

Set the people free

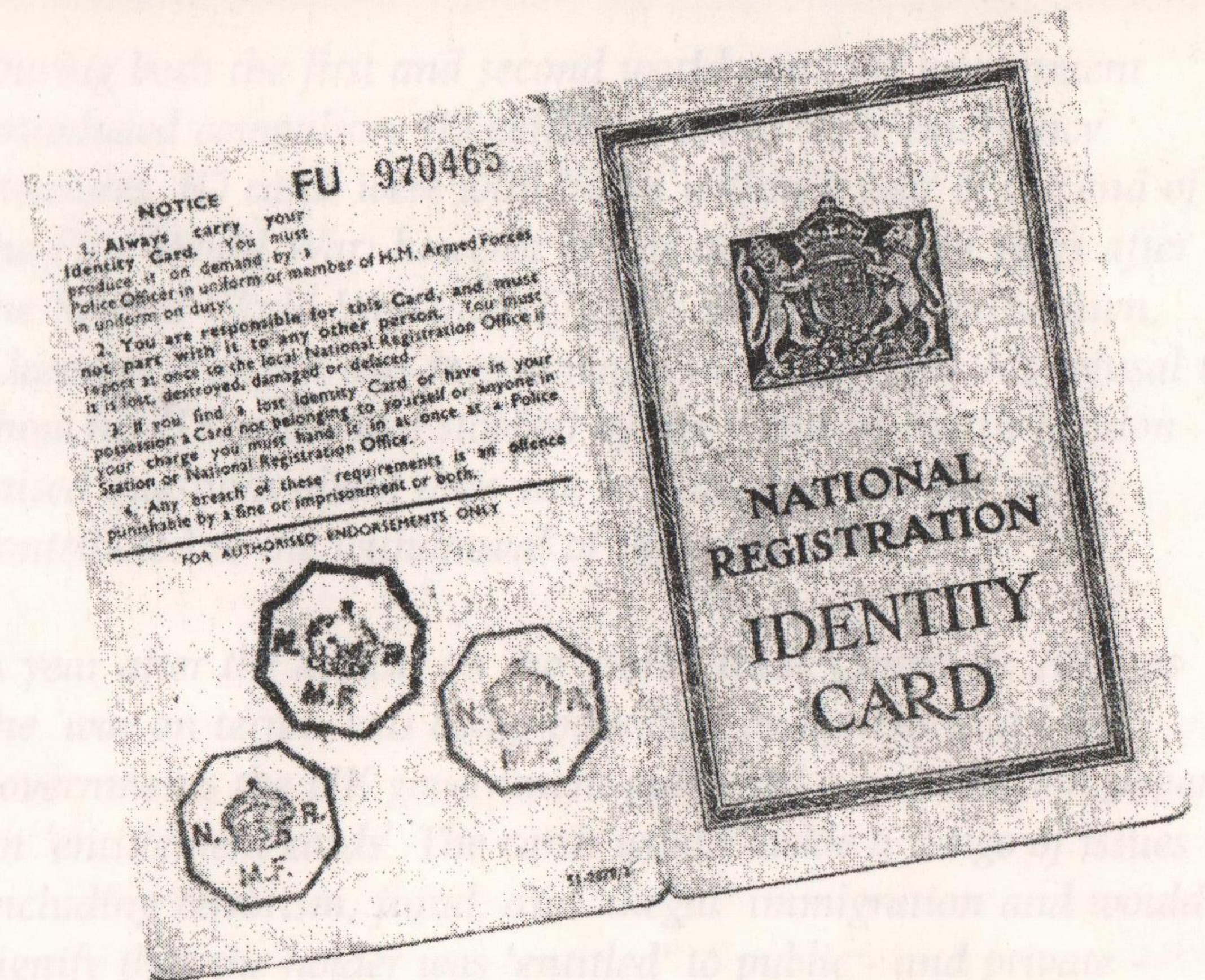
During the Second World War the government introduced compulsory ID cards as part of their emergency measures. It was not until seven years after the War that ID cards were finally withdrawn. Clarence Willcock was instrumental in this process; his refusal to show his ID card when stopped by the police in North London raised questions about their use in peacetime Britain and contributed to the withdrawal of the cards in 1952.

Now the UK government is introducing ID cards again. Although not intended (as yet) to be compulsory the cards are touted as the solution to a range of issues including terrorism, fraud, and 'illegal' immigration.

'Set the People Free' looks at the use and abuse of ID Cards during the first and second world wars and the factors that led to their withdrawal. What factors are the same, what are different and how can we learn from the past to resist their introduction now?

● *past tense* ●

SET THE PEOPLE FREE



*the opposition to ID Cards in
North London, 1950 (and 2006)*

David King

Set the people free

Opposition to ID Cards in North London, 1950

Introduction

During both the first and second world wars the government introduced compulsory ID cards as part of their emergency measures. ID cards were withdrawn within a year of the end of the First World War; however it was not until seven years after the Second World War that ID cards were finally withdrawn. Clarence Willcock was instrumental in this process; his refusal to show his ID card when stopped by the police in North London raised questions about their use in peacetime Britain and contributed to the withdrawal of the cards in 1952.

A year after the attacks on the World Trade Centre in 2001 as the 'war on terror' was being promoted by the US and UK governments the UK government published a consultation paper on 'entitlement cards'. The cards would tackle a range of issues including terrorism, fraud, and 'illegal' immigration and would signify that the holder was 'entitled' to public - and private - services.

In 2004 the campaigning group Haringey Against ID Cards was set up. This essay looks at the use and abuse of ID Cards during the first and second world wars and the factors that led to their withdrawal. What factors are the same, what are different and how can we learn from the past to resist their introduction now.

The First World War

During the first year of the war there was a debate in the cabinet about whether recruitment to the army should be voluntary or by conscription. A vital element in the argument - knowledge of how many eligible men there were to fight - was missing; the available statistics were thought to be insufficient. The Cabinet decided to resolve the matter through the introduction of national registration. Under the National Registration Bill, introduced by the President of the Local Government Board, Waiter Long, in July 1915, personal information on all the adult population was compiled in locally held registers, and identity cards were issued. The figure that interested the War Cabinet was soon generated: 1,413,900 men in England and Wales were still available for national service. Once this figure was found, politicians' interest in National Registration, and therefore also the ID card, dramatically waned. By July 1919 the register was abandoned.

The Second World War

The coming of the Second World War provided the impetus for the reintroduction of ID cards and a national register as a temporary emergency measure. The government had already introduced the Emergency Powers (Defence) Act 1939. This empowered the government to make, *'by Order in Council, defence regulations for the purpose of securing the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war and the maintenance of essential supplies and services'*. As well as general regulations, some specific ones were made to control for example agriculture, building societies, patents and trading with the enemy. Regulations issued under the Act were termed Defence Regulations and came into force automatically. They did not require parliamentary approval. This Act also allowed that *'Any Act of Parliament may be amended, suspended or applied with or without modification.'* The act allowed

the government to curtail political activity deemed to be a threat to the country. Regulation 18B enabled the Home Secretary to detain any person he believed to be of *'hostile origin or association'*. Oswald Mosley together with some 800 of his leading followers and several hundred others were imprisoned without charge or trial because they were opposed the war. 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'*. There was an official ban on strikes, enforced overtime, state direction of where workers were employed, suspension of agreements regarding working conditions, internal surveillance, and censorship of the media. When introducing an extension of the Emergency Powers Act in the Commons in May 1940, Clement Attlee stated:

'It is necessary that the Government should be given complete control over persons and property, not just some persons of some particular class of the community, but of all persons, rich and poor, employer and workman, man or woman, and all property.'

ID cards and the national register were brought in under a separate act: The National Registration Act 1939. Registration of the whole population was held on September 29th 1939 and heads of households had to provide information on each member of the household, including children.

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.

Then as now the introduction of the ID card and register brought with it a whole new range of criminal offences. 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 by 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'*.

Three major reasons were given for the introduction of ID cards and a national register:

1. The need for complete manpower control and planning, in order to maximise the efficiency of the war economy.
2. The introduction of rationing required a system of standardised registration. Rationing was introduced from January 1940.

3. To have up to date information and statistics about the population, the last census had taken place in 1931.

In addition to the rationing of food and clothes ID cards were required for all post office transactions. By the time they were withdrawn in 1952, 38 government departments used the ID card and the national register. It was the police who consistently used the card in their day-to-day dealings with the public; a demand to see an ID card became a routine event. C.H. Rolph, an ex-policeman, said:

"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"

Each year, Parliament passed an Emergency Laws (Transitional Provisions) Act, continuing the effect of selected wartime laws, in 1947 when the registration system came up for renewal opposition was evident in parliament. During the debate W S Morrison, a conservative MP, said:

"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 hypothesis 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."

Clarence Willcock

On the 7th December 1950, Clarence Willcock - the manager of a dry cleaning service - was stopped whilst driving down Ballards Lane in Finchley: some accounts say he was speeding, some that he was driving 'erratically'. He was prosecuted for speeding. The police officer, PC Harold Muckle, demanded to see Willcock's ID card. Willcock refused to show PC Muckle his card and is quoted as saying "I am a liberal, and I am against this sort of thing." Willcock was presented with a form to produce his card at a

police station within two days; he refused to accept this too and was subsequently summonsed to appear at Hornsey Magistrates Court (now Hornsey Coroners Court) and charged under Section 6 sub section 4 of the act.

In the magistrates court Willcock argued that the 'emergency' legislation introducing ID cards was now redundant because the 'emergency' was now clearly at an end. His counsel urged the magistrate to *"say with pleasure and with pride that we need not be governed with restrictive rules any longer."*

The magistrate, Lieutenant Colonel WE Pringle, found Willcock guilty of not producing his ID card and of speeding; Willcock was fined 30 shillings and given an absolute discharge. Pringle disagreed with Willcock's interpretation of the law but encouraged him to appeal.

In June 1951 the appeal went to the high court and was heard by seven high court judges including the Chief Justice Lord Goddard (later to become infamous for hanging Derek Bentley) and the Master of the Rolls. Willcock's defence team comprised of several leading liberals of the time including AP Marshall KC, Emrys Roberts MP and Basil Widoger who offered their services pro bono.

The Attorney General, Sir Frank Soskice, appeared as amicus curiae and argued that Parliament had legislated in 1939 to deal with several manifestations of the same emergency, or even several overlapping emergencies, and a declaration that 'the emergency' had ended in relation to one piece of legislation did not affect the continuance of other emergency powers. The High Court agreed and Willcock's conviction was upheld. Lord Goddard was damning of the legislation however, in his summing up he said:

"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 national registration indemnity cards whenever they stop or interrogate a motorist for whatever cause. Of course, if they are looking for a stolen car or have reason to believe that a particular motorist is engaged in committing a crime, that is one thing, but to demand a national registration identity card from all and sundry, for instance, from a lady who may leave her car outside a shop longer than she should, or some trivial matter of that sort, is wholly unreasonable. This Act was passed for security purposes, and not for the purposes for which, apparently, it is now sought to be used. To use Acts of Parliament, passed for particular purposes during war, in times when the war is past, except that technically a state of war exists, tends to turn law-abiding subjects into lawbreakers, which is a most undesirable state of affairs. Further, in this country we have always prided ourselves on the good feeling that exists between the police and the public and such action tends to make the people resentful of the acts of the police and inclines them to obstruct the police instead of to assist them... They ought not to use a Security Act, which was passed for a particular purpose, as they have done in this case. For these reasons, although the court dismisses the appeal, it gives no costs against the appellant."

Clarence Willcock and the 'campaign' against ID cards

In most accounts of these events Willcock is presented as being an average member of the public; he was, however, politically active. He was a member of Barnet Liberal Association, had been a independent councillor in Horsforth, Yorkshire and had stood as the Liberal parliamentary candidate in Barking in 1945 and in 1950, though he was beaten both times. Willcock's connections to the Liberals had secured him support for his case in the high court.

The case gave Willcock a public profile that he used to start a campaign against ID cards. He formed the Freedom Defence

Association which was launched, outside the National Liberal Club, where he ceremonially destroyed his ID card. There was a well attended public meeting in Hyde Park in August 1951 to launch a petition to parliament to withdraw the 68 'emergency' measure that had remained on the statute books since the end of the war. The campaign did not develop and the withdrawal of ID cards did not appear in the Liberal party manifesto for the 1952 election. There is, however, a record of four members of the British Housewives Association staging a card burning protest outside parliament in April 1951, though the protest was primarily against the continuation of rationing. Apparently due to high winds and rain only one of the cards was burnt.

On the 21st February 1952 the Secretary of State for health, H Crookshank, announced that the ID cards and the national register were to be withdrawn.

It is unlikely that the Clarence Willcock case was directly responsible for the withdrawal of the scheme, but it was certainly a factor. The 1951 election returned the conservatives under Churchill, his ambivalence to the emergency measures was on record. In a Commons debate on 3rd September 1939, he had said:

"Perhaps it might seem a paradox that a war undertaken in the name of liberty and right should require as a necessary part of its processes the surrender for the time being of so many dearly valued liberties and rights. In these last few days the House of Commons has been voting dozens of Bills which hand over to the executive our most dearly valued traditional liberties. We are sure that these liberties will be in hands which will not abuse them, which will cherish and guard them, and we should look forward to the day, surely and confidently, when our liberties and rights will be restored to us and when we will be able to share them with the peoples to whom such blessings are unknown."

In 1951 Churchill campaigned against Atlee's Labour government under the slogan 'Set the people free' and proceeded

to abolish ID cards as part of his 'bonfire of controls' and general deregulation. The reason Crookshank gave for their withdrawal was a financial one; the government would save £1 million. It's doubtful whether the ID card scheme would have remained if the Labour party had succeeded in the 1951 election, in 1944 while the war was still on, the Registrar General, Sir Ernest Holderness, had said he did "not believe that public opinion would stand for the retention of national registration in its present form." He knew that as rationing was phased out any public support for the ID card would dwindle.

The Willcock case did have an effect on police behaviour. Statistics are not available for the war time period but in 1949, 521 people were convicted of offences against the national registration act. 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 only 8 people were charged, of whom 3 were convicted.

...and 2006:

Introducing 'Entitlement Cards' and the response in Haringey

Calls to reintroduce an ID card scheme have been a regular occurrence in parliament since 1952. Most have been private members bills and have cited football hooliganism, crime or terrorism as reasons for reintroduction, all were rejected because of cost or threats to privacy. In 1995 the Major government issued a green paper for consultation. Tony Blair said;

"We all suffer crime, the poorest and vulnerable most of all, it is the duty of the government to protect them. But we can make choices in spending too. And instead of wasting hundreds of millions of pounds on compulsory ID cards as the Tory Right demand, let that money

provide thousands of extra police officers on the beat in our local communities."

There was considerable public and Cabinet opposition. The proposal was dropped in 1996.

Following the attacks on the World Trade Centre in 2001 ID cards were on the agenda again and in July 2002 another consultation paper for 'entitlement' cards was published. The name has changed but the bill has now received royal assent and the government is in the process of implementation.

In late 2004 Haringey Solidarity Group organised a public meeting to discuss opposing the introduction of ID cards in Haringey. The meeting led to the establishment of the group Haringey Against ID Cards (HAIDC). The group has been active in raising awareness of the implications of ID cards and in organising resistance. The group has:

- run two relatively well attended public meetings,
- lobbied councillors and MPs,
- run stunts like "police checkpoints" where we dress in toy police helmets and high visibility jackets, to "check" for ID cards,
- produced leaflets, pledge forms, window posters, stickers, and badges,
- had stalls nearly every weekend at shopping areas where many thousands have signed the Pledge to resist the ID system, and collected names of 800 people who say they want more information about the campaign and its activities,
- demonstrated outside the Home Office building and in Westminster Square,

- produced a banner and an occasional newsletter for information

- tried to get Haringey Council to follow the example of many other councils and Assemblies and reject the ID system

- moved a successful resolution at the national Trades Union Council Annual Conference of Trades Councils against ID, one of many on this theme.

Learning from the past

The government has obviously learnt from the past uses of ID cards in the UK. The Registrar General for the ID card scheme during the second world war - Sylvanus Percival Vivian - talked about giving the card '*parasitic vitality*': the only way people would keep the card was if it was linked to something they needed. The national register of the Second World War was intimately tied to rationing. The present government estimates that over 44000 private enterprises may be using the card and the National Identity Register and has been 'consulting' government departments about what uses they could find for the card and the register. The scheme has already been linked to the DVLA and automatic number plate recognition.

The next steps

Even though the ID card scheme of the Second World War was bought in as an emergency measure it survived longer during peacetime than it did during the war. Is there a similar emergency today? How will we know when it's over? How can we make this system unworkable?

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