

About the Book

It was the biggest political scandal for a generation.

The Speaker of the House and five members of the Cabinet resigned.

The Legg enquiry ordered MPs to pay back over £1 million of wrongly claimed expenses. Three hundred and eighty-one MPs will be forced to pay back an average £3,000. Three MPs and one Lord face criminal charges.

No Expenses Spared is the fascinating account of the journalistic scoop that changed the face of British politics. It tells the story of one whistleblower and a small team of dedicated journalists who worked in secret to pore through more than a million expenses documents, braved the threat of legal action and political pressure to reveal the truth.

About the Authors

Robert Winnett is the deputy political editor of the *Daily Telegraph*. During his eleven-year career on Fleet Street, which started at the *Sunday Times*, he has been behind some of the country's biggest political scoops, including exposing the cash-for-honours scandal under Tony Blair and Derek Conway's controversial employment of his sons.

He has been shortlisted for three 'scoop of the year' awards at the British Press Awards and has won other prizes for his work, which has included reporting on the global credit crunch and several British general elections.

Gordon Rayner is chief reporter of the *Daily Telegraph*. He began his career at the *Banbury Guardian* before moving to the *Sun* and later the *Daily Mail*, where he helped uncover one of the biggest scandals of Tony Blair's premiership by revealing emails between Cherie Blair and the fraudster Peter Foster which proved No.10 had lied over the 'Cheriegate' affair.

During his fourteen years on national newspapers, Gordon has reported from more than twenty countries and covered many of the biggest stories of recent years, including the death of Princess Diana, the trial of Harold Shipman, the Soham murders, the 7/7 suicide bombings and the ongoing financial crisis.

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No Expenses Spared

Robert Winnett and Gordon Rayner

Cartoons by Matt



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Robert Winnett and Gordon Rayner London, September 2009

Prologue

Thursday, 7 May 2009



when he arrived for work at 8 a.m. sharp – or at least, as quiet a day as was possible for anyone working in the hothouse environment of 10 Downing Street. The Prime Minister's director of communications, a career civil servant who had worked for Gordon Brown ever since he became Chancellor in 1997, had spent the previous fortnight handling a deluge of media enquiries about the government's reluctance to allow Gurkha veterans to settle in the UK, but the furore had finally abated after the Prime Minister had held a private meeting with the Gurkhas' campaign leader, the actress Joanna Lumley.

Ellam had already read the morning's newspapers before he left home, and had been satisfied to see that they were generally positive from the Prime Minister's point of view, giving him credit for finally doing right by the Gurkhas, one of the British Army's most distinguished regiments. Crisis over, he thought to himself. So when he received a text message on his mobile phone from Robert Winnett, the deputy political editor of the *Daily Telegraph*, just after 1 p.m., it certainly didn't set off any alarm bells, even though Winnett's text urged him to call back 'ASAP'. He phoned Winnett back around fifteen minutes later, no doubt expecting to field a straightforward question about one or two loose ends in the Gurkha story.

In fact, Winnett was about to fire the starting gun in what would become the biggest parliamentary scandal in centuries.

'What's up?' Ellam asked.

Trying his best to keep any emotion out of his voice, Winnett replied: 'What it is, I've got some questions about the Prime Minister's personal expenses claims which I need to email to a secure email address, so I just wondered if you could give me the best address to send it to?'

'I'd hope all of the email addresses in Downing Street were secure,' joked Ellam, before suggesting the letter should be sent to his own No. 10 email account so he could draw it to the Prime Minister's attention.

Despite his light-hearted response, Ellam knew from Winnett's mention of 'expenses' that this could spell trouble. Like everyone else working in Westminster, he was aware of a rumour that a copy of a computer disk containing the details of expenses claims made by all 646 Members of Parliament over a four-year period had gone missing several weeks earlier. MPs had spent the past four years fighting demands for the information to be released until, after losing a controversial High Court case, Parliament had agreed to publish the details later in the year. Even so, much of the information in the expenses claims was to be censored (on grounds of 'security', that familiar parliamentary fallback), so that many of the most compromising and embarrassing details of what MPs had been up to would never see the light of day.

Or at least, that had been the plan. But the rumour was that the missing disk contained the full, unexpurgated version of the expenses claims, and MPs were in no doubt about the damage that information could cause if it were made public.

Although Ellam was no doubt confident that the Prime Minister had been scrupulous with his own expenses, the fact that the *Telegraph* was asking questions about Brown's claims – signalling that the paper believed it was on to something – could not be good news.

Did this mean that the *Telegraph* had the disk? Would any other members of the government be getting phone calls from the newspaper? And what exactly was it that the *Telegraph* thought the Prime Minister had done?

Ellam didn't have to wait long to find out. At 1.22 p.m., within a minute of putting the phone down on Ellam, Winnett pressed the 'send' button on his computer.

The email he sent contained a formal, carefully worded letter presenting details of the Prime Minister's expenses claims and inviting him to explain how they fell within the rules. They included the fact that Brown had paid his brother, Andrew, more than £6,000 of taxpayers' money to pass on to a cleaner; that he had switched the designation of his 'second' home from his London house to his house in Scotland: and that he had claimed twice for the same £153 plumber's bill. It was a dry, precise, narrowly drawn communication giving little indication of the fact that Winnett and a team of nine other reporters had for some time been quietly sitting on the journalistic equivalent of an atomic bomb. For the previous week, they had spent every waking hour in a back room at the *Telegraph*'s head office above Victoria railway station, working in such secrecy that only a handful of people outside the room had any idea what they were up to.

The *Telegraph* did indeed have the computer disk, and the information the reporters discovered on it left them in no doubt that they were working on the story of a lifetime. Even for such a cynical, world-weary breed as national newspaper journalists, the details of what MPs had been claiming on their expenses had been startling. They were genuinely shocked to discover that many of the most senior members of the government, including Cabinet ministers, had been blatantly playing the system for years to squeeze every last penny they could out of the taxpayer.

Parliament had set up a system of expenses and allowances which enabled MPs to claim for the costs of running a second home. On the face of it, this seemed only reasonable: the vast majority of MPs represented constituencies that were not within easy reach of London, meaning they had to stay overnight in the capital during

the months that Parliament was sitting. But some ministers had claimed thousands of pounds in expenses to furnish and help pay for one of their properties, before arbitrarily shifting the designation of 'second home' from their London base to their constituency home so they could furnish that property too. Others appeared to have avoided paying capital gains tax by switching the designation when they came to sell their second home so that they could tell the taxman it was, in fact, their main home and exempt from tax. With each passing day the reporters had discovered another scam, until they were faced with a mind-boggling array of ingenious ways in which MPs had managed to milk a publicly funded system which was so inadequately policed by civil servants that it almost seemed to have been designed to be abused.

On another level, the reporters had been amazed at the bizarre, the trivial and the downright baffling items which many MPs had put on their expenses: a 5p carrier bag, a packet of HobNobs, a glittery toilet seat, a jar of Branston Pickle. Some parsimonious MPs submitted such detailed and lengthy expenses claims that it was hard to imagine they had much time left to do anything else. One had even put in a phone bill for a single penny.

*

Thursday, 7 May had been designated as 'go day' for the *Daily Telegraph*'s expenses investigation by the editor, William Lewis, but he was acutely aware that the newspaper was entering uncharted territory in which many obstacles would still have to be overcome before any of the stories could go to press.

Until now, an ambitious newspaper investigation might have culminated in a single government minister being exposed for an apparent abuse of his or her position. The *Telegraph* was about to hold no fewer than thirteen members of the Cabinet up to such scrutiny in a single day, with the intention of doing the same again with a new set of ministers or MPs every day for a week or more. And while many newspaper investigations might spend weeks looking into the activities of one person, the *Telegraph*'s reporting team had spent precisely one week checking out dozens of MPs, having obtained the information on 29 April. The pace of the investigation had raised concerns among everyone involved that important material might have been overlooked, or that mistakes might have been made by reporters who were all on a steep learning curve.

By 7 May the reporting team had only looked at a fraction of the material on the disk – but an agreement with the man who had passed the disk on to the newspaper meant publication had to go ahead by the end of that week, if at all: so Lewis knew he had no option but to press ahead. The team would just have to carry on combing through the documents on the disk as they went along.

Lewis had told Winnett and his team to spend that morning preparing email letters to all of the ministers he intended to feature in the next day's paper – but not to send them. Yet.

At this point in the operation the spotlight fell on one of its central figures: Arthur Wynn Davies, the paper's highly experienced chief in-house lawyer. Approaching his sixtyfifth birthday, he might have been expected to be looking forward to a relaxing retirement in his native north Wales. Wynn rake-thin But Davies. and hyperactive, newspaperman first and a lawyer second, was as excited as any of the reporters about what he knew might be journalistic history in the making. After more than thirty years as a barrister in the press world, he still got as much of a buzz from working on a big breaking news story as a trainee reporter would in their first week on the job.

Wynn Davies had endured a sleepless night as he went over and over the possible ways in which the government or Parliament might try to scupper the story. At the very least, he reckoned the authorities would seek a High Court injunction on the grounds that the disk was 'stolen' and publication might threaten the privacy of MPs or break data protection laws. The worst-case scenario was that the police would be called in to investigate how the *Telegraph* came to be in possession of the disk. Key members of staff might even find themselves under arrest. But despite the legal complexities, Wynn Davies was certain in his own mind that the way in which the *Telegraph* had obtained the information and what it was about to do with it were legitimate. He felt strongly that publication of the material was in the public interest and that any attempt to gag the paper could be seen off. To be doubly sure, it was essential that the *Telegraph* be in a position to convince a judge that each of the MPs it was about to expose had been given a decent opportunity to respond to the allegations so that due weight could be given to what they had to say.

At 10.45 a.m. six senior *Daily Telegraph* executives had assembled for one final meeting in the editor's office to decide whether to press ahead.

The letters to the ministers were ready to be sent; once they had gone, there could be no turning back. The *Telegraph* was a traditionally cautious newspaper, conservative with a small 'c'. To take on the entire political class in such an aggressive and direct way was not a decision to be taken lightly. The issue of whether the authorities would try to stop the newspaper in its tracks remained a very real concern, and the dispatch of the letters carried a high risk of triggering legal action – or, worse, an unannounced police raid.

Wynn Davies sat in the middle of the editor's glasswalled office, visible but not audible to everyone in the newsroom outside.

'Can you give me any sort of guarantee that we won't be injuncted?' Lewis asked.

'No, but I'm confident we're on solid ground.'

'What about the chances of the police being called in?'

Wynn Davies said it was highly unlikely the police would get involved, but that, in the event they were, they should be sent to see the paper's executive director (editorial), Richard Ellis, who would politely inform the officers that they would need a warrant to search the building.

Lewis listened intently to what each person had to say, but as much as anything he was looking at their body language, watching for clues as to whether any of them had serious doubts.

No one did. The *Telegraph* had to press on, they all agreed.

Although everyone in the room was calm and businesslike, pulses were racing as each of them contemplated what was at stake.

Lewis then began 'scenario planning', working out how the paper could get the story out even if the police were called in or the courts tried to injunct. Rhidian Wynn Davies, the *Telegraph*'s consulting editor and Arthur's son, was tasked with finding a secure location off-site for a copy of the disk in case all the copies in the office were seized.

'Don't worry, Rhids,' Lewis reassured him with a smile. 'If you get nicked you'll be in a cell next to me.'

Plans were also laid out for publishing the expenses stories online even if an injunction was granted. A team of reporters and production staff would be scrambled to an off-site location where they could load stories on to the *Telegraph*'s website.

'If we're going to go ahead with this, we have to do it no matter what,' said Lewis.

Meanwhile an in-house cameraman was told to be ready to film the police if they searched the office.

Lewis then called Winnett in. 'We're on,' he said. 'Let's get the letters out.'

As Winnett returned to the back corridor to brief the reporting team, Lewis strolled across to the circular table in the centre of the newsroom known as 'the hub', where executives were gathering for the midday editorial conference.

The expenses story remained so hush-hush that most of the departmental heads were still completely in the dark, and on what was otherwise a desperately quiet news day, Matthew Bayley, the *Telegraph*'s news editor, went through the motions of preparing a 'dummy' newspaper he knew would almost certainly never see the light of day.

'I'm embarrassed at how bad the news list is today,' Bayley said as he began listing one dull story after another.

'Well, we'll just have to hope something better comes along later, won't we?' said a smirking Lewis as he wound up the conference twenty minutes later.

Lewis had arranged to have lunch that day with Nick Robinson, the BBC's political editor, and Andrew Porter, the *Daily Telegraph*'s political editor, at Santini's, a favourite of the England football manager Fabio Capello. As the three chatted about the state of the nation, Lewis was as tense as he had ever been, waiting for news from the office as Robinson grilled him on whether the *Telegraph* would be giving its unequivocal support to the Conservative Party at the next election.

Back at the office, Winnett was about to send the first, vital email to Michael Ellam. As he did so, five of the reporters sitting around him began making identical phone calls to the staff of twelve other Cabinet ministers – and, for good measure, the former Deputy Prime Minister, John Prescott. The calls were followed up by emails similar to that sent to Ellam, all of which had been written during the course of that morning and approved by Arthur Wynn Davies. Within an hour, fourteen of the most senior politicians in the country had been placed on notice that their expenses claims were about to made public. They

included Alistair Darling, the Chancellor; David Miliband, the foreign secretary; Andy Burnham, the culture secretary; Geoff Hoon, the transport secretary; Hazel Blears, the communities secretary; and Paul Murphy, the Welsh secretary. One by one, Whitehall departments discovered that ministers might be in trouble; and one by one they alerted Downing Street, where it soon became obvious to Michael Ellam, and to the Prime Minister, that instead of having a quiet end to the week, they were about to be swamped.

As soon as he had received the email from Winnett, Ellam had called Michael Dugher, Brown's press aide, and asked him to leave his lunch and return to Downing Street that very minute to coordinate the government's response to the *Telegraph*'s allegations. Dugher spoke to each minister involved – or their advisers – and told them they would each have to compose their own response to the *Telegraph*'s questions, though they should all stress that they had not broken any rules and explain the justification for claims where they could.

Meanwhile Joe Irvin, the Prime Minister's political director, headed a small team which was given the unlikely task of sitting down and going through Brown's own expenses.

Less than a mile away, at the *Telegraph*'s offices, tension was mounting by the minute as the investigation team busily wrote up their stories on the individual ministers, constantly checking the clock as they waited for the first response to come in.

Aside from the concerns over whether the Cabinet ministers – or even the parliamentary authorities – would try to injunct the *Telegraph*, Lewis had a lingering unease about whether the entire disk could turn out to be a fake. The *Sunday Times*, where Lewis had once worked, had been the victim of one of the most elaborate hoaxes in history when it published details in the early 1980s of a

document which appeared to be Hitler's newly discovered personal diaries. The 'Hitler diaries' fiasco had passed into infamy and had become a case study for every journalism student on the importance of checking source material. More recently, Piers Morgan had lost his job as editor of the *Daily Mirror* after publishing what turned out to be faked photographs of British soldiers assaulting Iraqi prisoners; and in 1996 the *Sun* had been hugely embarrassed by its publication of stills from a video of the Princess of Wales canoodling with James Hewitt which turned out to have been staged by lookalikes.

It remains every editor's worst fear that they will become the unwitting victim of the next big hoax, and Lewis was determined it wasn't going to be him. It had all seemed too easy, he kept saying to himself. Surely there had to be a catch?

The expenses team's back office, which had become known, rather unimaginatively, as 'the bunker', began to resemble an operations room in a black-and-white war film as executives anxiously walked in and out, asking, 'Any news?' like commanding officers waiting to hear if a top-secret bombing raid had been successful. 'Not yet,' was the repeated refrain.

*

During the endless discussions about who might try to stop the *Telegraph* publishing the expenses story, one minister's name kept cropping up: Jack Straw, the justice secretary.

Straw knew all about injunctions. Newspapers had been prevented from identifying him or members of his family in a 1998 story about his son selling cannabis after the Attorney General obtained an injunction (which was later overturned by a judge). He was also almost uniquely placed to understand the significance of what was happening. He had been home secretary when the government took the

controversial decision to introduce the Freedom of Information Act which had led to the expenses data being compiled electronically. And he had been Leader of the House when the Commons decided to attempt to block the release of information about MPs' expenses. He was now the head of the department that oversaw the freedom of information legislation; and, in his additional role as Lord Chancellor, he would also oversee any government attempt to block publication by the *Telegraph*.

Straw was sitting in the back seat of his ministerial car on the way to Whitemoor prison in Cambridgeshire when his travelling companion, his special adviser Mark Davies, pulled his BlackBerry out of his pocket and read him an email which had arrived from the *Telegraph*'s chief reporter, Gordon Rayner, at 1.50 p.m. The email contained five questions about Straw's expenses, the most damaging of which was a query over why he had overclaimed for council tax for four years on his second home in his constituency of Blackburn.

Straw didn't need reminding that he had claimed a 50 per cent council tax discount from his local authority while simultaneously billing the taxpaver for the undiscounted total. Straw had pocketed £1,500 over and above what he should have claimed. He had eventually paid back the money, sending a cheque to the parliamentary authorities in July 2008 - only to realize weeks later that he hadn't repaid enough. He sent a second cheque to cover the outstanding balance with a letter which said: 'Sorry accountancy does not appear to be my strongest suit.' Although Straw had repaid the money, his government prosecuted people department had for similar transgressions. making this hugely embarrassing a disclosure.

So it was somewhat to the surprise of the *Telegraph* team that it was Straw who was first with his response.

At 2.24 p.m., as the reporters in the bunker were wolfing down sandwiches from the local Pret a Manger, a message popped up in the corner of Rayner's screen to say he had an email from Mark Davies.

'Straw's responded,' Rayner tried, less than successfully, to announce to the room through a mouthful of dolphin-friendly tuna.

The reply from Straw's office was remarkably straightforward. 'Suffice to say, Jack takes this very seriously,' it began. 'He applies very high standards to the way he carries out his obligations.' He had made 'errors' in claiming his council tax, it went on, and had also overclaimed around £200 in mortgage interest 'in error'.

There were no threats of action, no threats of police involvement and no suggestion that the documents were faked.

'Blimey, he's admitted everything,' said Rosa Prince, the *Telegraph*'s political correspondent, as she read the message which Rayner had forwarded to the other reporters, as well as to Wynn Davies.

'Unbelievable,' added Christopher Hope, the paper's Whitehall editor. 'Looks like we're on, then!'

The justice secretary admitting that he had overclaimed public money would normally be one of the biggest scoops of a reporter's career. But everyone in the room knew that this was just the start.

As Lewis got back from lunch, a copy of the Jack Straw email was thrust into his hand by Chris Evans, the *Telegraph*'s head of news.

It was only as he read the words in front of him that Lewis's fears of a hoax finally dissipated, and he felt the tension in his body easing. 'Well, that's it then,' he said to Evans.

At the same time Arthur Wynn Davies rushed into the bunker, smiling and waving a printout of the email above his head.

'We're in business!' he proclaimed.

Freedom of Information?

February 2004



CHAPTER 1

MORE THAN FIVE years before the *Telegraph*'s expenses investigation began, freelance journalist Heather Brooke sat in her makeshift office in the corner of a friend's attic painting studio, picked up the phone and dialled the number for the switchboard at the Houses of Parliament.

'Hello, is it possible to speak to someone who deals with freedom of information requests?' she asked, in her distinctive mid-Atlantic accent.

'What's that?' came the reply.

'There was a law passed four years ago,' the reporter continued. 'It lets members of the public have access to information and I'd like to speak to the person in charge of that.'

'Um, I don't know who that would be,' said the switchboard operator. 'I'll put you through to the public enquiry office.'

Oh joy, thought Brooke. They haven't got a clue.

Parliament had passed its first Freedom of Information Act as long ago as 2000, and its full provisions were due to come into force at the beginning of 2005. Brooke was interested in finding out how MPs were spending public money, and had decided to see whether Parliament, having had four years to prepare for the new Act to come into use, might already be in a position to help. But her enquiries were quickly leading her to the conclusion that Parliament was nowhere near ready for the introduction of the Act. From the way she was bounced between various departments, it seemed that few people had even heard of it.

Brooke had been born and raised in Seattle, though she had dual British-American nationality through her parents, who had moved to the US from their native Liverpool. It was during a previous life as an intern on *The Spokesman-Review*, a small-town daily newspaper in Spokane, Washington State, that Brooke had first developed a taste for exposing the expenses claims of politicians. America's long-established freedom of information laws allowed her to dig through public records in the state capital, Olympia, to find out what local representatives had been spending public money on. Although she found little evidence of malfeasance, Brooke saw the relative honesty of local politicians as proof that transparency was a vital weapon in preventing abuses in public office.

From Spokane, Brooke had moved on to the Spartanburg Herald-Journal in South Carolina, but fell out of love with journalism after covering more than three hundred murders, telling friends she felt 'burnt out'. A move to England, where she had been shocked at how difficult it was to get access to information held by officialdom, gave her the idea of writing a guide to using the forthcoming Freedom of Information Act, and she had become an expert in navigating this fiendishly complex piece of legislation, which seemed to some as if it had been designed to confound and frustrate those who tried to use it, rather than to encourage greater openness.

It was against this background that Brooke, by now aged in her mid-thirties, made her first approach to Parliament in February 2004 from her temporary office in Putney, south London, where her documents and ring binders competed for space with easels and painting materials belonging to her artist friend.

Brooke was particularly interested in the issue of MPs' expenses, which had already provided a rich seam of newspaper stories guaranteed to provoke outrage among a British public who had an inherent distrust of politicians

and believed they were all on the take. The most controversial element of what the MPs could claim for was something called the additional costs allowance (ACA), which gave them the right to claim up to £23,038 a year (at 2007/8 levels) for maintaining a second home.

Although MPs earn a good living (their basic salary in 2007/8 was £64,766), it was deemed insufficient for them to afford the cost of homes both in their constituencies – where they were expected to spend weekends and Parliament's long periods of recess – and in London, one of the world's most expensive cities. Successive governments had shied away from the idea of giving MPs a large pay rise to enable them to shoulder the expense of two homes, and so an alternative system was devised to allow them to claim the costs of their second home – including the interest on their mortgage – on expenses, in the same way that Joe Public might claim a train fare or a lunch.

Brooke was one of the first journalists to make a direct request to Parliament for details of MPs' expenses. Having got nowhere with her telephone enquiries, she eventually received an email from Judy Wilson, Parliament's data protection officer, who said she would also be handling FoI requests. Brooke called her and asked if she would be able to repeat the exercise she had carried out in America, digging through MPs' expenses receipts to see what they had been spending public money on.

'That's really interesting,' said Wilson, who assured Brooke that Parliament would be publishing details of MPs' expenses in October 2004. Brooke decided there was nothing to do but wait.

When October came, however, Parliament published nothing more than a summary of the total amount which each MP had claimed on their expenses, backdated to 2001 and broken down into travel, office costs and the ACA.

Brooke called again. 'Is this it?' she asked. She was told it was.

Undaunted, Brooke decided to submit a written request for details of MPs' expenses as soon as the Freedom of Information Act came into force in January 2005. She decided to go for broke by putting in a request for the expenses claims of all 646 MPs.

It was no great surprise to Brooke when her request was refused by the House of Commons on the grounds that it would be too expensive to collate and publish such a huge volume of information. But her motto was 'never take no for an answer', and where less combative reporters might have given up, she saw this as merely the opening round in a battle with the Commons authorities which she was quite happy to fight for years, if need be. And so it was to prove.

Brooke tried several different angles of attack, including requests for travel expenses; for the names and salaries of MPs' staff; and for the ACA claims of all MPs. In each case her requests were swatted away by the parliamentary authorities, who seemed to regard her as something of an irritation.

'They pretty much laughed in my face, because it was just so unheard of that a common person would dare to ask for them,' she later said.

Parliament's release of summaries of how much each MP had claimed was not without interest for reporters, however. Armed with even this most basic information, journalists had been able to uncover what appeared to most right-minded people to be blatant abuses of the expenses system, many involving MPs whose constituencies were in Greater London, less than half an hour's commute from Parliament, deciding to treat themselves to a second home in Westminster courtesy of the taxpayer.

One of the most notorious examples involved Alan and Ann Keen, husband and wife Labour MPs who represented next-door constituencies in west London and had a home in Brentford, just 9 miles from Parliament. Despite living closer to work than thousands, if not millions, of