

Police retreat from attack on Guardian over Murdoch phone-hacking scandal

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On Tuesday, the London Metropolitan Police (Met) dropped its attempt to force the *Guardian* to hand over its sources for stories it had published on phone hacking by Rupert Murdoch's *News of the World*.

A production order the Met sought against the *Guardian* newspaper last month represented a fundamental assault on the freedom of the press. The fact that it was ever sought in the first place testifies to the utter contempt for basic democratic principles prevailing within the state. The production order signalled that the official response to revelations of organised crime on a massive scale, involving rotten entanglements between Murdoch's news empire and the political establishment, would be to prosecute those who had exposed it.

It was the *Guardian* that, on July 4, broke the story that the mobile phone belonging to the murdered teenager Milly Dowler had been hacked by a private investigator working for the tabloid. Through that story, the extent of widespread criminality on the part of the *News of the World* and Murdoch's News International became public knowledge.

Made under the Police and Criminal Evidence Act, the production order also asserted that *Guardian* journalist Amelia Hill had committed an offence under the Official Secrets Act by "inciting" an officer from Operation Weeting—the Met's own investigation into phone hacking—to reveal information.

A judge at London's Old Bailey court had been due to hear the police's request today. The Met only dropped the case after widespread criticism and concern within the political establishment.

The *Daily Telegraph* pointed to the obvious dangers of the police action against the *Guardian* in further undermining any remaining credibility the Met possesses. "The police say they are justified in using the Official Secrets Act because the information is believed to have come from one of its officers, who would have been subject to its provisions", it wrote. "The implied threat behind this demand is that if the *Guardian* refuses to comply then the reporter or the editor

will face charges under the Act. Are they seriously contemplating that the first prosecutions arising from the phone-hacking scandal should involve the very people who exposed it?"

Harold Evans, editor-at-large of Reuters, commented, "It's ironic that Rupert Murdoch's news empire, which has been guilty of the most heinous offences, was exposed by the *Guardian*...and it's the *Guardian* that is now attacked."

The *Financial Times* commented on the use of the Official Secrets Act against the *Guardian*: "It goes without saying that draconian legislation of this sort should not be invoked other than where issues of national security genuinely apply. In their absence, as here, its use appears to be little more than a crude attempt to gag the press and to proof the police against whistleblowers.

"Unchecked, such manoeuvres could have a wider chilling effect on press freedom." The newspaper warned the "police should desist, and if they will not, the government should order them to."

On Monday, the Crown Prosecution Service issued a statement calling off the efforts to seek a production order. It said, "The CPS has asked that more information be provided to its lawyers and has said that more time will be needed fully to consider the matter."

The collapse of the effort to force the *Guardian* to reveal its sources has precipitated bitter recriminations among the various institutions involved. It is now alleged that, in applying for the production order, the Met acted as a law unto itself, and did not consult the CPS, as is required by law. Neither was the director of public prosecutions (DPP), Keir Starmer QC, or the attorney general, Dominic Grieve consulted. This is despite the fact that the police were seeking possession of the *Guardian*'s documents under Section 9 (2) of the Official Secrets Act, which requires prosecutions to be the authorised by the DPP. Prosecutions under other sections of the act require the authorisation of the attorney general.

Starmer claims only to have been contacted by the police on Monday, some three days after the production order application was made.

The Met subsequently claimed that the decision to issue the production order was taken by a senior investigating officer, without the knowledge of Hogan-Howe, or his deputy, Deputy Assistant Commissioner Mark Simmons. According to a “senior source” who spoke to the *Guardian*, “There was no referral upwards, and you would have thought on something as sensitive as this there would have been.”

These statements are difficult to believe. The reality is that the actions of the Met over the recent period are entirely of a piece with the Met’s longstanding corrupt relationship with Murdoch’s *News of the World*.

Since 2007, when *News of the World* Royal correspondent Clive Goodman and private investigator Glenn Mulcaire were imprisoned for hacking the mobile phones of members of the royal family, politicians and police had sought to bury any further investigation or prosecutions. Above all, the political establishment feared that investigations might reveal its own corrupt relations with Murdoch’s News International.

As a result of the fallout from the Dowler revelations, however, Metropolitan Police Commissioner Sir Paul Stephenson was forced to resign, along with his deputy, Assistant Commissioner John Yates.

It was Yates who, in July 2009, as the head of the phone-hacking investigation, decided not to reopen the initial 2006 inquiry into practises at the *News of the World*, despite being in possession of evidence of as many as 4,000 victims of illegal hacking.

The murky, corrupt, incestuous relationship between the Met and the Murdoch tabloid is further evidenced by details of huge pay-offs. According to the *Guardian*, up to five police officers “were paid between them a total of at least £100,000 in cash from the *News of the World*”.

To this date, not a single individual has been prosecuted as a result of the latest revelations despite accusations of what former Prime Minister Gordon Brown described as “law-breaking on an industrial scale”. Nor has a single police officer been identified and held to account. Instead, the Met has sought to silence and intimidate those who exposed the criminality.

The new Met commissioner, Bernard Hogan-Howe, took up his position on September 11. Within days, the Met had begun its action against the *Guardian*.

In its response to the CPS statement, the Met was careful not to rule out going after the *Guardian* at a future date, stating it had “taken further legal advice this afternoon and

as a result has decided not to pursue, at this time, the application for production orders....” It added, “This decision does not mean that the investigation has been concluded”.

These latest developments further underscore that no serious investigation into phone hacking and other criminal activity will be carried out by the political establishment. Further, it is clear that the Met will not be called to public account for its attempted attack on press freedom. Instead, it appears that it will answer questions before a meeting of parliament’s home affairs committee in secret.

The fact of the secret questioning, a thoroughly undemocratic procedure, was made public as the *Independent* revealed that, contrary to what News International has maintained, “Up to a dozen News International executives, including [former editor] Rebekah Brooks, were told in 2006 that the Metropolitan Police had evidence that more than one *News of the World* journalist was implicated in the phone-hacking scandal.”

The *Independent* reports that a senior police officer met with Brooks following the arrest of Goodman and Muclaire in August 2006 and “told her that detectives sifting through a vast cache of documents seized from Mulcaire’s south London home had uncovered evidence that Goodman was not the only individual on the paper involved in criminal activity. Information was disclosed about the nature of that evidence.”

According to the newspaper, Tom Crone, News International’s legal manager, passed on information to senior News International executives informing them “that the Met investigation had gathered substantial ‘circumstantial evidence’ that other journalists at the NOTW [*News of the World*] were involved in hacking phones.”



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