

Letter in The Daily Telegraph

The DPP (Keir Starmer QC) misunderstands his functions

Sir,

I support the letter by Stanley Brodie QC (The DPP must go, 2 January), which argues that Mr Keir Starmer QC "appears to misunderstand the purpose and obligations of his high office". The response by Mr Nicholas Dean QC (4 January) fails to address Mr Brodie's arguments.

A further way in which Mr Starmer has demonstrated misunderstanding of his office is in relation to the power given him by the Suicide Act 1961 to refuse permission to prosecute for assisted suicide. This power is intended to prevent inappropriate private prosecutions. Mr Starmer is using it to prevent public prosecutions where the assistance was given on compassionate grounds and there was no indirect motive. That is certainly not what Parliament intended. [(Full particulars are given in my article at www.francisbennion.com/2009/040.htm.)]

Francis Bennion

Note by Francis Bennion

The passage above in square brackets was not published. The two letters referred to are set out below. Before that I give the text of a further letter I sent to *The Daily Telegraph* on 9 January but which was not published.

More of FB's writings on assisted suicide can be found in the topic, Suicide Act 1961, which can be accessed at www.francisbennion.com/topic/suicideact1961.htm.

Sir,

Recent letters have alleged that the Director of Public Prosecutions, Mr Keir Starmer QC, is too left wing, and have claimed he is not carrying out his duties correctly. A further doubt is now raised by your report on the recent prosecution of Harriet Harman MP for careless driving (9 January 2010). Legal experts said she had got off lightly because she was not also charged with the offence of driving while on the phone. The solicitor called "Mr Loophole" said she had been treated "incredibly leniently".

Driving while on the phone, the cause of many road accidents, is a social menace. Allowing a cabinet minister to escape prosecution for this offence, to which it is reported that Ms Harman has confessed, is a serious error by the DPP. Yet the case is not mentioned on the Crown Prosecution Service website, contrary to usual practice in the case of prominent defendants.

It is surely desirable that Mr Starmer should reply to this and previous criticisms.

Francis Bennion

Letter 2 Jan 2010 *Daily Telegraph* - The DPP must go

Sir,

Keir Starmer; the Director of Public Prosecutions appears to misunderstand the purpose and obligations of his high office (report, December 29).

His function is to oversee criminal prosecutions in, England and Wales, and to that end it is of fundamental importance that he is seen to be impartial and independent. The one thing he must not do is give the impression of any kind of political preference or bias.

Sadly, that is exactly what Mr. Starmer has done. He has publicly expressed views in the media hostile to prospective policies advanced by the Conservative Party, seeming to take the side of the Government and the Labour Party.

He has stepped into the political arena, and so undermined public confidence in his impartiality and independence. In the result he has demeaned his great office, and diminished his own authority.

It is particularly unfortunate that he I should have made such an error at this time. At present the Crown Prosecution Service, which he heads, is considering I whether criminal charges should be preferred against a number of peers and MPs in respect of allegedly fraudulent expenses claims. A general election is not far distant.

Mr Starmer carries the ultimate responsibility for deciding whether charges should be brought, and against whom. Suppose he prefers to defer making any decision until after the election; .or makes some other decision which may appear to favour Labour or give an impression of bias, for example by proceeding against some defendants, but not against others.

Even if his decisions are entirely independent and impartial, based on a proper evaluation of the evidence, there will always be an uneasy feeling that they may have been politically motivated. One thing is certain: the media will be subjecting his conclusions to unfriendly scrutiny.

The only course now open to Mr Starmer is to resign; and if he is unwilling to do so he should be relieved of his office.

Stanley Brodie QC

Dalrymple, Ayrshire

Letter 4 Jan 2010 *Daily Telegraph* - In defence of the DPP

SIR – Stanley Brodie QC (Letters, January 2) misguidedly calls for the resignation of Keir Starmer, the Director of Public Prosecutions. Too often politicians – of all persuasions – comment upon high-profile cases in ways that state or imply that the law is somehow inadequate or wrong. Sometimes the law does require reform. Usually, though, the politician will call for a populist but unworkable change that more careful reflection would reveal to be more, not less, likely to lead to injustice.

Mr Starmer has done no more than point out that the law is, in certain specific respects, perfectly sensible and, if properly applied, perfectly just. Such statements are not political – and certainly not party political. They are part of a constitutional process that helps to safeguard us against knee-jerk law-making.

Rather than see Keir Starmer resign or be dismissed, I would prefer politicians to reflect more carefully upon their public comments after high-profile cases are reported and perhaps that they consider and consult before being critical or suggesting reform.

Nicholas Dean QC
Mowbray, Leicestershire