

Claim No:

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

B E T W E E N:

MARK STEYN

Claimant

and

THE OFFICE OF COMMUNICATIONS

Defendant

and

GB NEWS LIMITED

Interested Party

FIRST WITNESS STATEMENT OF MARK STEYN

I, **Mark Steyn** of Woodsville, New Hampshire 03785 in the United States of America state as follows:

1. I make this witness statement in support of my above judicial review claim. The facts and matters set out herein are within my own knowledge, unless otherwise stated. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief. Without waiving privilege, I confirm this witness statement has been prepared in a process involving communications by email with my lawyers.
2. I am a Canadian bestselling author and recording artist, television and radio host, born in Toronto in 1959. I have worked in the media in many countries, since my debut at

fourteen years old in the “Young DJ” spot on “Hullabaloo” at Capital Radio in London in 1974.

3. Over the decades, my writing on politics, arts and culture has been published in many leading newspapers around the English-speaking world, including *The Daily Telegraph* and *The Spectator* in the UK, *The Irish Times*, Canada's *Globe and Mail*, *The Australian*, *The Jerusalem Post* and *The Wall Street Journal*. I have been part of the founding team of two major national newspapers – *The Independent* in London and *The National Post* in Toronto.
4. My books include *After America* which was a Top Five bestseller in the United States and a Number One bestseller in Canada; and *America Alone* which was a *New York Times* bestseller in the United States and again a Number One bestseller in Canada. My Christmas album reached Number Four on the Amazon jazz chart, my cat album *Feline Groovy* made the Top Twenty on the Billboard chart, and a song I co-wrote (that became the theme for *The Mark Steyn Show*) made the Top Thirty in Moldova.
5. I have always been a broadcaster as well as an author. A third of a century back, I was a regular on the BBC, interviewing the likes of Leonard Bernstein and Liza Minnelli. My *Omnibus* special with the singer-songwriter Paul Simon has been broadcast in over one hundred countries. I presented the musical quiz show *Let's Do The Show Right Here!* on Radio Two, the arts programme *Kaleidoscope* on Radio Four, and the live Glyndebourne opera presentations on Channel Four.
6. More recently, for fifteen years I was the guest host of America's Number One radio show, *The Rush Limbaugh Show*, which until Mr Limbaugh's death in 2021 aired on over 600 radio stations reaching an audience of over thirty million listeners. I was also the guest host of America's Number One cable news show, *Tucker Carlson Tonight*, which reached a nightly audience of over three million viewers on Fox News.
7. Such shows are not to everyone's tastes, but I was a perfectly respectable figure, having been received by monarchs, presidents, prime ministers, etc, at Buckingham Palace, the White House, Rideau Hall in Ottawa and elsewhere. I have spoken at the Canadian and Danish parliaments, and been introduced at the Australian Parliament by the then Foreign Minister and deputy leader of the ruling Liberal Party, the Hon Julie Bishop.
8. *The Mark Steyn Show* pre-dated GB News, but was broadcast on that channel from the autumn of 2021. It was an hour-long show made by two US production companies,

Mark Steyn Enterprises (US) Inc and Oak Hill Media, Inc. It included interviews with guests in Britain, Australia, North America, Europe, and various regular features.

9. I wrote the scripts for all the shows, including the monologue at issue in this claim (broadcast on 21st April 2022). The monologue was a regular part of each broadcast, delivered at the start of each show after the 8pm news bulletin. In it I gave my view as a commentator about a topical issue. The segment was billed on air as “The Steyn Line” – ie, my take on whatever subject was under discussion.
10. The show was initially broadcast once a week, each Friday, by GB News, but proved so popular that it was quickly promoted to a regular 8pm primetime slot, Monday to Thursday. GB News contributed minimal production and technical support. Most of the shows were broadcast live from the United States but during 2022 we also broadcast a week of live shows from Ukraine, one from Enniskillen in County Fermanagh, and a few dozen from the Westminster Live studios in London.
11. Having been out of the UK media for half a lifetime, I was surprised by how much it had changed – in particular by how many stories were all but entirely ignored by TV “news” in favour of tedious political gossip or, as I characterised it, “who’s going to be this week’s Lord Privy Seal”. Because of my total lack of interest in such questions, *The Mark Steyn Show* quickly came to focus on those stories hugely under-covered by the London media.
12. For example, we began interviewing victims of the Covid vaccines – that is to say, UK citizens either bereaved or crippled by the AstraZeneca, Pfizer and other vaccines. In July 2022, we became the first (and, to date, only) show to devote a full hour to these victims. We also covered other all but unreported issues: we interviewed victims of the widespread child sex abuse that has occurred/is occurring in many English towns from Rochdale and Rotherham to Oxford and Banbury. Indeed, one of those victims, sexually abused in Telford for over a decade from the age of five, is now a regular contributor to the show. Another topic heavily featured was the monumental uselessness of the British constabulary, which can send six officers round if you “misgender” someone on Twitter but can no longer bring a summons or a charge in the overwhelming majority of actual crimes.
13. On all the above topics and many more, we would always offer, say, the Chief Constable or the Health Secretary the “right of reply”. In almost all cases, they would refuse to come on the show, or (as with AstraZeneca) not reply at all. It is well

understood that the “due impartiality” requirements can be used to prevent TV and radio stations covering a topic at all.

14. Such subjects also attract the attentions of Ofcom – especially with regard to Covid policy. Following the announcement that Ofcom would be “investigating” the 21st April show, I did as I always do – with Sajid Javid, with South Yorkshire Constabulary, etc – and invited Ofcom chairman Lord Grade or some other spokesperson to appear on the show. They always declined: it appears Ofcom prefer that their somewhat heavy hand on the tiller of UK public discourse remain largely unknown to the public.
15. Ofcom dealt directly and only with GB News in relation to its investigation into the broadcast of 21st April 2022. In the weeks after the announcement of Ofcom’s investigation, I and my executive producer Melissa Howes provided various materials to GB News to forward to Ofcom, and made it plain that we wished vigorously to defend the show against the charge that it had breached Ofcom’s rules. Neither Ofcom nor GB News provided us with a copy of the regulator’s “Preliminary View”, and we had no opportunity to respond to that or anything else. I was the subject of an adverse finding with no opportunity to defend myself.
16. On 2 December 2022 I suffered a serious heart attack in France and was in the intensive care unit for a week and under medical care for rather longer.
17. I am well known in my native Canada as a believer in free speech. Some fifteen years ago, I was targeted by the Canadian Human Rights Commission and its provincial equivalents in Ontario and British Columbia over a book excerpt of mine published in the country’s biggest-selling news magazine. I pushed back and eventually succeeded in getting the relevant law – Section 13 of Canada’s Human Rights Code – repealed by the Parliament of Canada. A similar campaign against a similar law – Australia’s Section 18C – has not so far proved successful, but I am confident of its ultimate success.
18. The situation with Ofcom is even worse – both in terms of the so-called “chilling effect” on free speech, and in the lack of basic protections provided to the interested parties. I and my friend Naomi Wolf (whose appearance on the Steyn Show has also been the cause of an Ofcom adverse finding against my show) are fortunate in that neither of us live in the UK. For the effect of these “convictions” has been utterly to kill our careers in the British Isles, and to see crude defamations of us recycled throughout the London papers as if they had the force of criminal convictions.

19. On the other hand, precisely because neither of us is resident in the United Kingdom and obligated to kowtow to the shrivelled parameters of public discourse permitted by Ofcom, we are in a position to object to the unlawful over-reach of Ofcom and a scale of mission creep that would astonish those who worked for its predecessor entities such as the IBA.

20. I am a sick man still recuperating from two heart attacks, and I am several thousand miles distant from Ofcom's reach. But I am a Canadian and my entire legal tradition derives from Mother England. After considering Ofcom's conviction of me and talking it over with friends from Canada and other parts of the Commonwealth, I decided to seek legal advice in London to seek to get Ofcom's pseudo-justice before a real court.

STATEMENT OF TRUTH

I believe that the facts stated in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed



Name:

MARK STEYN

Date:

30th May 2023