State Research

An independent group of investigators collecting and publishing information from public sources on developments in state policy, particularly in the fields of the law, policing, internal security, espionage and the military. It also examines the links between the agencies in these fields and business, the Right and paramilitary organisations.

State Research Bulletin

Published bi-monthly in April, June, August, October and December. Contributions to the Bulletin are welcomed; they should be sent to the above address.

Subscriptions

Subscribers receive: the bi-monthly Bulletin, an annual Index, and an annual overview of the year.
Rates: Britain and Europe: £3.00 pa individuals, £6,00 institutions/organisations (payment only in sterling). Elsewhere (by Air Mail): US $8.00 pa individuals, US $16.00 pa institutions/organisations. Bulk rates on application. Single/sample copies 45p/$1.00 (inc. p&p).

The Review of Security and the State

Vol. 1., will be published in the autumn by Julian Friedmann Publishers. This will contain our year's work in hardback form, i.e. issues 1-7 of State Research Bulletin (October 1977—September 1978), an introductory overview of the year and an index. Hardback (jacketed) £10.00. Orders direct to: Julian Friedmann Publishers, 4 Perrins Lane, Hampstead, London N.W.3.

Back issues

Issues no. 1—4 were produced in a duplicated format, but they are in short supply and are currently only available to subscribers. These back issues, in addition to carrying news and reviews sections, included the following Background Papers (which are available at 20p each inc. p&p): no. 1: *The Institute for the Study of Conflict;* no. 2: *The Special Branch;* no. 3: *Secrecy and Security:* the background to the Official Secrets Acts and their use; no. 4: *The Politics of Public Order.*

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Typeset by Poland Street Publications, 9 Poland Street, London W1.
Printed by Russell Press, Gamble Street, Nottingham.
Trade distribution PDC, 27 Clerkenwell Close, London EC1.
Published by Independent State Research Publications, 9 Poland Street, London W1.

ISSN 0141—1667

35p

STATE RESEARCH

BULLETIN No. 5

IDENTITY CARDS — THE ATOMIC POLICE — VETTING
JOB APPLICANTS — EEC SECURITY CO-OPERATION —
MERCENARIES — POLICE DRIVE FOR LAW AND ORDER

NEWS & DEVELOPMENTS

STRIKES: QUEEN'S REGULATIONS

The Ministry Of Defence (MOD) are to change the Queen's Regulations for the Army in order to legitimate the use of troops in national strikes. This change will give the military a power which parliament clearly did not intend them to have when it passed the 1964 Emergency Powers Act, under which troops were used in the firemen's strike. In effect, the MOD, via the Defence Council (who will have to authorise the change), will be establishing far-reaching new powers without any reference to parliament.

This decision followed an admission by the MOD, after the report in State Research Bulletin no. 4, that the use of troops in the firemen's strike was contrary to the directives laid down in the Queen's Regulation for the Army (Guardian 20/3/78). The Regulations state that troops can be used in industrial disputes in two situations, under what is termed 'Military Aid to the Civil Ministries' (MACM). The first is when a state of emergency is proclaimed under the 1920 Emergency Powers Act, 'in a situation where the supply and distribution of the essential of life to the community are extensively threatened ...' (Reg. J11.004 a.). The second is 'where there is no proclamation and the emergency is *limited* and *local*, the Defence Council may, under the Emergency Powers Act 1964, authorise Service personnel to be temporarily employed on work which the Council have approved as being urgent work of national importance' (Reg. J11.004 b., our emphasis).

This latter regulation clearly reflects the intention of parliament in passing the 1964 Act, but the use of the troops

in the firemen's strike was neither 'limited' nor 'local', it was 'extensive' and 'national'. In order to regularise the use of troops in national strikes the MOD have announced that they intend to simply delete the words 'limited and local' when the Regulations are next reprinted, thus giving themselves unlimited powers in this respect. Whether this will be a matter of weeks, months or years is not known.

The 1964 Emergency Powers Act was introduced in parliament, by Henry Brooke, the Conservative Home Secretary, on the grounds that the 1920 Act only covered the use of troops in industrial disputes, and that the government wanted powers to use troops for other contingencies — such as floods, severe winters, or bad harvests. The current wording of the Regulations accurately reflect the intention of parliament which passed the Act with little or no debate, given its uncontroversial nature (there was a short debate on the second reading, and it was passed without a vote being taken).

Until 1977 the power granted under the 1964 Act (S.2.) had only been used in 'limited' and 'local' situations, twice in Glasgow for strikes by firemen and dustmen, and during a dustmens strike in the London borough of Tower Hamlets in 1970.

The critical distinction between the 1920 and the 1964 Emergency Powers Acts is that under the 1920 Act parliament has to agree to a state of emergency being declared, to pass Regulations drawn up by the government (which include the use of troops in specified roles), and to renew the Regulations for each month of the emergency. The 1964 Act makes no provision for parliamentary accountability at all. The power to authorise the use of troops is vested in the 13-member Defence Council over which parliament has no statutory power of veto.

The deletion of the offending words, 'limited and local', from the Queen's Regulations will remove the contradiction from the point of view of the Ministry of Defence. But another contradiction remains, whether in a parliamentary democracy the MOD and the Defence Council should be allowed to simply re-write the rules so as to give themselves powers which parliament clearly never intended them to have.

THE ATOMIC POLICE

'What is the answer to the charge that fast breeder nuclear reactors will put our civil liberties at the mercy of an extended armed constabulary with sweeping powers of arrest, answerable to no elected body, and of a secret service effectively answerable to no one? ' (Mr. Leo Abse, House of Commons, 2/12/77).

Neither of the questions posed by Mr. Abse have been satisfactorily answered. First, the Atomic Energy Authority (AEA) Constabulary, who guard nuclear installations and the movement of plutonium, were given far-reaching new powers by Act of Parliament in 1976. Second, because of a presumed terrorist threat, there would be an even greater need for the security service (MI5) to vet all the workers directly involved together with their families and acquaintances, and for much wider surveillance of the population to spot potential terrorists and 'subversives', if Britain embarks on a major nuclear energy programme. Whereas the Royal Commission on Environmental Pollution, under Sir Brian Flowers, said that: 'The unquantifiable effects of security measures that might become necessary in the plutonium economy of the future should be a major consideration in any decision concerning a substantial increase in the nuclear power programme' ('Nuclear Power and the Environment', Cmnd 6618,). The report of the Windscale Inquiry by Mr. Justice Parker published in March simply dismisses this argument. Where the dangers of terrorism in a 'plutonium economy' are weighed against the erosion of civil liberties, Justice Parker's conclusion is that the former must be given an overriding priority.

The AEA Constabulary

The AEA Constabulary, currently 400 strong, recruits independently from the police. Its powers were originally defined by the Special Constables Act of 1923, part of which allowed the creation of specialised police forces to guard military 'yards and stations'. These forces could operate within a 15 mile radius of such premises. However, under the Atomic Energy Authority (Special Constables) Act 1976, the AEA Constabulary was given sweeping new and exceptional powers. They are now allowed to carry arms at all times; to engage in what is termed 'hot pursuit' of thieves or attempted thefts of nuclear materials; the right to enter any premises at will; and the power to arrest on suspicion. The Act also removed the 15-mile limits placed by the 1923 Act on their jurisdiction, and substituted the word 'property' for 'premises' to cover both installations and nuclear material in transit. The Royal Commission estimated that the number of transfers (by road and rail) of plutonium between installations will be several hundred a year by the year 2000, and several thousands by 2030.

Although the powers of the AEA Constabulary have been increased there is to be no greater accountability than before. It will be accountable only to the AEA, which is not an elected body. It is an appointed body responsible to the Secretary of State for Energy, Mr. Benn, who, in turn, is answerable to parliament. But, the powers of the Secretary of State over the AEA are limited, and he is not answerable to parliament for their day-to-day activities. Under the Atomic Energy Act 1954 (S.3.), he may issue directions 'general or particular in character', but he may not intervene in the detail of their operations except where the national interest so requires. Mr. Abse commented that the 1976 Act 'in effect created a private army which was not ultimately answerable, as are other police forces, to an elected body or to the Home Secretary', and that their arms and new powers 'conflicts with all our traditions of civilian and politically accountable policing'.

Vetting and surveillance

Three groups of people would become subject to vetting and surveillance. All the workers employed in the industry would be 'vetted', so too would their families and 'known associates'. The procedure would be similar to the 'positive vetting' process carried out under the direction of the security service, MI5, of civil servants and workers in the defence-contract industries (this process is described in the Radcliffe Report: 'Security Procedures in the Public Services', Cmnd 1681, 1962). This entails detailed, private, and intimate knowledge of a prospective employee and her or his acquaintances.

By far the largest group to be affected (almost certainly without their knowledge) will be those placed under surveillance by the security service (and the Special Branch) who they consider to be 'potential' terrorists. During the Windscale inquiry the Department of Energy was asked to define exactly who might fall into this category. A Press release, issued by the Department of Energy, stated: 'Bodies and individuals opposed to the development of nuclear power would not be subject to surveillance unless there was reason to believe that their activities were subversive, violent or otherwise unlawful'.

When pressed at the inquiry to say what the term 'subversive' meant, Mr. Herzig, the Department of Energy representative, quoted from a speech made by Lord Harris, Minister of State at the Home Office, when he said: 'Subversion is defined as activities threatening the safety or wellbeing of the State and intended to *undermine* or overthrow parliamentary democracy by

political, industrial or violent means' (House of Lords, 26.2.75, our emphasis.).

There is no crime in British law of 'subversion', but it is a concept long used by the security services, and now increasingly also by Home Office Ministers and officials, Mr Abse commented on the Department of Energy statement that: 'Under the term "subversion", authority could readily and secretly be given for the surveillance of individuals or bodies having political, religious or philosophical views or beliefs of which the government of the day happens to disapprove, although there may be nothing unlawful about these views or beliefs or the activities of those who hold them' (2.12.77).

On the definition offered by Mr Herzig, taken from Lord Harris's speech, Mr Abse said in the same debate: 'There are many legitimate activities of a political and industrial nature which might be perceived by power holders as threatening the wellbeing of the State' (2.12.77).

The Windscale Inquiry report

Even more distrubing are the conclusions of Mr Justice Parker in his report on the Windscale Inquiry, in a chapter entitled 'Terrorism and Civil Liberties'. The chapter opens with the statement that 'in the public interest' existing physical security precautions (at the plant and during transportation), and the extent of existing personnel vetting had been excluded from the Inquiry (para 7.2). Whatever the imagined terrorist threat Justice Parker states: 'I draw attention to the following: a. Although plutonium has been produced and moved both intra- and internationally for over 25 years there has not been any terrorist abstraction or threat so far as is known' (para 7.6.).

The report simply rejects the position put by the Royal Commission that the security measures necessary for a plutonium economy 'should be a major consideration in any decision' regarding the expansion of the nuclear power programme. As to the very wide definition given to the term 'subversive' by the Department of Energy and the Home Office, Justice Parker responds by stating that there are 'people with evil purpose' (unspecified) who want to sweep away the 'system of government' and the 'rule of law' which has 'taken centuries to build' (para 7.23).

His conclusion is that' 'The problem is easy to state but there is no easy solution. Indeed *I can see no solution at all.* If the sort of activities under consideration (terrorism) are to be checked, innocent people are certain to be subject to surveillance, *if only to find out whether they are innocent or not.* Equally certainly friends and relatives will be subjected to distasteful and embarrassing enquiries' (our emphasis). The only caveat Justice Parker adds is that 'the interference with our liberties should go no further than our protection demands' and that *'if'* it does, then there should be 'some Minister answerable to Parliament' (para 7.24). Who is to decide if this situation has been reached? And just how is 'some Minister' to become answerable to parliament while Britain has a security service (MI5) which, in the words of Mr Abse, 'could scarcely have been more carefully devised to remove its operations from any kind of democratic scrutiny'?

VETTING JOB APPLICANTS

A Lothian Regional councillor has said that only his intervention stopped a man being wrongly rejected for a job with the Council after his application had been secretly vetted by the Lothian and Borders Police. The man had applied for a non-teaching education post and, after being turned down, had approached his Regional Councillor, Paul Nolan. Councillor Nolan raised the matter with the local authority, and after a second check with the police, the man was given the job.

It appears that the Council carries out police checks on applicants for specific categories of education and social work jobs. Councillor Nolan told The 'Scotsman' (6.3.78) that these checks were carried out without the knowledge or permission of the applicants, with no right of appeal or right to challenge the information given by the police. He said it was 'a gross infringement of basic civil rights'. The reason for the initial rejection of the man for the job was still not known. 'It could have been a parking conviction, involvement with left-wing politics, criminal activities — I just don't know'. commented Councillor Nolan.

As a result of the case, Nolan asked for a full explanation from the Regional Council, and in particular about safeguards on the accuracy and relevance of the information supplied by the police, and the applicant's right of appeal. He said the reply confirmed 'my worst fears (Scotsman 7.3.78). It said that applicants were not told there would be a check with the police, that the only safeguards rested with the police making checks, and that as applicants were not told of the process, the question of a right of appeal did not arise. The basis for the checks were, said the Council, to see if there were any convictions that might make applicants unsuitable for work with young people.

It appears that the methods of carrying out the checks also varied. For social work jobs, the police supplied information and left the decision to the council officials, while for educational posts no information was supplied, only a recommendation or otherwise as to the person's suitability.

The national practice

In 1973, Mr Robert Carr, the Home Secretary, was asked to state the position taken by the Home Office in issuing directives to the police on supplying information on convictions to outside bodies. Although the procedure had been laid down in a number of Home Office circulars (151/1954; 77/1955; 11/1961; 4/1969) a case had arisen where a senior police officer had reported a nurse, in derogatory terms, to the Central Midwives' Board who had not been convicted of any offences. Mr Carr reported (Hansard 14/6/73) that a working party of Home Office officials and Chief Constables had reviewed the situation. Their conclusions were that: suspected offences were not to be reported, that the individual concerned should be informed, that arrangements only applied to *new* convictions reported in open court, and that three specific groups of people were involved.

The three groups where new convictions would be reported to a professional or public body were: 1) Doctors (to the General Medical Council), nurses (General Nursing Council), teachers and youth leaders (Home Office), all because they are in 'positions of trust', 2) Civil servants, Atomic Energy Authority staff, Post Office employees (all to the employing department), 'in the interests of security', and 3) Barristers and solicitors (Law Society), as they are responsible for the administration of the law, and magistrates (Home Office). The police were only to report serious convictions (eg violence, dishonesty, drink, drugs) if they reflected on 'a person's suitability to continue in their profession or office.' Only for magistrates would all offences be reported.

The only instance of *applicants* (as distinct from those in post) being checked, laid down in the procedure was for people applying to join police forces.

CONTROL OF LONDON'S POLICE

The Greater London Council Staff Association, which represents 20,000 white collar workers at County Hall, has called for the Metropolitan Police to be made accountable to the GLC. Mr Fred Hollocks, the Association's Secretary said: 'Scotland Yard's former national role has been largely superseded by regional crime squads, so there was no reason why the Metropolitan Police should not come

under the democratic control of London ratepayers like other county police forces' (Evening Standard, 30/1/78).

All of the forty-three police forces in England and Wales (and the eight in Scotland), with the exception of the Metropolitan Police, are accountable to local 'police authorities'. These local police authorities (formerly known as watch committees) are comprised of two-thirds elected local councillors and one-third from local magistrates. Since their formation in 1829, the Metropolitan Police have never been under local control. Instead they are directly answerable to the Home Secretary who, in addition to his many other responsibilities, reports on their behalf to parliament. London's police are therefore in theory accountable to the House of Commons. The rationale behind this arrangement is that the primarily role of the Metropolitan Police is national — the policing and protection of the capital city — and that the policing of the community in London is secondary. So despite the fact that half of the costs of the Metropolitan Police are borne by local rates, the London ratepayers have no access to the work of the force through their elected councillors.

Last November, the GLC Labour Group presented a paper to a meeting of the Council which called for democratic control of London's police by the GLC. The same policy is also held by the Greater London Region of the Labour Party.

While the London Boroughs Association, comprised of councillors from the 32 boroughs, have gone even further in demanding that the Metropolitan Police should be accountable at *borough* level. Local authority funding of the force comes, it argued, not from the GLC but from each London borough.

These demands have been resisted by the Home Office, and the Police Federation too are quite satisfied with the status quo. The primacy of the force's national, as distinct from local, role was re-emphasised in a recent parliamentary debate by Dr Shirley Summerskill, Under Secretary for the Home Office, when she said: 'The fact that London is our capital city creates special problems of a scale that are not found anywhere else in the UK' (Hansard, 19/1/78). Dr Summerskill cited amongst these 'special problems', demonstrations, acts of terrorism, financial and commercial fraud linked to the City, and tourism. Although this is clearly the case the same could be said of most major cities, albeit on a smaller scale.

The greater proportion of the work of London's police is not concerned with the 'special problems' mentioned by Dr Summerskill but with everyday law enforcement on the streets, and a glance at the annual crime figures for the city will confirms this.

THE SPECIAL BRANCH

In recent months there has been concern about the activities of the Special Branch and its immunity from democratic control. The latest statement by the Home Secretary, Merlyn Rees, made in reply to questions in the House of Commons, is unlikely to provide any reassurance on this matter: 'The Special Branch collects information on those whom I think cause problems for the State.' (Hansard, 2.3.78).

THE RIGHT TO STRIKE

Lord Denning, Master of the Rolls (head of the court of Appeal said in a speech at Birmingham University (3.3.78): 'I would declare at once that there is no such right known to the law, not at any rate when it is used so as to inflict great harm on innocent bystanders, to disrupt essential services or to bring the country to a halt. So far as the law is concerned, those who do such things are exercising not a right but a great power, the power to strike.'

POLICE: A NEW DRIVE FOR LAW AND ORDER

In February, the Police Federation launched a major propaganda campaign with the aim of making 'law and order' a General Election issue. Its chairperson, James Jardine, has asked the major political parties to state their solutions to the problem of law and order in their manifestoes and although he has pledged that the police will keep out of party political arguments, it is clear that the campaign involves criticism of the present Government's political and economic policy towards the police and the administration of justice.

The campaign is intended to highlight two current trends: the rise in violent crime and public disorder, the drop in police recruitment, and to suggest there is a causal relationship between them. Jardine has pointed out that in 1976, when crime increased 1% over the previous year, recruiting reached record levels. In 1977, a 15% increase in crime coincided with over 5,000 resignations and a net loss of 2,000 officers in England and Wales. Low pay is, of course, cited as one of the major reasons for the drop in recruitment. But the Federation is also stressing the increasingly dangerous and unsatisfactory nature of the job and criticising all branches of the legal system for failing to give the police adequate support in the courts.

This approach is in fact a, continuation of the Federation's public campaign on 'law and order' launched at the end of 1975. Then, as now, Area Federation representatives took every opportunity to speak to community groups, women's institutes, Rotary Clubs, Conservative Associations, schools etc. on the subject of rising crime, particularly among young people. A specially produced pamphlet attacked the 1969 Children and Young Persons' Act for its leniency. Another depicted bleeding police after demonstrations and called for the public to pressure 'influential individuals' to re-establish the rule of law.

When some MPs criticised these blatant attempts at political intervention, the Federation replied in its journal Police that it was drawing on the lessons of pressure groups who had succeeded in mobilising public opinion. Jardine claims that the Federation will 'tell the people the truth' about growing crime and disorder, and it will be up to the politicians to respond.

This campaigning approach by the police has obviously been encouraged by the success of Sir Robert Mark in giving the force a political voice. It was he who first broke with the historical practice whereby police chiefs exerted behind-the-scenes pressure and left public campaigning to the politicians responsible for policing. Sir Robert's attack on the jury system and rules of evidence foreshadowed the Federation's criticisms in their 1975/6 campaign of sentencing policy, prison regimes, social workers, teachers, probation officers and court officials. The recurrent theme was that life was becoming harder for the police and easier for the criminal, because the courts and social services were 'soft' on offenders.

Recently Jardine returned to this theme with a broadside against the "well-meaning but totally misguided experts", who, he claims, have "neutralised" justice in Britain. He also attacked the level of public expenditure (2% of the total) going to justice administration, calling for better pay and equipment for the police and for speeding up of the legal process.

He has already won the support of Shadow Home Secretary Mr Whitelaw, who has pledged 'unstinting backing' for the police and "the widest range of penalties so that the punishment fits the crime".

The 'law and order' campaign is one expression of the difficulties posed for the police by changing forms of crime and political protest. Many police officers wish to retain their image as peaceful, peace-keeping community servants, an image in sharp contrast with the increasing

number of officers having to undertake weapons training, and their controversial public order role. Though it won't prevent police casualties, a rise in status and recognition of the value of their job is clearly one intended effect of the campaign.

But in seeking directly to mobilise the 'silent majority', the Federation is making a political intervention into the law-making and legal process. The danger is that the distinction between law-making (the job of parliament), law-interpreting and sentencing (the judiciary and the courts) and law-enforcement (the role of the police), will become blurred. Unless the Government publicly rejects this type of political campaigning by the traditionally, and theoretically neutral police in Britain, basic civil liberties in areas such as detention may be eroded simply because it would make the police job easier.

CRIME: FACT AND FICTION

The 1977 crime figures for England and Wales show that the number of indictable (i.e. excluding summary) offences recorded by the police was 2,463,000 (excluding criminal damage of £20 and under). This represents a 15% increase over the 1976 figure, as against corresponding increases of 1% in 1976 and 7% in 1975. Despite this large increase, the percentage rise in offences of violence against the person increased by 6% as against increases of 10% in 1976 and 11% in 1975.

For the third year running, the percentage of the total number of offences cleared up by the police fell — from 44% in 1975, to 43% in 1976, and to 41% in 1977. The clear-up rates for violence against the person and sexual offences has remained consistently high, at 79% and 77% respectively. The biggest drops in the clear-up rate are for robbery, from 40% (1975) to 28% (1977), and for criminal damage (a great deal of which is better described as vandalism) from 37% (1975) to 30% (1977).

Although the media is always quick to emphasise a rise in crime, and the number of recorded indictable offences have risen from around 1.5 million in 1969 to 2.4 million in 1977, these figures are in fact highly suspect. There is a distinction between the amount of *actual* crime committed and that which is *reported* to the police and recorded by them. Recent studies suggest that the level of crime committed, by and large, remains constant while the number reported goes up each year. It is further suggested that the extent of crime committed is far larger than crimes reported to the police.

A four-year study, Surveying Victims (by Sparks, Genn and Dodd, John Wiley and Sons 1978), found that the volume of indictable crime in the areas (Hackney, Brixton and Kensington) covered by their survey 'was over 11 times greater than the police statistics suggest.' The study indicates that 'crime waves' (e.g. mugging) which have a habit of making easy newspaper headlines may be statistical illusions, resulting from a greater propensity to report categories of crime which are in the news.

What the rise in reported crime may well indicate is an increased tendency (which varies from year to year) to report crimes in working class communities, reflecting a traditional reserve and often hostility of the people living in them. Mr Stanley Bailey, Chief Constable for Northumbria (which covers Tyne and Wear), commented on this aspect in his annual report in 1976, when he said that rather than reporting incidents to the police, there is a tendency for people operating in certain areas to settle differences between themselves.

INTERNAL SECURITY

Details of another British Army internal security training exercise have recently come to light. Exercise 'Christmas Tree' was staged on Dartmoor from December 8—11, 1977, according to the text of an Army document published in Socialist Worker (Feb 25, 1978). The document comes from the Royal Electrical and Mechanical Engineers Training Battalion and Depot at Arborfield, near Reading in Berkshire, and contains the following scenario:

'As a result of increasing Communist influence in the West, and the use of more militant rather than purely political tactics by extremists, there have been observed in various remote parts of the country, the formation of bands of insurgers (sic) or guerillas bent on the overthrow of our democratic government. Such insurgers appear to be living in such remote parts of the country as Brecon, Cumbria and the Scottish Highlands.

'Following an assessment by Intelligence of the best tactics to be employed in countering this uprising, it has been decided to send certain crack units to Dartmoor for arduous training. In order to make such training realistic, it must be assumed that all civilians are possible insurgers and contact with them be avoided at this stage. Units tasked to complete this training will go on long distance patrols and undergo survival and initiative training to gain experience of operating under field conditions.' (It is not clear from the document whether other regiments than the REME were involved in the exercise.)

Two weeks later a letter from an anonymous soldier was published in Socialist Worker, saying that the Army has been using this kind of scenario for some years, and giving an example of another exercise in the Sennebridge area of Wales last year in which the enemy was a small group of Welsh nationalists.

The soldier makes the point that it is not the training exercises themselves which cause concern, as members of all three armed services undertake similar arduous training regularly, but rather the scenarios which underly them. The soldier goes on: 'I believe that the motive behind the use of these scenarios is simply to get the average soldier used to the *idea* of anti-terrorist operations. Once the idea is well ingrained, the actual practice won't take them too much by surpise.'

EEC: SECURITY CO-OPERATION

In December 1975 at its Paris meeting the European Council agreed that the Ministers of the Interior (the Home Secretary in Britain) of each of the EEC countries should meet to consider how the nine could co-operate to combat terrorism. However there are indications that this brief has in practice already extended beyond the question of terrorism into areas of legitimate opposition to the state and that of 'maintaining the stability of democratic societies in western Europe'.

The original proposal for these meetings came from Harold Wilson on behalf of the British government. The first meeting of the Ministers of the Interior, took place in Luxembourg in June 1976; Roy Jenkins, then Home Secretary, represented Britain. The second meeting took place the following year (May 1977) in London, and was chaired by Merlyn Rees. These meetings at ministerial level initiated four areas of agency-to-agency co-operation within the EEC (i.e. the police forces, intelligence agencies etc.) First, it was agreed to exchange information about terrorism and techniques for dealing with terrorist incidents. Second, working groups in technical fields such as forensic science, computers and police communications and equipment where established. Third, plans were made to arrange for the exchange of police personnel between the countries, and for closer collaboration in police training. Fourth, means to develop co-operation in the field of civil aviation security were discussed.

In November 1977, Merlyn Rees, reporting to parliament on developments, said 'There are working groups on a wide range of subjects of concern to the police, the security service, and other Government Departments and agencies. Based on

that initiative of discussion in Europe, which followed from an initiative taken by my predecessor, there are constant discussions and a constant exchange of information. . . The exchange of information is extremely valuable' (Hansard, 7.11.77).

Rees also reported that visits by aviation security experts to all the major airports in the EEC were in progress. The content and training of techniques of command training were discussed by the directors of the police academies of all the EEC countries when they met at the British police training college at Bramshill in November 1977. Meetings between ministers to discuss the development of European co-operation on anti-terrorist measures have also increased. Rees described as 'typical' the two meetings he had with Signor Cossiga, the Italian Minister of the Interior, one in September 1977 in Rome, the other in November in London.

Military co-operation, such as took place at Mogadishu in October 1977, has also been an area of growing discussion and action. At the Ministers of the Interior meeting in June 1977, it had been agreed that in the event of an imminent threat of terrorist action, the governments of the countries concerned should take immediate co-operative action. In December of that year, a joint Anglo-German plan proposed that the British SAS and the West German GSG-9 commandos should help to train elite anti-terrorist squads in each EEC country, that would then be available to act separately or together as required. In March it was announced that Britain had launched an international training programme on counter-terrorist operations. The programme, a series of four-day seminars looking at police and army tactics, weapons and surveillance equipment, is open only to senior members of departments responsible for internal security. At the end of March, Britain sent members of SAS to Italy to assist with training and techniques, after the kidnapping of Aldo Moro.

'Potential' terrorists.

It is clear that the member countries of the EEC are working together far more closely than previously, both at the ministerial level and at the agency level. The ackowledged basis for this co-ordination is the fight against terrorism. However there are numerous indications that this brief is being used to provide the opportunity to collect information about, and maintain surveillance on, individuals who are clearly not terrorists. Merlyn Rees, describing the information that was being exchanged between European countries, said that it was about 'the activities of terrorist and subversive groups' (Hansard, 16.6.77), and 'known and potential terrorist groups and individuals' (Hansard, 30.11.77). While Lord Harris, Minister of State at the Home Office, has defined 'subversion' as including political and industrial activities (Lords, February 1975). Conor Cruise O'Brien, the Irish ex-politician and now Editor of 'The Observer' in an article about terrorism described student extremists as 'the body from which terrorists of the German type have been recruited. I have encountered these mainly in New York, but also in other places from Berkeley to Belfast.' Do these statements mean that students, trade unionists and political activists are considered to be 'subversive' or 'potential terrorists', and as such, treated by the government and state agencies as terrorists?

The connection between terrorism and 'subversion' is far from self-evident, especially when Home Office ministers define the latter concept to encompass quite legitimate democratic activities. Moreover, Lord Harris, the Minister of State, has described the moves towards increased collaboration between the EEC countries in even wider terms. In an article titled 'The Nine Combat Terrorism', in the January issue of the official magazine 'European Community', he says that this collaboration is 'of crucial importance in maintaining the stability of democratic societies in Western Europe'.

LONDON: BANS ON MARCHES

In answer to a qestion by Jo Richardson MP, Home Secretary Merlyn Rees gave details of all the occasions when processions had been banned in London under S.3(3) of the Public Order Act 1936. On February 24, Metropolitan Police Commissioner David McNee issued an order under this section of the 1936 Act banning marches in London for two months. Twenty-five bans have been placed on marches in London for periods of time varying from 24 hours to three months since 1936. The different options open to the Commissioner of the Metropolitan Police, and to the Home Secretary who has to ratify or change a request from the Commisioner, become very evident.

In September 1961 an order was issued banning any procession by a specific political group — the Committee of 100 — for 24 hours in Central London. While in July 1963 all political processions were banned for 24 hours in the East End of London and neighbouring boroughs. These two examples show that the Commissioner (or a Chief Constable outside of London) has the discretion to: 1) ban all marches 2) ban marches in specified areas (e.g. where racial tension may be heightened), or 3) ban marches by a specific group(s) (e.g. the National Front).

Ten successive bans were made between June 1937 and the outbreak of the Second World War, prohibiting all public processions of a political character in the East End of London. In April 1948 all marches were banned for three months in the East End, and between May 1948 and February 1949 all marches in London were banned for nine months. Seven further bans on all marches in London were made for three months in March 1949, October 1949, and between February 1950 and February 1951.

In September 1960 a three month ban was placed on marches in St. Pancras, and in September 1961 the ban was made against the Committee of 100. In August 1962, all political marches were banned in London for two days, and finally, a two-day ban was placed on marches in the East End of London in July 1963. For full details on the 1936 Public Order Act, see State Research No.4 (Background Paper).

MILITARY INVOLVEMENT IN THE THIRD WORLD

An indication of the extent of Britain's continuing military involvement in the Third World was given in the Statement on the Defence Estimates 1978 (Cmnd 7099, Feb 1978), and in a parliamentary reply to Stan Newens MP (Hansard, Jan 31, 1978).

The Defence Estimates give the official picture of the deployment of British troops around the world. In the Third World, the largest concentrations are in the colonies of Belize in Central America and in Hong Kong, where there are units of all three armed services. There is also a battallion of Gurkhas in Brunei, an Army Training Team in Oman, an Army Advisory Team, a Royal Marines Advisory Team and Royal Navy survey vessels in Iran, a Royal Navy party on the Indian Ocean island of Diego Garcia, a Royal Navy survey vessel in Ghana, a detachment of Royal Marines in the Falkland Islands, and a group of Royal Navy ships in the Far East.

The parliamentary reply, however, shows how Britain is providing behind-the-scenes military assistance to pro-Western Third World governments by the loan of serving British military personnel. These people, on occassions, actually take part in or even lead military operations (as in Oman), but generally they are now employed to structure and/or train the local armed forces; their influence can, therefore, be out all proportion to their numbers.

In January of this year there were 613 members of the British armed forces

serving with Third World countries, broken down as follows (*):

Bangladesh	7
Belize	8
Brunei	101
Ecuador	1
Ghana	6
Hong Kong	28
Iran	69
Kuwait	107
Malayasia	10
Mauritius	1
Nepal	1
Nigeria	20
Oman	196
Qatar	8
Saudi Arabia	20
Sudan	8
United Arab Emirates	22

* *In some cases these may be the same troops mentioned in the Defence Estimates deployments above.*

Another major, but less direct, form of military assistance that Britain gives to Third World countries is providing training facilities in the United Kingdom. Another parliamentary reply to Stan Newens MP (Hansard, Jan 27, 1978) shows that members of the armed forces of 45 Third World countries were being trained here in January of this year.

MERCENARIES

Shortly after the assumption of formal diplomatic relations between the British and Angolan governments on January 16, the British Shadow Foreign Secretary had a meeting with two senior representatives of the CIA-backed FNLA, who are continuing to wage a guerilla war against the government in Angola. The purpose of the meeting was to discuss the current situation in Angola, or as Donald Belford, the FNLA representative in Britain, was reported as saying: 'I set up the meeting because some of the Tory top brass are sympathetic to our cause' (Daily Mail, 30.1.78). The meeting, which took place at the House of Commons on January 25, was attended by John Davies (the Shadow Foreign Secretary), and Tory MP Julian Amery, who recently said in a Commons debate that the governments of Angola and Mozambique posed a threat to British access to the vital mineral resources of Southern Africa (Hansard, 13.378).

Representing the FNLA at the meeting were Dr Sammy Abregada, the European representative, and Francisco Pedro, no. 3 in the chain of command to leader Holden Roberto. Also present was John Banks, the man who was involved in recruiting British mercenaries to fight for the FNLA in 1976 during the civil war. Mr Banks acted as chauffeur to Dr Abregada during his visit to Britain.

Two days after this meeting the Foreign Office issued a statement, ostensibly because it understood that a party of mercenaries from Britain were going to travel to Angola in the near future. It condemned the links that persisted between British mercenary recruiters and the FNLA, and warned that the government could not be responsible for the safety of mercenaries. Dr Owen, the Foreign Secretary, said in Manchester the following day that mercenaries were damaging Britain's standing in Africa and that the government intended to introduce legislation to ban mercenary recruitiment in this country. The legislation would implement the recommendations of the Diplock Committee, which was set up in January 1976 to examine legislation in this field (see State Research bulletin no 2).

Although neither the Foreign Office statement nor Dr Owen referred to the meeting at the House of Commons, their timing indicates that the link between senior Tory MPs, the FNLA and a known mercenary recruiter was a serious embarrassment to the government, especially as formal diplomatic relations with the new Angolan government had just been opened.

REVIEWS

DEMOCRACY AND SECURITY

THE PENCOURT FILE, by Barrie Penrose and Roger Courtiour, 423pp, Secker and Warburg, £5.90.

The authors, journalists, seem to have been at a loss as how to present the mass of material they have collected. This book is the story of an investigation, and as such, threatens at each moment to emphasise the investigation at the expense of what is being investigated. The book is aptly named. It is indeed merely a file, a repository for documents and transcriptions of conversations. The only right which the information has to be in a book is the same right which documents have to be in a file; roughly, they relate to the same topic. We stand back and watch as Penrose and Courtiour clip new material and slot it into place, occasionally noting that this or that piece of information relates to a previously collected specimen. It is zoology before Linneaus classified animal species, before Darwin traced their relationship with the material world.

This regrettable style has made dismissal of the book by its critics easy, and understandable. The authors have fallen into the trap which lies open for many investigators whose conclusions lead them to contest the accepted ways of looking at the world. Swimming against the tide of bourgeois ideology, they feel compelled to present all the facts, because the proof of what they say lies in the minutiae. A writer not seeking to contest conventional wisdom needs only to hint as attitudes widely-held among his or her readers.

Nevertheless, the documents which do end up in the file are of considerable interest. The central character of the book never appears: South African influenced dirty tricks against leading politicians remain unproven. But in the course of their investigation, Penrose and Courtiour appear to have stumbled on a cover-up of sorts.

Their investigation started because Sir Harold Wilson was convinced that the South Africans were behind the attacks on Jeremy Thorpe, aided perhaps by a 'right wing mafia' inside the security services — of which he was the nominal head.

What the book suggests is that there was a cover-up within the Liberal Party over Jeremy Thorpe's relationship with Norman Scott. What seems less clear is the motives of those involved. One of the more preceptive remarks quoted in the book comes from Marcia Williams, Lady Falkender, to the effect that while some of those involved may have been acting in what they considered to be Thorpe's best interests, others may have been interested in gathering material which they could release at their leisure when it would suit their own political purposes. Politics, whether played by recognised politicians or by the intelligence services, is a long-term game.

The two authors agonised unnecessarily over why Sir Harold Wilson 'chose' them to take part in the investigation. In fact, there is ample evidence that shortly before and after his resignation Wilson was seeking help from various unorthodox sources to substantiate his twin worries of South African involvement and the right wing group within the security services. Indirectly, Mark Hosenball was one of the journalists singled out for requests for assistance, and his friends worried that this may have contributed to pressure from the security services for his deportation.

Most of the facts uncovered by Courtiour and Penrose have seen the light of day already, in various newspaper articles. For a Prime Minister and nominal head of the security services Harold Wilson's fear of their political influence is frankly incredible, viewed from the standpoint of what is allegedly the constitutional position. The allegation

that in 1968, a group of army officers and security service personnel were prepared to stage a coup if the Royal Family were prepared to back them seems plausible. This information came to the author through the mysterious Tony Eaton, apparently a former officer of the British Secret Intelligence Service (MI6) whom they met through their contact with the former Liberal MP Peter Bessell.

But it was indirectly confirmed when the authors interviewed the then head of the Security Service (MI5) (whom they do not name, but who was then Sir Michael Hanley). He told them that any information about such developments would have been passed not to the Prime Minister directly, but to the Home Secretary, then Jim Callaghan.

Peter Bessell, confessed to the authors that when in Parliament, he had been in touch with an American Intelligence Agency, though he did not name which one. The authors pressed him for details of his services but overlooked the most obvious — Bessell functioned as an important 'agent of influence' on behalf of the US and the puppet regime in South Vietnam, even inviting South Vietnamese 'parliamentarians' to lunch in Parliament under his auspices.

The mystery of why Harold Wilson resigned still remains. The authors hint that it may have been connected with security pressure, and the story of Wilson timing his departure with the announcement of the break-up of the Margaret-Snowdon marriage to please the Queen (Wilson always had a soft spot for the Queen) is well known. Once again, Marcia Williams provides a thought provoking quote, to the effect that Wilson may have thought himself an astute political operator, but the real professionals were at 'The Palace', suggesting perhaps a massive attention distracting operation.

Is this to replace the scientific study of the state with the mere repetition of conspiracy theory? As written up by the authors, certainly. Many people have denied what they told Courtiour and Penrose, but they all had motives for their denials, whereas the authors seem to have no motive for inventing anything.

One has to accept the basic truth of their version of events. But that is not enough. They do not explain what the power of the security services — relatively out of the control of the Government of the day — implies for constitutional theory and practice.

The clear implication, not only behind the Pencourt File, but in all 'unauthorised' versions of the relations between ministers and the permanent state apparatus, such as Richard Crossman's, or Marcia Williams' own book, is that the civil servants are in control. The security services are simply even less open to influence by Ministers than civil servants normally are. Some Ministers, such as Jim Callaghan, are clearly more acceptable than others. Perhaps Wilson was looking too far to the right when he sought the mafia in the security services. There seems no reason why Callaghan, as good a conservative Prime Minister as any since Stanley Baldwin, should not be acceptable to the security services. But Wilson, given his left-wing background, was just not acceptable. The security services have long, if inaccurate memories, as the book makes clear.

The issues dealt with in the book are important, and it should be read. Most importantly, the book deals seriously with the proposition that the military and the security services exert perceptible political pressure within our 'parliamentary democracy' and that this pressure can outweigh that of the politicians. That is a very subversive notion.

PK.

U.S. FOREIGN POLICY

SUPPLYING REPRESSION, by Michael T. Klare. The Field Foundation, 100 East 85th Street, New York, N.Y. 10028. USA. 56pp. December 1977.

This pamphlet by Michael Klare is concerned with the supply of arms and technical assistance for internal control to countries of the Third World by the USA. It demonstrates, unequivocally, that despite President Carter's commitment to 'human rights', the United States continues its postwar policy of supplying the means of internal repression to countries overseas regardless of the dictatorial and fascist nature of many of these regimes.

In the foreword, the Chairman of the Field Foundation, Ruth Field, sets out two central criticisms of US policy. If America is committed to the right of people to consent to the way they are governed, 'then it is hard to see how *any* government can include among its purposes assistance in the policing of persons in other lands, to whom it is in no way accountable and over whom it has no legitimate authority'. Second, that by involving itself with other countries' police, the USA is serving a larger interest than ordinary police work: The other larger interest our government seeks through this involvement is to forestall or control political change in governments which it deems to be friendly to us, even including dictatorial ones.'

At the outset Michael Klare considers the changing forms of US military aid policies in the postwar period. In the early days of the Cold War, US foreign policy was based on the principle of 'containment' by supporting anti-, and non-communist governments, with conventional arms to withstand an *external* military threat from the Sino-Soviet bloc. The second phase followed the Cuban Revolution of 1959, when Batista's US armed conventional forces, geared to defence against external attack, were defeated by internal guerrilla forces. The threat of national liberation wars brought a swift shift, and the US started to develop 'counter-insurgency' capabilities in 'friendly' countries. By 1961 when President Kennedy took office, 'external defence was relegated to a decidedly secondary position'. It was precisely this shift which first led to massive US aid to military and paramilitary forces in South Vietnam, and ultimately to the direct involvement of 500,000 US soldiers in a futile attempt to save the Saigon regime.

The third phase, from 1969, known as the Nixon doctrine, was designed to find a means of ensuring the survival of threatened 'friendly' regimes without the direct intervention of US combat troops. The new policy called for a'greater self-defence effort on the part of allies, backed by increased aid and technical support from the United States'. In order to re-assure its allies after Vietnam this policy soon took a more aggressive role, and the US 'sought to build up the counterinsurgency forces of selected Third World powers in order to create a surrogate presence in threatened areas' (for example, in Saudi Arabia, Iran and Kuwait in the Persian Gulf). This doctrine soon developed from aiding military and paramilitary forces in these countries to increased support for Third World *police* forces. For as an Under Secretary of the State Department expressed it in 1971: 'Effective policing is like 'preventive medicine'. The police can deal with threats to internal order in their formative states'.

Uncontestable evidence of the repressive and inhuman regimes receiving US aid, including South Korea, the Philippines, Iran, Taiwan and Brazil, led to demands for limits to be placed on US aid. And the overthrow of the Allende government in Chile in 1973 by Pinochet's brutal dictatorship added to these demands. In December 1974 the Foreign Assistance Act was passed which, for the first time, embraced the principle that aid should be denied to governments which engaged in systematic violations of human rights. Despite this Act, which also banned training and aid to foreign police forces, the government, the military and the State Department have continued to act within the Nixon doctrine of 'Vietnamisation' (self-defence based on US aid and assistance).

The body of the pamphlet details the principal programs by which the USA

has, and is still, giving aid, training and technology to military, paramilitary, and police forces in 'friendly' Third World countries. Much of this 'assistance', like riot equipment, computer intelligence systems, surveillance devices, and training in 'interrogation', not only maintains overtly repressive regimes in power but also contributes directly to the denial of basic human rights (like torture, degrading treatment, assassination, and prolonged detention without trial).

Despite President Carter's alleged commitment to the maintenance of 'human rights', and the 1974 Foreign Assistance Act, the over-riding principle of US policy remains exactly the same as it has been throughout the postwar period — only the form of the policy has changed. This over-riding principle is that of 'national security', of maintaining anti-communist governments regardless of their undemocratic of dictatorial characters. It justified continuing aid to the ruling junta in Greece because of its strategic importance to NATO, and President Carter's continuing commitment to give aid to South Korea and the Philippines on the grounds of safeguarding 'national security' interests. While such a view prevails, Klare concludes, there will be no fundamental change in US policy, and the means for internal repression 'will continue to flow to governments which engage in "a consistent pattern of gross violations of internationally-recognised human rights" (1974 Act) so long as they align with the United States in the East-West power struggle'.

This pamphlet is a telling indictment of US foreign and military policy and is to be highly recommended. *TB.*

BOOKS AND PAMPHLETS RECEIVED

This listing does not preclude subsequent publication of reviews.

The Codebreakers: the use of cryptology by the intelligence agencies in the 2nd world war, by David Khan. Sphere Books, London, 1977. 480pp Paper £1.25.

The Wages of War: the life of a modern mercenary, by John Banks. Leo Cooper, London, 1978. 112pp. Cloth £4.95.

The Governance of Britain, by Harold Wilson. Sphere Books, London, 1977. 268pp. Paper £1.50.

Crime in England 1550—1800, edited by J.S. Cockburn. Methuen, London, 1977. 364pp. Cloth £10.50.

Imperial Brain Trust: the Council on Foreign Relations and United States Foreign Policy, by Laurence H. Shoup and William Minter. Monthly Review Press, New York, 1977. 334pp. Cloth £9.85.

The Future Global Challenge: a predictive study of World Security, 1977—1990, by Neville Brown. Royal United Services Institute for Defence Studies, London, 1977. 402pp. Cloth £9.95.

The Slump: society and politics during the Depression, by John Stevenson and Chris Cook. Jonathan Cape, London, 1978. 348pp. Cloth £8.95.

The British Right, by Neill Nugent and Roger King. Saxon House, Farnborough, 1977. 323pp. Cloth £7.50.

The National Front Investigated. Labour Research Department, London, 1978. 28pp. Pamphlet 25p.

The Politics of the Judiciary, by J.A.G. Griffith. Fontana, London, 1977. 224pp. Paper £1.25.

The CIA at Work, by Lauran Paine. Robert Hale, London, 1977. 192pp. Cloth £4.95.

Politics and Ideology in Marxist Theory: capitalism, fascism and populism, by Ernesto Laclau. New Left Books, London, 1977. 240pp. Cloth £6.00.

Terrorism and the Liberal State, by Paul Wilkinson. MacMillan. London, 1977. 258pp. Cloth £7.95.

A New World Role for the Medium Power: the British Opportunity, by James Bellini and Geoffrey Pattie. Royal United Services Institute for Defence Studies, London, 1977. 122pp. Paper £4.95.

BACKGROUND PAPER

Although there is no immediate proposal to introduce identity cards in the UK in the immediate future, there are three strong reasons for looking at the possibility of their appearance before so very long. First, information gathering on individuals, their jobs, their property, their past, their views, is on the increase generally and a national identity card system would tie it all together. Second, as fully-fledged members of the EEC we are now partners with countries which possess national ID systems and which are about to introduce a common EEC passport for external use — the predecessor of an EEC identity card for use inside the EEC? And third, we are one crisis away from ID cards; next time there is a major bombing campaign, the political demands for national ID cards will grow even louder than they were in 1974—5 when, by all accounts, Harold Wilson had accepted the move if there was a quick repetition of the Birmingham disaster.

The proposals for internal controls on immigrants contained in the latest report from the Select Committee on Race Relations and Immigration may well mean the introduction of identity cards and random police checks for the black community. Mr. Alex Lyons, former Labour Minister at the Home Office, said of the proposals: 'If we were to go over to the Continental system of internal checks on migrants it woul affect our whole way of life. The Continental system depends upon identity cards, arbitrary police checks and hotel registrations as well as reporting to the police.' So when someone like James Anderton, Greater Manchester's politically active Chief Constable, suggests a national identity card complete with fingerprints, he isn't simply talking to himself. The real significance of identity cards is quite different from the reasons so often put forward favouring them, arguments of convenience. On the contrary, they would make Britain a police state in the true meaning of the term by giving the police arbitrary powers over all citizens or some sections of the community. They would be the culmination of the modernisation of state control in a highly dangerous way.

First, it is important and worthwhile to look at the last time Britain had ID cards — from the outbreak of the Second World War until the early fifties.

1939 National Registration Act

It is easily forgotten that Britain had an identity card system between 1939 and 1952. The compulsory issue of identity cards was part of the terms of the National Registration Act 1939, a piece of wartime emergency legislation that received the Royal Assent on 5 September 1939. The Act set up a National Register, containing details of all citizens. National Identity Cards were then issued to all civilians on it.

The Register comprised 'all persons in the United Kingdom at the appointed time' and 'all persons entering or born in the United Kingdom after that time'. A Schedule to the Act listed 'matters with respect to which particulars are to be entered in Register'. These were:
'1. Names, 2. Sex, 3. Age, 4. Occupation, profession, trade or employment, 5. Residence, 6. Condition as to marriage, 7. Membership of Naval, Military or Air Force Reserves or Auxiliary Forces or of Civil Defence Services or Reserves.'

The Register was the responsibility of the Registrar-General, who was answerable to the Minister of Health (in England and Wales) and to the Secretaries of State for Scotland and Northern Ireland. The compilation of the Register

data was entrusted to enumerators, similar to Census enumerators, responsible for collecting the data by area 'blocks'. Section 5 of the Act compelled the production of documentary evidence, when required, to prove the accuracy of the individual's replies to the seven questions.

In return for the seven answers, all civilians were issued with identity cards, which could contain some or all of the information supplied to the enumerator. Members of the armed forces and merchant sailors were exempted.

Section 6, sub-section 4, of the Act stated: 'A constable in uniform, or any person authorised for the purpose under the said regulations, may require a person who under the regulations is for the time being responsible for the custody of an identity card, to produce the card to him or, if the person so required fails to produce it when the requirement is made, to produce it within such time, to such person and at such place as may be prescribed'.

Offences under the Act included giving false information, impersonation, forgery of an identity card, and unauthorised disclosure of information. For these offences, maximum penalties on summary conviction were a £50 fine and/or three months in prison, and on conviction on indictment a £100 fine and/or two years in prison. It was also an offence to fail to comply with any other requirement duly made under the Act, or with any regulation made under it, and the maximum penalty was a £5 fine or one month in prison or both. The Act applied to the whole of the United Kingdom and was to remain in force until a date which 'His Majesty may be Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end'.

The Wartime Rationale

Three main reasons were put forward by the government for passing the law in September 1939. The first was the major dislocation of the population caused by mobilisation and mass evacuation and also the wartime need for complete manpower control and planning in order to maximise the efficiency of the war economy. It may or may not have been necessary — that is a matter of dispute — but it was seen as emergency, temporary legislation to cope with special circumstances.

The second main reason why the Act was passed was the likelihood of rationing. It was felt that the imminence of rationing (introduced from January 1940 onwards) entailed the need for an up-to-date system of standardised registration, so that rationing could be introduced as easily as possible. It is doubtful whether this argument holds up — issuing ration books themselves would surely have been adequate — but in 1939 the argument was accepted.

The third main reason was that the Government needed recent statistics about the population. As the last census had been held in 1931 and the next was not due until 1941, there was little accurate data on which to base vital planning decisions. The National Register was in fact an instant census. Indeed, the National Registration Act bears a close resemblance to the 1920 Census Act in many respects. Introducing the new law to Parliament, Health Minister Walter Elliot explained that the whole process of registration would be carried through in about three weeks and that it would form the basis for proper wartime planning.

In short, none of the three major reasons put forward for the 1939 Act could be put forward today as a reason for introducing identity cards. There is no emergency on a remotely comparable scale to that of war; there is no immediate prospect of wholescale rationing; and there is no shortage of detailed census and survey data. Equally it is worth noting that none of the reasons nowadays advanced in favour of the introduction of identity cards — notably the need for control and identification of undesirables — was put forward in 1939.

Lessons of the 1939 Act

The 1939 Act provides three important lessons that could be relevant if another identity card system is introduced. First, when Parliament is confronted with an emergency that may justify the introduction of identity cards, it virtually abandons its role as the protector of the citizen against the executive and as the scrutineer of legislation. And, by a Catch-22, it does this at precisely the time when it introduces sweeping changes, often vitally altering the content of civil liberty, which most require its attention.

In September 1939, vital freedoms of the subject were ended, with hardly any debate, in a matter of a few days. *Habeas Corpus* was suspended, the Government was given power to ban meetings that it felt might cause public disorder or 'promote disaffection', and it became an offence to attempt to influence public opinion 'in a manner likely to be prejudicial to the defence of the realm'. Whether or not such changes were necessary, desirable, effective or popular can be a matter of debate. That Parliament completely failed to examine the legislation is not debatable.

The second notable lesson of the 1939 Act, is that it gave enormously wide and general powers to the police and, indeed, to 'any person authorised'. John Tinker MP put the nub of the objection in the Second Reading debate:

> 'We do not want to be stopped in the street by any person anywhere and to be forced to produce a card. If that kind of thing begins, we shall be afraid of people meeting us and asking for our cards. One thing that we do respect in this country is our freedom from being challenged on every occasion to produce something to prove that we are certain persons.'

Another MP, Mr. Tomlinson, said:

> 'It may be that there is a necessity for compiling a register, but here you have the possibility of people being stopped and asked whether they have or have not lost their cards. You may challenge a dozen people and you find one who has committed an offence. It will not help a scrap to win the war, but there is the possibility of penalising somebody who is perfectly innocent because we have passed a law for another purpose entirely.'

There were a few MPs who were able to obtain some minor but important changes in the Bill as it shot through the House, but the overwhelming majority were perfectly content to give these powers to the police — as they were bound to if the identity card system was to mean anything at all.

The third lesson of 1939 is that, although the system was introduced in an emergency and although it was supposed to perish with the end of the war, it didn't. Laws like this, that the police and government find useful, have a habit of hanging around on the statute book. In fact, it remained in force for *longer* in peacetime than wartime. As part of the return to peacetime normality, most wartime laws were repealed. But some, like the rationing system, stayed on and were only gradually removed. Each year, Parliament passed an Emergency Laws (Transitional Provisions) Act, continuing the effect of selected wartime laws, and it was not until 22 May 1952 that identity cards were abolished.

Peacetime Continuation

In 1947, W.S. Morrison MP made some important criticisms of the system when it came up for renewal:

> 'Now that more than two years have passed since the end of the war, we ought seriously to consider whether the time is not overdue to get rid of what was an innovation introduced in order to meet a temporary set of conditions. There is no doubt that they are troublesome documents to some people. They frequently get lost,

involving the owner in difficulties of one kind or another simply because he has not got a certain piece of paper. Law-abiding citizens who live in one community are particularly prone to lose them because they are known by all their neighbours and do not carry the cards. The dishonest man — the spiv, as he has been called — is generally possessed, I am told, of five or six different identity cards which he produces at his pleasure to meet the changing exigencies of his adventurous career. So in the detection and prevention of crime no case can be made out for the identity card.'

And later in the debate, Morrison went on:

'The argument advanced on second reading — I conceive it to be the main argument for the retention of these troublesome documents — was that as long as rationing persists they are necessary. I do not believe it. We were told in the House the other day that there are 20,000 deserters still at large. How have these 20,000 persons contrived to equip themselves with food and clothing? Ex hypothesi they cannot be possessed of valid honest identity cards, but that has not prevented them from sustaining themselves with food and clothing themselves with raiment without these documents. Therefore, as a deterrent to the evasion of the rationing arrangements the case is proved that they are of little or, at the best, of speculative value.'

Although this attack did not succeed in getting the system abolished it did draw a denunciation of identity cards from the Government's spokesman, Aneurin Bevan: 'I believe that the requirement of an internal passport is more objectionable than an external passport, and that citizens ought to be allowed to move about freely without running the risk of being accosted by a policeman or anyone else, and asked to produce proof of identity'.

Morrison had been right to cast doubt on the true reason for the retention of identity cards. It was the wider web of identity checks — their use in all Post Office transactions, for instance, and their use by the police — which constituted the true reason for keeping them for so long. C.H. Rolph, himself an ex-policeman, writes:

'The police, who had by now got used to the exhilarating new belief that they could get anyone's name and address for the asking, went on calling for their production with increasing frequency. If you picked up a fountain pen in the street and handed it to a constable, he would ask to see your identity card in order that he might record your name as that of an honest citizen. You seldom carried it; and this meant that he had to give you a little pencilled slip requiring you to produce it at a police station within two days.'

1952: system lapses

It is unlikely that the identity card system would have been abandoned had it not been for the test case of Willcock v Muckle (1951,49 LGR 584). In this case a driver was stopped in connection with a motoring offence and asked to produce his card. On his refusal to do so, either then or subsequently, he was charged with an offence under Section 6(4). When the case reached appeal in the King's Bench Division, Lord Chief Justice Goddard delivered a ferocious attack upon police practice:

'Because the police have powers, it does not follow that they ought to exercise them on all occasions as a matter of routine. From what we have been told it is obvious that the police now, as a matter of routine, demand the production of a National Registration Card whenever they stop or interrogate a motorist for whatever cause . . . This Act was passed for security purposes: it was never intended for the purposes for which it is now being used.'

No separate statistics of offences under the National Registration Act are available for the years 1939—48, since they are hidden under 'other misdemeanours'. However, in 1949, 521 people were convicted of offences against the Act; the Criminal Statistics for 1949 give no further details. More detailed figures exist for subsequent years, however. In 1950, 470 (409 men, 61 women) were charged, 436 were convicted, 19 cases were otherwise disposed of, and 15 were dismissed. In 1951, 273 (232 men, 41 women) were charged, 235 were convicted, 16 otherwise disposed of, and 22 dismissed. In 1952, the year the system lapsed, 8 people only were charged, of whom 3 were convicted. For by this time Willcock v Muckle had taken the carpet from under the police's feet and the government decided to allow the system to lapse.

1974: call for ID cards

In recent times, the calls for a new system of identity cards have come not only from isolated but influential individual kite-flyers like Dr. Richard Clutterbuck, a counter-insurgency expert, or James Anderton, but also in November 1974, after the Birmingham pub bombing atrocities, there was a significant if short-lived snowballing of support for such a plan. MPs from all three major parties joined in. They included former Foreign Secretary Michael Stewart, Tribunite MP John Lee, the then Liberal Party home affairs spokesman Alan Beith and a large number of Conservatives including Sir George Sinclair, William Rees-Davies, John Stokes and Michael Mates. A notable Labour advocate was George Cunningham MP:

'. . . I support the call for serious consideration to be given to the aspect of identity cards with photographs and fingerprints . . . It will take a long time to make that change and there are strong objections. It is not the issuing of identity cards or the fact that one has to carry an identity card that is the problem. It is the powers one must give to the police to stop people and ask for identity cards. That is the infringement of liberty that is involved, but it is an infringement which at present I an inclined to accept. I believe that, if present circumstances continue, most people in the country would be prepared to accept that infringement of liberty.'

On past experience, it is reasonable to assume that it will take an 'emergency' such as a bombing campaign to persuade parliament that identity cards are necessary. But once that emergency occurs it is clear that an identity card system is likely to receive immediate all-party support, as shown above.

The technical capability to produce the necessary 55—60 million identity cards already exists, and if they are brought in, the likely recipient of the contract to produce them is Rapid Data International of Havant, Hants. This is the firm that makes Access Cards, Barclaycards and a number of similar bank cards. They already produce 2½ million cards a month. RDI have the technology to produce the kind of identity card that would most likely be demanded; a plastic card directly embossed with the bearer's photograph and fingerprint, thus making forgery more difficult. In the now-defunct paper, Computer Digest (18 July 1975), RDI were quoted as welcoming the possibility of the 60 million card contract (not surprisingly) and saying there will be 'definite business eventually'.

Computerising the Population

If some such system is brought in, it is probable that a new identity card law would look similar to its 1939 predecessor, but the big difference between the two would lie in the use that could and would be made of the data.

There are already in existence a number of extensive, computerised data banks containing information on large numbers — in some cases the majority — of the population. Such systems include