

FBI to investigate allegations News Corp. hacked 9/11 victims' phone records

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The FBI has opened an investigation into allegations that Rupert Murdoch's News Corp. tried to obtain phone records of victims of the 9/11 terrorist attacks. The news comes as the story of systematic hacking of thousands of phones and computers by employees of Murdoch's *News of the World* continues to unfold.

The FBI's decision to investigate came following a letter to the agency on Wednesday from Republican Rep. Peter T. King of New York, who pressed for an investigation into the activities of Murdoch's media empire, headquartered in New York City. An agency official reported the decision, speaking to the Associated Press on condition of anonymity. The FBI's New York office had no immediate comment Thursday.

This week a half dozen members of Congress have called on the US government to investigate possible misconduct charges against News Corp., including for violations of a law that protects against foreign corruption.

On Thursday, Murdoch and his son James, presently in Britain, agreed to give evidence next week to a House of Commons committee investigating the phone-hacking scandal. The pair had previously indicated that they would be unavailable, but will now give evidence the final day before the Commons breaks for the summer.

Their decision followed an announcement by the Commons Culture, Media and Sport Committee that it would be issuing summonses for the two to appear. Rebekah Brooks, the chief executive of News International, owner of *News of the World*, will also appear. Neither Brooks, nor either Murdoch has faced any criminal charges in connection with the scandal.

In an open letter to FBI Director Robert Mueller, Rep. King, chairman of the House Homeland Security

Committee, called for the claims of hacking into the phones of 9/11 victims and their families to be investigated. "Any person found guilty of this purported conduct should receive the harshest sanctions available under the law," he wrote.

The story of the alleged 9/11-connected hacking appeared in the July 11 edition of the British *Daily Mirror*. According to an unnamed source cited by the paper, a New York police officer now working as a private investigator claimed he was contacted by *News of the World* reporters, who said they would pay him to retrieve the private phone records of 9/11 victims and their families.

According to the anonymous source quoted by the *Mirror*, the former cop's presumption "was that they wanted the information so they could hack into the relevant voicemails, just like it has been shown they have done in the UK. The PI said he had to turn the job down. He knew how insensitive such research would be, and how bad it would look."

The source further related, "The investigator said the journalists seemed particularly interested in getting the phone records belonging to the British victims of the attacks."

Jim Riches, a former New York deputy fire chief whose 29-year-old son, also a fireman, died in the 9/11 attacks, told the Politico web site, "I think they crossed the line. They're trying to get messages from loved ones in the last moments of their lives. It's horrible, and they should be held accountable. It's despicable and unethical."

The *Guardian* quoted Sally Regenhard, who lost her son, also a firefighter, on 9/11. She commented on the *Mirror* story, "I'm very concerned about the privacy of citizens whether it's in this country or others. If there's any suggestion that a paper had hacked into 9/11

victims' phone calls, that should be investigated.”

Earlier in the week, Senator John D. Rockefeller, Democrat of West Virginia, called for the US government to initiate an investigation into News Corp. to “ensure that Americans have not had their privacy violated.” Rockefeller, chairman of the commerce, science and transportation committee, said that it was his “bet” that such an investigation would “find some criminal stuff.” He also indicated that his Senate committee might open an inquiry.

The advocacy group Citizens for Responsibility and Ethics (CREW) had appealed to the heads of four congressional committees for an investigation into whether Murdoch's papers have been involved in illegal actions against US citizens.

Melanie Sloan, CREW executive director, welcomed Rockefeller's remarks, commenting to the *Guardian*, “I think Murdoch is vulnerable in America because he's made so many enemies.” But she cautioned, “By the same token he's still very powerful and I don't think you're going to see members of Congress rushing to take on somebody who's got Fox News, even liberals.”

On Wednesday, Democratic Senators Robert Menendez of New Jersey and Barbara Boxer of California, asked the Justice Department to investigate the reports of 9/11 victims' phones being hacked. Justice Department spokesperson Laura Sweeney said the department would review the senators' requests, but declined further comment.

While the results of such an investigation—and even if one will be initiated—are unpredictable, should it result in criminal convictions of News Corp. personnel, it could place in jeopardy some of the most lucrative components of Murdoch's US operations.

The majority of Murdoch's News Corp. is comprised of US assets, including Fox News, the *Wall Street Journal*, the *New York Post* and the 20th Century Fox film studio, among many others. His television networks are licensed by the Federal Communications Commission, which has the power to revoke licenses in cases of criminal convictions. As a US citizen, Murdoch could also be held personally legally responsible.

In a separate development, Democratic Senator Frank Lautenberg, New Jersey, asked US Attorney General Eric Holder and the Securities and Exchange Commission (SEC) to investigate whether journalists at

the *News of the World* had violated the ban on bribing foreign officials contained in the Foreign Corrupt Practices Act (FCPA).

FCPA focuses on payments made by US companies to foreign interests to obtain or keep business, i.e., bribery. At issue is whether reporters at the paper—owned by News International, the British subsidiary of Murdoch's US-based News Corp.—were in violation of US law when they paid London police for information on celebrities, politicians, the royal family and other targets of their hacking scheme.

Stuart Green, a Rutgers University law professor, spoke to the New Jersey *Record* about the probability of prosecuting News Corp. under FCPA. He said that while it might be difficult to make a case in relation to efforts to get information about the royals or celebrities, hacking the phone messages of 9/11 victims might be viewed differently.

Hacking into such voicemails would be “an illegal access to a computer system,” he said, “and a complicated set of laws govern illegal access to computers.” Successful prosecutions on FCPA charges can carry up to five years imprisonment for each charge, along with forfeiture of assets.

In a related development, a group of American shareholders, including banks and pension funds, have taken legal action against News Corp. The suit charges that it is “inconceivable” that the company's board was unaware of the phone hacking and other illegal activities, and has accused Rupert Murdoch of using the company for “personal and political objectives.”



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