6 who effectively don't want the BBC to exist anymore. It
 7 has been difficult but I want to try and cling on to
 8 that. That is as much as I want to say really, I think.
 9 MR POLLARD: Can I just ask you a specific thing about the
 10 Panorama? I think George Entwistle characterised the
 11 Panorama programme when he went in front of the Select
 12 Committee as, and I paraphrase, a sort of vigorous and
 13 wholly positive example of the BBC's independence and
 14 the power of editors to edit and so on. Somebody else
 15 described it as a scolding of scores.
 16 How did you see it?
 17 A. I was pretty shocked by it. I mean the fundamental
 18 problem I had, that I was being asked to respect this
 19 process and not speak to anybody and when I was moved
 20 aside, which was before the Panorama went out, I was
 21 sent a letter from IIR saying, you can't speak, under
 22 threat of a disciplinary process, to anyone about issues
 23 related to your inquiry, whilst at the same time being
 24 given this very long right of reply, Panorama insisting
 25 that I must respond to them.

Page 222

1 So I think I was put in a completely impossible
 2 position. You know, I can respond to them at risk of
 3 being disciplined by the BBC further down the line, or
 4 I can not respond to them and allow them to trash my
 5 reputation, which I thought -- with a wholly one-sided
 6 account of what actually happened.
 7 I thought the programme itself -- I know what I have
 8 just said and I'm not wanting to damage the BBC more,
 9 but I was hugely disappointed by it. I thought it was
 10 45 minutes of hindsight and then an awful lot of smoke
 11 about me particularly for which they had no evidence at
 12 all.
 13 And, um, I think it is fair to say that after --
 14 after the Hutton Inquiry Panorama did a really,
 15 I thought, superb job. They waited for the process to
 16 finish and they did a superb job looking at the
 17 difficulties and the mismanagement and the uncomfortable
 18 questions for the BBC as a result of that. And
 19 I thought that was one of the high pieces of journalism
 20 the BBC has done probably in the last ten, twenty years.
 21 And this was such a long way from that as far as I could
 22 see.
 23 I can see how it helped the corporate position, but
 24 that's not what Panorama is supposed to be about as far
 25 as I'm aware. And, um, I think it breached a lot of

Page 223

1 BBC's guidelines and I think -- I mean, I think it's
 2 fair to say that almost every other editor who operates
 3 at my level in News shared that view.
 4 MR POLLARD: Could I just specifically ask you why you think
 5 it breached BBC guidelines?
 6 A. Well, they are supposed to give me five working days for
 7 a right of reply. They gave me less than three.
 8 I don't think they need a public interest case for --
 9 MR POLLARD: To be fair, I think you probably wouldn't have
 10 taken up that right of reply even if it had been five,
 11 would you?
 12 A. Not if the BBC was threatening to discipline me if
 13 I had. It would have been difficult. There were all
 14 sorts of issues with it. I felt the fact that Meirion
 15 had been allowed to operate on the programme -- they
 16 then accepted that that was unfair so they moved him off
 17 the programme but used him as a contributor rather than
 18 a producer when in fact all the information they had had
 19 been gathered from him anyway. I felt that was
 20 fundamentally --
 21 MR MACLEAN: That is a specious distinction, isn't it? He
 22 was working on the programme or he wasn't?
 23 A. Yes, I agree. But they make that distinction in order
 24 to justify why it is consistent with the editorial
 25 values about conflict of interest and I just don't think

Page 224

56 (Pages 221 to 224)

1 It holds water. I mean, I could go on.
 2 MR POLLARD: I just wanted to ask two sort of final
 3 questions, unless there are more from --
 4 MR MACLEAN: I just want to ask one question and then I'm
 5 finished, I think.
 6 MR POLLARD: Fine, I will save mine for the end.
 7 MR MACLEAN: You mentioned the HR process. Did anybody at
 8 any stage of this process suggest to you that there was
 9 going to be some IIR or disciplinary process against you?
 10 A. Er, yes. That is -- yes, as a -- this investigation --
 11 whatever the conclusion of this investigation may lead
 12 to disciplinary processes against anybody depending on
 13 what the conclusion of your investigation is. That was
 14 made clear to me by Lucy Adams on the date the inquiry
 15 was announced.
 16 Q. What about before this review was announced? What about
 17 in the immediate aftermath of the ITV story or
 18 programme?
 19 A. No, that was -- no, from memory I can't recall that
 20 being suggested.
 21 Q. When counsel says one more question, it is never true,
 22 there is always another one.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 Are you aware that that happened, first of all?
 2 A. No.
 3 Q. So it follows that you can't shed any light on what the
 4 cause of that may have been?
 5 A. No, I can't. I mean, I've got huge respect for George
 6 and it was one of the most painful moments of my life
 7 watching him say those things about me in front of the
 8 Select Committee, because I think he would have been
 9 a very good Director General and he has a very good
 10 understanding of the threats that we -- we, the BBC --
 11 faced as -- faces as a corporation. So I was -- you
 12 know, I was really unhappy that he had to go but then it
 13 has been a very surreal few weeks.
 14 MR MACLEAN: Thank you very much. That is all I wanted to
 15 ask you.
 16 (5:14 pm)
 17 Questions by MR POLLARD
 18 MR POLLARD: My last two questions, really, are sort of
 19 part A and part B.
 20 Looking back at the point in early December, we
 21 would say, now without the benefit of hindsight as it
 22 were, if that is in any way remotely possible, how do
 23 you view the decision you made to drop the story?
 24 A. I think a lot about how we do investigations on
 25 Newsnight and how I found a system that I thought was

1 quite effective, but it does involve me having quite
 2 a light touch approach and then a heavier touch approach
 3 towards the end.
 4 The function of that is about -- because of
 5 resources. You know, we can't -- we don't have the
 6 capacity to do that many investigations or to run really
 7 long investigations and we just don't have the staff to
 8 do it anymore in Newsnight. So I have thought and
 9 reflected a lot about whether the slightly rigid way in
 10 which I managed those kind of investigations, if I had
 11 done it differently, would I have got to a different
 12 outcome?
 13 So it is one of the things I was concerned about is
 14 the way that we collected the testimony. If I had been
 15 more engaged earlier on, could I have avoided that? You
 16 know, could we have collected the testimony in
 17 a different way that would have made me more satisfied?
 18 So you kind of mull these decisions all the time but
 19 I think -- is that helpful?
 20 MR POLLARD: Absolutely.
 21 A. You know, if you are going to ask me without hindsight
 22 did I think I made the right or the wrong decision --
 23 MR POLLARD: Yes.
 24 A. -- you just never know.
 25 MR POLLARD: You absolutely anticipated my question.

1 A. You just never know, do you. You never know.
 2 MR POLLARD: And this is only a fairer question, I think:
 3 with the complete benefit of hindsight -- and by that
 4 I mean having seen the ITV programme, the Panorama
 5 programme and knowing about the Newsnight McAlpine
 6 programme -- how do you view your decision then?
 7 A. I think it is going to be -- I can see to the public who
 8 have a particular view of my position -- of my decision
 9 in the context of what we now know about Saville, but
 10 that story is not the story I was looking at at the
 11 time.
 12 I was looking at one woman's account on tape and
 13 some anonymous testimony -- that was as I understood it
 14 at the time -- and the analogy with the McAlpine thing
 15 is actually quite strong, I think. I also think
 16 subsequently with -- there is more hindsight that has
 17 emerged you can apply about the credibility of the
 18 witnesses, particularly this letter that they were
 19 saying that was part of the police investigation which
 20 clearly had been faked by somebody, you know, so there
 21 are some hindsight that would reinforce me in the
 22 decision -- the idea that I took the right decision
 23 based on the story that I had at the time.
 24 I think, you know, the McAlpine judgement was -- you
 25 know, I think there is a big lesson for this, and on

1 that I do think there is a resource issue. You know,
 2 poor Liz, my deputy, is left without an editor, without
 3 another deputy, effectively doing three jobs at once,
 4 and for me the fundamental thing is, you know, can you
 5 organise yourself given the level of resources that we
 6 have to try to make Newsnight on these days in a way
 7 that allows us to continue to deliver robust
 8 investigations that I think are absolutely fundamental
 9 to why people pay the licence fee, frankly. And I think
 10 she, er - I reflect on that a lot and I think there are
 11 lessons in that that I will take from what - what this
 12 whole process has kind of -
 13 MR POLLARD: Sorry, I'm doing exactly what the QC has done
 14 and asked a supplementary.
 15 Do you think that the Saville Newsnight case, and
 16 possibly McAlpine as well, should lead to the conclusion
 17 that really Newsnight shouldn't do high profile, high
 18 risk investigations?
 19 A. I really firmly believe that that's not what should
 20 happen. There has to be a daily news and current
 21 affairs programme on the BBC trying to find out things
 22 about people that they don't want to get found out.
 23 You have to do investigations. It is part of - to
 24 me it is part of the kind of moral contract that the BBC
 25 has with its audiences. If it is going to stop doing

Page 229

1 that, I think that's - I think that's - if it can't -
 2 but it comes down to resources.
 3 You know, there is - I think there is a lot of
 4 perception that has come out of this as well that I'm
 5 kind of - that my relationship with my managers is kind
 6 of too close. I have spent the last four years having
 7 really difficult arguments about - mainly about money
 8 and about trying to maintain what I think the purpose of
 9 the programme has to be. Again I think - you conclude
 10 what you want to conclude but I think we need to rethink
 11 what capacity - if we do value - if the BBC wants to
 12 value the delivery of investigative journalism on
 13 a daily programme, it needs to think about how credibly
 14 we can resource that to deliver the - to deliver it.
 15 I do think we've got to a point now where we need to
 16 ask ourselves whether in the £3.5 billion pounds of
 17 public money we get a year, we think we ought to be
 18 still trying to fund that, because it has got very - it
 19 has got very difficult.
 20 MR POLLARD: Yes.
 21 This is genuinely the final question and it is quite
 22 a specific one. I can imagine somebody who has seen the
 23 [redacted] interview saying, "If Peter Rippon had seen
 24 that interview, then I think he might have come to
 25 a different decision".

Page 230

1 Now it is a hypothetical question because you
 2 haven't, but it is just a final opportunity for you to
 3 say what you might want to say about whether you think
 4 you should actually have seen the interview?
 5 A. I - I don't think seeing the interview - I don't see
 6 why seeing something with an eye makes it - gives you
 7 any more help in making a judgement about whether
 8 something is true or not. I don't believe that.
 9 I really don't. I think the kind of concerns that I had
 10 that I was weighing would not have been swayed by having
 11 sat down and watched the interview.
 12 MR POLLARD: And yet you do have a view that vulnerable
 13 people should be spoken to face-to-face rather than on
 14 the phone, that being a personal, "look in the eye"
 15 view. Isn't that comparable?
 16 A. That is a way of collecting testimony that's considered
 17 more - that's considered stronger. I suppose, I think
 18 that's a fair - I think that's a fair point. But
 19 I have seen the interview because I saw it on Panorama
 20 and it didn't change my view of whether I had made the
 21 right judgement or not.
 22 MR POLLARD: No.
 23 A. It didn't.
 24 MR POLLARD: Okay.
 25 Peter, thank you very much for taking the time to

Page 231

1 answer all those questions. I really, really appreciate
 2 it. Much obliged, thank you.
 3 MR PRICE: Is there any likelihood of being asked back?
 4 MR POLLARD: I would have said it's not in our plans. Only,
 5 I would have thought, if somebody says something that
 6 really, really requires us to put it to you in person.
 7 MR MACLEAN: I think you should treat it as being most
 8 unlikely.
 9 MR POLLARD: If there is a specific point we can always drop
 10 you a note and ask you a specific question.
 11 A. Okay.
 12 MR MACLEAN: Most of the people we still have to see are
 13 concerned with other aspects of this. I think you
 14 should proceed on the basis that that's it.
 15 Is that a fair way of putting it?
 16 MR POLLARD: It is.
 17 A. Okay, thank you.
 18 MR MACLEAN: Thank you very much indeed. Thank you.
 19 (5.25 pm)
 20 (The Inquiry adjourned until 10.00 am,
 21 Thursday, 22 November 2012)
 22
 23 MR PETER RIPPON (continued) 1
 24 Housekeeping 1
 25 Questions by MR MACLEAN 1

Page 232