

THE CONVERSATION

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Hacking trial: Brooks cleared, Coulson guilty on one charge

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Free to go: Rebekah Brooks. Dominic Lipinski/PA

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Andy Coulson, the former editor of the News of the World newspaper who rose to be David Cameron's head of communications, has been **found guilty of conspiracy to hack mobile phones**. His former colleague, Rebekah Brooks, walked free from the Old Bailey after the jury found her not guilty on all counts.

In emotional scenes at the Old Bailey, Brooks – the former editor of the News of the World and Sun newspapers who became chief executive of Rupert Murdoch's News International – was overcome with emotion and helped from the court by the court matron. Her husband Charlie Brooks, former PA Cheryl Carter and News International's head of security Mark Hanna were also cleared of all charges, as was former News of the World managing editor, Stuart Kuttner.

The jury has yet to deliver its verdicts on two further charges faced by Coulson and one charge faced by former royal editor Clive Goodman.

At 11.59am, as the verdicts were announced, Twitter exploded with the news as hundreds of people who have been following reports from the trial reacted to the news. As well as being one of the longest trials in British criminal history, this has been one of the all-time most discussed cases on social media. As blogger Peter Jukes, who by the end of the judge's summing up at the phone hacking trial

on June 11 had tweeted live from the proceeding some 24,464 times, wrote with some understatement: “Week 30, Day 130 #hackingtrial – this has been quite some journey.”

Brooks was acquitted from charges of conspiring to intercept communications by listening to mobile phone messages, plus two further counts of making corrupt payments to public officials. Coulson faced, and was found guilty of, the same phone hacking charge as Brooks while he and Clive Goodman, the News of the World’s former royal editor, also face charges of allegedly conspiring to make corrupt payments to public officials.

Some journey indeed. When the jury was sent away by Justice Saunders on June 11 to consider the verdict its members were accompanied by a 304-page electronic index to around 30 files containing the evidence presented over the past eight months. It had been, said the judge, “a privilege to work for you all”.

The judge was no less dramatic than he was when the trial began on Tuesday October 29 last year. Then, explaining the importance of the proceedings to the jury, he stated gravely: “In a way, not only are the defendants on trial, but British justice is on trial.”

Well, that matter is moot – but what is indisputable is the fact that this case has laid bare some of the seedier aspects of British tabloid journalism. Let’s go back through Saunders’s summing up and examine what we’ve learned.

Tabloid tales

In respect of count one of the charges, that is to say the conspiracy to illegally intercept voicemail communications, the first thing that needs to be recognised is that there is no dispute that phone hacking took place. As Justice Saunders stated, everyone agreed about that fact. What the jury had to determine was how much, when, where and who knew?

These considerations were at the heart of the Milly Dowler affair – the kidnapping and murder of a teenage girl who went missing in 2002. It was the report by Nick Davies in *The Guardian* in 2009 that Milly’s phone had been hacked which sparked the scandal that led to the closure of the News of the World and the Leveson inquiry into media practices in the UK. Under questioning, Brooks stated that she did not know phone hacking was illegal until 2006 and she knew nothing of the hacking of Dowler’s voicemail until 2011, nine years after it was alleged to have taken place. Asked by her QC, Jonathan Laidlaw, if she had ever sanctioned someone to access a voicemail as a technique, Brooks replied “No”.

In his summing up, the judge pointed out the denial and said that if Brooks did know “she has lied to you” but added that this, in itself, didn’t make her guilty of conspiracy – as that requires an agreement, not just knowledge.

In respect of Coulson, Saunders noted that he denied being told about messages on Dowler’s phone at the time even though he was deputy editor of the News of the World. Saunders said that the prosecution case was that this was such an important story Coulson must have been told and that it

was not credible that Stuart Kuttner, a senior News of the World journalist also now cleared of being part of the hacking conspiracy, would have contacted Surrey police about the Dowler voicemails without informing Coulson. Giving evidence, Coulson denied knowing anything about the hacking of her voicemail and that he did not remember discussing the story with his then boss, Brooks. Asked by his barrister: “Were you ever party to or in agreement with phone hacking at the News of the World?”, in a clear voice, Coulson replied: “No”.



Andy Coulson, former News of the World editor and No 10 communications chief. Philip Toscano/PA Wire

Turning to the evidence of former News of the World reporter, Dan Evans, who earlier in the trial claimed that it was “obvious” that he was employed by Coulson for his skills in phone hacking, Saunders reminded the jury that Evans had said he carried out “in excess of 1,000 phone hacks” in a year, but his claims about hacking being so prevalent even the “office cat knew” must be considered “with care” by the jury.

Cover up claims

On day four of his summing up Saunders moved on to the prosecution claim that there was a “cover up” by News International to hide the extent of phone hacking and considered Brooks’ decision to offer Clive Goodman a job after he had been released from prison. Saunders asked the jury to consider the prosecution allegation that this was an attempt to stop Goodman naming other people in connection with hacking – while the defence say this was “damage limitation”.

Earlier in the trial it became clear that convicted hacker and former News of the World royal correspondent Goodman was offered a job at the Sun by Brooks because, she said, he was going to allege others at the News of the World were involved in hacking and, although the allegations were unfounded, to go through an embarrassing employment tribunal would lead to a series of damaging

headlines: “I had an objective which was to offer him a job to stop him going through an industrial tribunal”, Brooks said.

This was a trial that had scandal: the first few weeks of the proceedings concentrated on Brooks and – to some extent – her relationship with Coulson. They had, the court was told, a love affair which allegedly ran from 1998 to 2004. Part of what appeared to have been a love letter written to Coulson by Brooks was read out in court:

The fact is you are my very best friend. I tell you everything. I confide in you, I seek your advice, I love you, care about you, worry about you. We laugh and cry together.

It had political intrigue: before any testimonies were heard the court was shown the transcript of an email sent by Brooks to James Murdoch, who was then News International’s executive chairman, reporting a conversation she had with Tony Blair. Sent the day after the final edition of the News of the World (July 11 2011), Brooks tells Murdoch that she had “an hour on the phone” with the former PM, during which Blair advised her to set up and publish “a Hutton-style report” which should be chaired by former Crown Prosecution Service chief, Ken McDonald. Blair, Brooks also wrote, advised her to “keep strong”, use “sleeping pills” and to “tough up”.

Finally, Brooks wrote, Blair said he would be “available” to her and the Murdochs provided it was all “between us”. Naturally enough, this dominated the next day’s headlines though some commentators, such as Ivor Gaber, did ask why anyone should be surprised at Blair’s alleged actions, given his closeness to the Murdoch clan. He is after all and lest we forget, the godfather of Murdoch’s daughter.

Right Charlies

And it had moments of high farce. In respect of the allegations that Brooks, her husband Charlie, her former personal assistant, Cheryl Carter and News International’s head of security Mark Hanna were part of a conspiracy to prevent police from gaining access to seven boxes of documents and computer equipment removed from News International buildings in the days after the closure of the News of the World, the court was told that a holdall in which evidence was allegedly hidden from police by Charlie Brooks contained pornographic paraphernalia including seven DVDs and a magazine called Lesbian Lovers.

Fernando Nascimento, a cleaner who found the holdall in the car park of Mr Brooks’ London home, was asked about the contents by Mr Brooks’ barrister Neil Saunders. The Telegraph reported that Nascimento, who had said he found two laptops, an iPad and some paperwork inside the bin bag, was shown a photograph of a Jiffy bag which was also found inside. He denied opening the Jiffy bag, and Saunders said: “If you had opened it, you wouldn’t have forgotten.” Brooks, Carter and Hanna were cleared of all charges.

Most of all though, the trial gave us insight into the world of tabloid journalism where illegal activities, whether sanctioned or not in the higher echelons, were rife. We learned of staff at the News of the World who were given briefings on the “dark arts” of journalism which Coulson described as

“investigative techniques”. These briefings included instruction on using surveillance, hidden cameras, recording devices and following people.

But the pertinent questions are about the nature of journalism itself. To paraphrase and adapt the arguments of **Des Freedman**, the structural causes of the phone hacking crisis need to be addressed. What the trial has illustrated is “the determination of a highly ideological and competitive press to increase circulation and secure exclusives and influence by any means necessary”.

Now the verdicts are in, we must hope that the long-forgotten **second part** of the Leveson enquiry – looking at specific claims about phone-hacking at the News of the World and what really happened with the original police investigation – will eventually take place.

 **Newspapers** **News of the World** **Journalism** **Phone Hacking** **Rebekah Brooks** **Andy Coulson** **UK press**
hacking trial **Phone hacking trial**