

Free Speech Union briefing

Journalism in the Dock:

**Sir Keir Starmer's Baseless Prosecution of Tabloid Journalists
as Director of Public Prosecutions**

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In a recent article for my old newspaper, the *Sun*, Prime Minister Sir Keir Starmer wrote about his staunch support for press freedom and freedom of speech.

“Journalism,” he said, “is the lifeblood of democracy.”

Journalists are guardians of democratic values. These simple facts are so woven into the fabric of our society that we often take them for granted.

We stand with journalists who endure threats just for doing their job. Just because journalists are brave does not mean they should ever suffer intimidation. This is a government that will always champion Press freedoms.

No sentient citizen could argue with that. Yet, not for the first time, Starmer was speaking with forked tongue.

His tribute to free speech, marking Journalism Matters Week, would have rung hollow for the *Sun*'s John Kay who 10 years ago was arraigned at the Old Bailey on what amounted to a challenge to the very freedoms the Prime Minister claimed to cherish and uphold.

Along with deputy editors Fergus Shanahan and Geoff Webster and royal reporter Duncan Larcombe, he was charged with the arcane offence of “conspiracy to commit misconduct in public office”, a rarely-used 14th century statute deployed as a last resort by lawyers without a leg to stand on.

They were among two dozen *Sun* and *News of the World* journalists in the dock, normally occupied by terrorists, rapists and murderers, for the “crime” of breaking news stories in the public interest.

The conspiracy count was deployed after failed attempts by the Director of Public Prosecutions, Keir Starmer KC, to build a more serious case for either aiding and abetting or corruption.

It was in 2011 that Starmer launched the purge of innocent newspaper men and women which became known as Operation Elveden.

In scenes reminiscent of Vladimir Putin's police state, scores of newsmen and women were rounded up and forced to undergo show trials for printing

true stories – or, to quote Starmer in his article for the *Sun*, “just for doing their job”.

Reporters and editors, including Kay – a Fleet Street legend honoured twice by the British Press Awards as Reporter of the Year – were hauled through the highest court in the land. After four traumatic years on police bail, living with the fear of imprisonment, every single defendant was exonerated without a stain on their characters.

Former *Sun* editor Rebekah Brooks was tried separately on counts of conspiracy and phone hacking. She was cleared on both counts.

In a bizarre coincidence, John Kay stepped into the dock of Court 14 at the Old Bailey on 5th January 5, just as his Ministry of Defence source was leaving the building to begin a 12-month term for providing his scoops. As events would reveal, a journalist is legally entitled to pay for information. But public officials do not have a right to sell it.

Kay's source is now a convicted criminal for what was arguably no more than a breach of her employment contract. She revealed no official secrets. The information she provided in return for payment would have been available from the MoD if a journalist asked the right questions about, for example, HM Government's shoddy treatment of fighting soldiers. Such information was undeniably in the public interest.

Thanks to this tipster, lives were saved and army chiefs were shamed into ending the practice of sending troops into battle in flimsy, canvas-covered Land Rovers that were defenceless against al Qaeda roadside bombs. Or making men pay privately for serviceable boots and equipment.

The only 'crime' was that such disobliging stories were published in the *Sun*, which had just fallen out with Labour Prime Minister Gordon Brown.

As a result of the ensuing witch-hunt, journalists working for Rupert Murdoch's newspapers had every reason to fear they too were doomed to a spell behind bars.

Their fear was justified by a verdict which deserves a place for infamy in the annals of British justice when two *News of the World* reporters, Ryan Sabey and Lucy Panton, were convicted of conspiracy. The flawed nature of their convictions was exposed when they were sensationally overturned

amid questions from the bench about press freedom.

In the event, every single journalist prosecuted by Keir Starmer eventually walked free – though not without a huge personal cost to them, including divorce, alcoholism and an attempted suicide.

Their acquittals represent a chilling indictment of both the police and the Crown Prosecution Service – and indeed Keir Starmer’s claim to have been an impartial state prosecutor.

By the time the guilty verdicts were overturned, he was long gone, building his new career as a knight of the realm, MP for one of the safest Labour seats in the country and now the Prime Minister.

But Starmer cannot and should not escape responsibility as the instigator of Operation Elveden, a blatant attempt to intimidate and silence the free press.

The right and duty of newspapers to speak truth to power was only saved by British justice, the jury system and the wisdom of the Lord Chief Justice, Lord Justice Thomas.

Starmer’s trumped-up charges collapsed like dominos after being identified by the Appeal Court as an abuse of the press freedom Starmer now claims to hold so dear.

This was no trifling case. Operation Elveden was the longest and, at £33 million, the costliest police action in the history of Scotland Yard, eclipsing even such historic manhunts as the Great Train Robbery and the Yorkshire Ripper.

It was also, I will argue, politically-motivated.

The story began on September 29th, 2009, as Prime Minister Gordon Brown made a major speech to a Labour Party rally in Brighton in the run up to the 2010 general election.

As he finished speaking, he learned that the *Sun* was announcing its decision to switch support from Labour to the Tories, proclaiming in a Page One headline: “Labour’s Lost It.”

The newspaper cited the government's failure under Brown to control public borrowing, fund and equip troops fighting in Afghanistan or deal with the tide of mass immigration.

Operation Elveden, for those who even knew its name, was often confused with Operation Weeting, the Met's investigation into phone hacking. The two probes were entirely separate and distinct – and for good reason.

In the days when mobile phones were still a novelty, the *Sun* news desk received its earliest tip-off about an intercepted phone message. Senior editorial executives, including chief reporter John Kay, were called into a huddle. Was this a legitimate news story?

Kay summed up what was to become *Sun* newsroom lore: "It's not a story. It's not journalism. It's illegal. You could go to jail."

To this day, no *Sun* journalist has been accused, charged or convicted of phone hacking

Still, many otherwise well-informed citizens remain convinced that we were among those reporters from the *News of the World*, *Sunday Mirror* and *Sunday People* who did go to jail for hacking.

It is ironic that Kay, then 69, was among the first of many to be dragged from their beds in Elveden's monstrous dawn raids, their homes ransacked by mob-handed police who carried away bin-liners stuffed with private documents, photos and computers.

The impact of these terror-style raids on wholly innocent families remains imprinted on their memories, a stain on Britain's reputation for impartial policing.

One editor's tearful teenage daughter was forced to stand by while police rifled through her underwear drawer. Others watched as cops ripped out floorboards and car interiors, and in one act of gratuitous vandalism tore the door off a new washing machine while it was on spin cycle. Nothing was left untouched, including love letters and wedding photographs.

Police who raided the home of *Sun* picture editor John Edwards found the family still at breakfast. An officer grabbed a cornflakes packet and emptied it over the breakfast table.

John Kay's wife, terminally ill with cancer, was ordered out of her sick bed while police searched her room.

A policeman rampaging through managing editor Graham Dudman's home spotted his passport and slipped it into his pocket – an act which, without a court order, is illegal.

Not a scrap of this so-called evidence was ever used in court and was only returned years later, long after the victims were acquitted – in one case, minus £1,000 in banknotes.

The police action was not merely disproportionate, it was vindictive and way over the top. Arrested journalists were carted away in police cars in front of neighbours and banged up in police cells for up to 12 hours.

"We were treated like armed robbers or drug gangsters for what at the very most was an alleged white collar crime," recalls Fergus Shanahan.

Interviews were carried out in 'good cop-bad cop' interrogations, with one officer firing off a barrage of questions and the other barking: "This is your last chance to come clean before you go to court."

This image of a bullying police state jars with Starmer's vow to "stand with journalists who endure threats just for doing their job".

It is painful to imagine that such methods are standard police practice in modern Britain for allegations of victimless white collar crime.

It is, though, all too easy to link this shocking abuse with Gordon Brown's notorious 2009 phone call to Rupert Murdoch, in which he vowed to "destroy" his newspaper empire (see below).

It is known from police sources that Met Commissioner Sir Bernard Hogan-Howe insisted the arrested journalists should be treated as common criminals, despite protests from senior colleagues. It is not unreasonable to wonder why he did so.

Elveden 'plods' needed no encouragement. They deployed the iniquitous system of police bail as a psychological bludgeon, tormenting victims by summoning them for interviews on birthdays or special anniversaries, then cancelling at the last moment.

In effect, those innocent journalists were already serving non-custodial sentence long before they set foot in court.

It became clear as the trials began that the prosecution were trying it on. Judges accustomed to dealing with scum-of-the-earth thugs and murderers were having to spend precious Old Bailey time looking at old newspaper cuttings.

Counsel for the Crown Prosecution Service made snide remarks about the “gutter press” and what they described as “tittle-tattle”. But they were struggling to prove any actual crime had been committed.

As the trials progressed, there was a noticeable shift in attitude on the bench. What appeared to be polite disdain for the terrified scribes had morphed into discreet respect.

Defence counsel emphasised that every news story submitted in evidence had been vetted by office lawyers and checked with the authorities and individuals involved before publication. None had issued complaints or denials.

Even the prosecution conceded that no official secrets had been betrayed. All the stories were true. The journalists, as Sir Keir Starmer might say, were simply doing the job they were trained and paid for.

In many examples, the basic facts were available to any inquiring reporter. It is standard practice in such Whitehall information departments as the Ministry of Defence for a press officer to be given the “line to take”.

After an initial response, the official is authorised to disclose further information, but only if asked. The right questions would eventually elicit the full story, the mark of good journalism.

John Kay’s source merely cut to the chase without being asked. Paying for such stories is considered legitimate and standard practice. By the time Elveden collapsed, it had become enshrined in law.

This was not how State Prosecutor Starmer saw it in 2011. He invoked a rarely used medieval statute – *conspiracy to commit misconduct in public office*.

In legal circles, conspiracy counts are considered an act of desperation.

But on November 2014, Mother-of-two Lucy Panton, crime editor of the *News of the World*, was among the first to be found guilty as charged.

Her colleague, former royal reporter Ryan Sabey, was next in March 2015.

The presiding judge in both case was the hyper-active Mr Justice Wide, a former prosecuting KC tipped at the time as a potential Lord Chief Justice.

Notoriously combative, Mr Justice Wide almost ran to his seat on the bench every morning in a flurry of black gown and white wig ready for battle with counsel for the defence.

But this eager beaver bungled his summing-up at the end of the Sabey and Panton trials and was later rebuked by his peers for misdirecting the jury, his dreams of reaching the highest peaks of the judiciary in ruins.

Both Panton and Sabey were subsequently acquitted in a landmark Appeal Court ruling which cut the ground from under the whole shabby Elveden stitch-up.

By then, though, the two blameless journalists had been put through a form of torture which made life a misery for both them and their families.

Lucy Panton's nightmare began a week before Christmas in December 2011.

"My husband [a serving police officer] was met in the drive by officers from Operation Elveden as he was leaving for work," she told the *UK Press Gazette*.

"I was taken from my bed and arrested. They then got my five-year-old and her friend out of bed. "Lily was having her first ever friend for a sleepover. You can imagine how awful it was for my husband to ring her parents to tell them our house had been raided by the police.

"My six-month-old son was taken out of his cot while nine police officers searched their rooms and all the other rooms in our house including our loft.

“I had been on numerous raids with police before, but that was as a reporter watching the arrests of drug dealers, paedophiles and a serial killer.

“This time it was me. I was having my life turned upside-down in a search normally reserved for the most serious of criminals. It was an experience that left me feeling physically sick.

“When being grilled about which police officers I knew, I was asked repeatedly: ‘What was your relationship with them? Was it professional, was it personal, was it sexual?’

“As a married mum of two I found this highly offensive. It still makes my blood boil now.”

Panton showed courage throughout her appalling ordeal.

As Prime Minister Starmer told *The Sun*: “Just because journalists are brave does not mean they should ever suffer intimidation.”

Lucy might have assumed her punishment had ended when the Crown Prosecution Service abandoned an option to appeal after her acquittal and dropped all charges against her.

But months later, on May 28th, 2016, she opened a letter from the Legal Aid Agency demanding nearly £35,000 and warning of enforcement action and fines if she did not pay.

It was only thanks to a cash-raising campaign by the Crime Reporters’ Association, backed by *Press Gazette* editor Dominic Ponsford, that this penalty was axed and she was saved from going broke.

“What sort of country puts journalists who write true stories about matters of public interest behind bullet-proof glass at its top criminal court?” wrote Ponsford.

In apparent agreement, Lord Justice Thomas was scathing at the Appeal Court as he put two simple questions to prosecuting counsel.

Why, he asked, had the Crown Prosecution Service repeatedly changed charges against the defendants, trying first to find a case for corruption, then aiding and abetting and finally the catch-all “conspiracy” counts?

The CPS mouthpiece said he would need to go back to the office for instructions.

Then came the killer question. “Have you at any time considered the freedom of the press?”

I watched from the public gallery as the silver-tongued silk flapped like a gaffed fish.

Their lordships then ruled that, while it might be an offence for a public official to sell information, it was NOT an offence for a newspaper to pay for it.

“What concerns me,” said the Lord Chief Justice, “is the freedom of the press and the desire of officials to contain information. We must ensure the press is protected. We can’t use criminal sanctions to undermine their position.

And in a sideswipe at the prosecution of officials, he added: “A democracy cannot function unless people are prepared from time to time to breach their public duties.

“Therefore you need to protect them and I want to be absolutely sure there is nothing that impinges on the operation of the freedom of the press.”

Shortly afterwards, *Sun* reporter Anthony France became the last of 34 journalists to be acquitted on appeal, having already served his sentence of 200 hours of community service.

Speaking outside the court, France said: “I am delighted that this serious miscarriage of justice has ended today, allowing me to rebuild my life after 1,379 days of sheer hell.”

It was all over. DPP Alison Saunders, Starmer’s successor, threw in the towel. So did Met boss Hogan-Howe. There would be no retrials. All existing prosecutions were wound up.

Every single defendant walked free, some having already served community service sentences while still on appeal.

Vindicated defendants and families experienced the joy of witnessing Elveden cops burying their heads in their hands as the verdicts were announced.

One reporter's wife recalls: "One of the officers was pretty cocky when he walked past me in my nightie the morning my husband was arrested, but not when the case collapsed around his ears."

Yet it was poor compensation for Stasi-style raids and four wasted years on police bail.

Had such a vendetta been launched against journalists on, say, *The Daily Telegraph*, *The Guardian* or indeed any other newspaper, it would have stirred the sort of uproar aroused by the Post Office computer scandal. It might even have made a great TV docudrama.

But no such police action would ever be launched against journalists on *The Telegraph*, *The Guardian* or any other newspaper. And no documentary will ever be made.

The Sun was singled out for special treatment as an act of political vengeance. In my view, Starmer abused his role as State prosecutor by aiding and abetting the persecution of innocent men and women. If there was a conspiracy, it was between the DPP and the Labour Party.

Why else would a former Human Rights Lawyer of the Year give the go-ahead for such a flimsy prosecution?

Where was the support for the freedom of the press about which he wrote so passionately in *The Sun*?

Why and how did the police even begin to construct an operation which led to such total and costly failure?

First it might help to describe how the mass circulation *Sun* remained at the top of its game during its era as the world's best-selling newspaper.

The newsdesk is the command-and-control centre of any news-gathering machine.

In 2011, as Elveden police began preparing their dawn raids, steely news

editor Chris Pharo was at the centre of this hub, flanked by his team of experienced journalists.

Opposite him sat picture editor John Edwards, son of legendary royal photographer Arthur Edwards.

The daily process, as I know from my days on the newsdesk in 1978, involves non-stop sifting of calls from staff reporters across the UK and overseas, along with hundreds more from readers and tipsters. Much is dross but occasionally there is the oyster containing a pearl of a Page One story.

Calls were logged through the day and then from 6pm until 2am as Pharo handed over to veteran night news editor Brandon Malinsky.

News was and remains a commodity. Calls flood in from professional news and picture agencies all over the world. Payments were routine, often hundreds a day.

They were logged, checked and approved by then editor Rebekah Brooks, deputy editors Fergus Shanahan and Geoff Webster, and managing editor Graham Dudman.

In addition, journalists had sources of their own. They would nurse valuable contacts, built up over years, and keep the newsdesk informed of any “belters”, as John Kay would describe his scoops.

Every story – especially controversial ones – was vetted by an in-house lawyer and checked and verified with the subjects or organisations involved *before* publication.

Payment depended on value of the story. A Page One scoop could be worth thousands of pounds.

News tips were fed out to district reporters, such as Jamie Pyatt, a remorseless news-hound who covered the Thames Valley. His own contacts book included high-ranking, friendly police officers.

Police and other 999 services provided *The Sun* and other national newspapers with some of their greatest stories. Crucially, they could be relied upon to steer us towards the truth and – equally important – away

from errors.

It was valuable two-way traffic. Reporters door-stepping a crime scene frequently unearthed evidence missed by police which then led to an arrest. For example, Soham child killer Ian Huntley's story failed to stack up for a sharp-eyed *Sun* journalist who passed on his suspicions to police. They followed the clues. Huntley was swiftly arrested.

Cooperation between police and newspapers died the day Operation Elveden was launched. From that moment it turned into a war which has yet to reach a truce.

Police officers who would once have helped the media became its opposition. During Bernard Hogan-Howe's term, the Met brought down the shutters on all journalists.

One case illustrates the loss of this high value resource to the general public.

Jamie Pyatt was the first Elveden detainee to be arrested, on November 4th, 2011.

"I glanced out of the window of my home to see police officers approaching," Pyatt told the *Press Gazette* after his acquittal.

His first thought was the police were coming to thank him for an act of bravery six days earlier when he and his 20-year-old son had foiled an attempted burglary.

"Sam and I heard breaking glass and the alarm going off in a community centre at the end of our garden," he said.

"We both went over the fence with cricket bats screaming and swearing and chased off the three burglars who were after the new computers the centre had just received.

"When I saw police officers walking up my drive I assumed they had returned to ask a few more questions or congratulate us on behalf of the community.

"But more and more coppers kept coming up the drive until there were

about a dozen and nobody was holding a congratulatory cake.

“It was then that I was told they were from Operation Elveden and I was under arrest.

“The three burglars, I found out later from the community centre, were never caught because the police said they did not have sufficient officers to pursue it.”

Pyatt and *Sun* colleagues Chris Pharo, Graham Dudman, Ben O’Driscoll, John Troup and John Edwards were tried and eventually cleared. But not until they had spent what seemed like a lifetime on draconian police bail. Pyatt spent the longest of all – a total of 1,441 days at the beck and call of officers he once counted as friends

They had reason to be friendly. It was this award-winning reporter who helped police find the killer of schoolgirl Hannah Foster, 17, who was murdered in Southampton in 2003.

The *Press Gazette* reported: “After winning the trust of Hannah’s parents Hilary and Trevor, Pyatt worked with Hampshire Police who, with *The Sun*, put up a substantial reward.

“He went to India, where the killer had fled, and worked with UK police on a huge publicity operation which flushed the man out and led to his arrest and extradition.”

Hannah’s father Trevor volunteered as a character witness for Pyatt at his trials: “I would have him on my team any day,” he said.

Pyatt says: “We were journalists, not jihadists, and the juries understood and accepted that. It was a witch hunt that never should have been allowed to get off the ground.”

Which raises the question: why were these innocent men and women in the dock at all?

The answer is that the *Sun* journalists were collateral damage from the hacking saga which saw the closure of *The News of the World*, the world’s oldest Sunday newspaper.

On the advice of lawyers, the company established the Management Standards Committee (MSC) to safeguard propriety and reassure American licensing authorities.

Former *Telegraph* editor-in-chief Will Lewis was chosen to head the MSC and guided Elveden police through a forest of newsdesk logs, expenses claims, invoices and by-lined newspaper cuttings.

Among the first to be arrested was John Kay who, ironically, had been a mentor to Lewis through his rise from cub reporter to an editor's chair and counted him as both friend and protege.

Kay, who lived next door to Lewis's brother, recalled Lewis arriving one day in tennis kit. His brother was out. He was invited into the Kay household and spent an evening talking newspapers.

John revelled in his new protege's subsequent rise through the ranks of *The Sunday Times* and the *Telegraph* group.

As Operation Elveden got into its stride, John, who was prone to depression, tried to take his own life.

A low point for the dozens of innocent journalists dragged through this ordeal was the justification, leaked by sources close to Lewis, that the MSC was "draining the swamp".

This was an outrageous and deeply wounding insult to the decent men and women who were "doing the job they were paid to do".

Lewis, it is worth noting, boasted to the 2011 Leveson Inquiry into press standards that he would never betray a source.

Asked if he had leaked a scandalous story to then BBC correspondent Robert Peston, he replied: "As you know, core to any journalist is the protection of sources. Any way I answer would endanger that principle."

It was no secret in Fleet Street that John Kay had served a six-month prison sentence in 1978 for the manslaughter of his wife on grounds of diminished responsibility. He was admitted to a psychiatric centre for treatment.

Although his record was not mentioned in court, the circumstances would have been known to the police and probably to the prosecution.

Yet in a remarkable tribute, presiding judge Mr Justice Saunders told the Old Bailey jury: “John Kay has risen higher in his profession than anyone in this courtroom – including myself.”

This comment – and the entire Elveden saga – remains engraved on the memory of Fergus Shanahan, *The Sun*'s deputy editor who stood alongside Kay in the dock.

“The dawn raids seemed designed to intimidate families,” says Shanahan. “The Met sent four carloads of detectives to seize me at 6am on 28 January 2012. While I was locked in a cell, my house was ransacked in front of my wife and daughters. Mountains of stuff was carried off: childhood videos, camera lenses, holiday snaps, diaries – all irrelevant to the investigation. My daughters' bedrooms were turned upside down.

“At Romford police station I was interrogated for 12 hours as the detectives plodded through page after page of typed questions.”

And then, silence.

“It was another year before police saw me again. I was bailed, usually at the last minute just to increase the torture. In April 2013 I was charged over payments for public-interest stories including Army bullying and an attempted murder inquiry at Sandhurst Military Academy. Almost two more years passed before my trial.

“These were the darkest years of my life. You go to bed thinking of prison and wake up thinking of prison. I found myself sitting up at 3am ordering a cheap watch and trainers for my jail kitbag. It was the same for my family. You cannot plan anything, enjoy anything, because that terrible cloud hovers over you. By the time my trial started in January 2015 it had been three years since my arrest and I felt I had served a sentence already.

“At the Old Bailey, my prosecutor had such a mountain of documents that he needed a hotel luggage trolley to wheel them into court.

“Jailing journalists for printing the truth is what they do in Russia and North Korea. But this is England. Isn't it?”

“When cleared, I expected to feel euphoria. Instead I felt drained. I have tried to put it behind me, but you can’t. The memory is always there. I still take an obsessive interest in stories about prison. That’s where Keir Starmer thought *Sun* journalists belonged.”

In 2016, *Sun* reporter Anthony France became the last of three convicted defendants to have his conviction quashed. The Law Commission, watchdog of British justice, immediately called for the conspiracy count to be abolished or amended. Judges and lawyers simply did not fully understand it, it said.

The Crown Prosecution Service’s own counsel admitted it was not “straightforward”.

At a trial involving *Sun* reporters Neil Millard and Tom Wells, night news editor Brandon Malinsky, and *ex-Daily Mirror* reporter Graham Brough, CPS silk Jonathan Rees KC confessed: “It’s not always easy or straightforward to get a concrete idea of what misconduct looks like.

“No one is suggesting, least of all me, there was anything criminal in the publication of these articles.

“I appreciate only too well how difficult it must be to sit in judgement of all five defendants,” he told the jury.

“You have heard many good things about each of them and you have not heard challenge by the prosecution – it all goes in their favour.”

David Ormerod KC, a professor of criminal justice and a commissioner at the Law Commission, said the charge of conspiracy was not trusted by the public and was “so vague that it is difficult for investigators, prosecutors and juries to apply”.

“It is vital that the public have confidence in their public officials and in the legal framework that sets the boundaries of their conduct.

“The offence of misconduct in public office is increasingly being used to bring public officials to account but recent high-profile investigations and prosecutions have brought the problems with this offence into sharp focus.”

He added: “The existing law relating to misconduct in public office is

unclear in a number of fundamental respects.

“There is urgent need for reform to bring clarity and certainty and ensure that public officials are appropriately held to account for misconduct committed in connection with their official duties.”

In the House of Commons recently, the Prime Minister yet again boasted about his “five years as DPP prosecuting hundreds of thousands of criminals including terrorist gangs and rapists”.

So if judges, legal eagles and the Law Commission itself spotted the flaws in this ancient statute why didn't this highly experienced state prosecutor think twice before inducting *Sun* journalists on such a dubious count?

Which begs the question: if judges, legal eagles and the Law Commission itself spotted the flaws in this ancient statute why didn't the State prosecutor think twice before indicting *Sun* journalists on such a dubious count?

I put this to Starmer twice in the months following the collapse of the trials.

He was at that point building his new career as a rising Labour Party star. He beseeched me to understand his dilemma.

“What else would you expect me to do after police presented their case?” he asked.

I believe there is a simple and more sinister answer. In the hours after *The Sun* pulled the plug on its support for Gordon Brown's government in 2009, the Prime Minister called News Corp boss Rupert Murdoch on his direct line.

“I will destroy you,” he bellowed down the line. Gordon Brown denies he said this. But of course there is a witness.

I am informed by usually reliable sources that Mr Brown subsequently visited Keir Starmer at least once at his CPS offices. What did they discuss? I used the Freedom of Information Act introduced by Tony Blair to ask for the dates. The CPS insisted it does not keep records dating back that far. I have appealed.

But surely as a dedicated human rights lawyer with decades of experience,

Starmer should have instantly dismissed the flimsy allegations against the hapless journalists.

Indeed, it is CPS policy to dismiss cases where there is an insufficient prospect of securing a conviction. On Starmer's watch this rule was deployed despite clear and explicit evidence of multiple sex crimes by the BBC's Jimmy Savile and Harrods tycoon Mohammed Fayed.

Starmer insists these scandals never crossed his desk. But given the high profile of the two individuals, it is unlikely the allegations would not have rung an alarm bells at the highest levels of the CPS.

Perhaps Mr Starmer assumed any muck would stick to a journalist working for the tabloid *Sun*. In any event, it was soon after leaving his job as State prosecutor that he was given a knighthood, the safest Labour seat in London and a shot at the top job in British politics.

In Opposition, Starmer has publicly promised he would not bow to Labour MPs campaign for "Leveson Two" which would put newspapers under the control of a state regulator.

Nor, he says, would he accept calls to resurrect Section 40 of the 2013 Crime and Courts Act, which would make publishers liable for crippling costs of libel litigation – win or lose, genuine or false.

But this Prime Minister is not known as "Sir Flip-Flop" for nothing. He is blamed even by his own MPs for breaking every pledge he has made since entering Parliament and by "Leave" voters especially for his betrayal over Brexit.

In reality, he has no need to break any promises to put press freedom in danger. We are already seeing it throttled by woke zealotry and "You Can't Say That" censorship.

We are gagged by Non-Crime Hate Incidents (NCHI), an abomination which led to *Daily Telegraph* columnist Allison Pearson being doorstepped by two cops on Remembrance Day over an anonymous complaint about an unspecified social media posting.

This is NewSpeak terrorism, along with Labour's plan to outlaw blasphemy – another medieval catch-all.

Labour is in government with an unassailable majority. Its lop-sided intolerance permeates the public sector and the BBC.

We should be alarmed at the outrageous decision by IPSO, the not-so-Independent Press Standards Organisation, to castigate *Spectator* columnist Gareth Roberts for describing a transsexual woman, accurately, as “a man claiming to be a woman”. IpsO ruled the reference was “pejorative and prejudicial”.

This government’s readiness to stymie press coverage of Southport murderer Axel Rudakubana’s terrorist history should worry us all. Especially those branded “right-wing extremists” who were swiftly banged up for such accurate suggestions.

Equally alarming is Starmer’s readiness to put the rulings of unaccountable institutions like the International Criminal Court, the European Court of Human Rights and even the EU itself above our own jurisdiction.

His appointment of close buddy Lord Hermer as Attorney-General confirms Starmer’s contempt for domestic law. Hermer was apparently behind Starmer’s decision to surrender the strategically vital Chagos Islands to pro-China Mauritius – enraging newly-re-elected American President Donald Trump. Also the decision to expose UK taxpayers to compensation for IRA frontman Gerry Adams.

Both decisions were urged on Britain by outside agencies. Both are indictments of Starmer’s pious support for the human rights industry at the expense of British voters and British interests.

It is thanks only to investigative newspaper journalists that these outrages became public.

We might also consider this government’s record for double dealing and deception before, during and after the general election – and its record in power for putting its own political interests ahead of the national interest. Then we should ask whether we can trust a man who persecuted innocent journalists to stand up for and defend the unruly press as “guardians of democracy”?

Operation Elveden and the clarion words 10 years ago of Lord Chief Justice Thomas suggest beyond reasonable doubt that freedom of the

press and the right to hold our elected leaders to account is not safe in Sir Keir Starmer's hands.

In his article for the *Sun*, the Prime Minister hailed journalists as "guardians of democratic values... the lifeblood of democracy". His persecution of innocent journalists for performing this noble role exposes those words as meretricious cant.

