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When I came to England from Ireland in 1980 I was grateful to the Labour Party: it was a beacon of solidarity and fraternity in a country then much more hostile to the 'terrorist' Irish than it now cares to remember. After eleven years in power, this same party (having long shed its opposition to – or even shame over – terrorism laws) has just forced through the House of Commons a police power which, if it becomes law, will allow a terrorist suspect to be held for 42 days without charge. Of course there are various proposed safeguards designed to sweeten the repressive pill: we are told that there will be a debate in Parliament before the power kicks in and we are promised ongoing judicial scrutiny. This is exactly how basic ideas are eroded in a democratic country, not in the honest blaze of radical change but in a drip-by-drip process of gradual destruction. Over time these 'safeguards' will go the way of the parliamentary safeguards that accompanied the first terrorism law: vital for a while, then routine, then discarded. Those who introduce internment never call it by its proper name, but what we have here is a sharp move in the direction of indefinite executive detention: we are not there yet, but all the arguments behind 42 days point also to 90, to 100, to 200. With a Tory government in the offing, Labour should not pretend that this law will be the last word. The next atrocity will produce its own momentum for further change whoever is in power.

Why has Labour done it? The government admits, even makes a virtue of, the lack of empirical evidence for its necessity. Ministers are planning for the future, they say. This is what makes the issue so difficult to discuss in any kind of conventional way: there are no facts, only assertions of danger based on secret information. Colleagues who are in the know like the DPP Sir Ken McDonald are emphatic that it is not required. The former prime minister Sir John Major – for whom terrorism was more than a theoretical risk (having been attacked by the IRA when chairing a cabinet meeting in Downing Street) – is equally clear. So are former cabinet ministers. No doubt many of the memoirs of the present lot will tell us how much they opposed it in private, like the invasion of Iraq – but that will be when they have books to sell and are trying to recover their civil libertarian fan base. The only rational basis for the law is that it is intended to put one over the Tories by isolating them as the reckless enemies of security so that when a bomb comes it is Labour

and not the Conservatives who look serious. The policy is insurance against voter-anger in the aftermath of a Madrid- type bomb and an effort to direct that fury towards Mr Cameron and his colleagues: this, together with the more recent need to 'rebuild Mr Brown's authority,' appears to be why we must now suffer this law. And in a twist that not even Orwell could have imagined, the prime minister behind all this is a lover of liberty, an 'intellectual' who is believed to read books and who makes speeches about Mill and Locke!

In truth the pass was sold in the Labour party in the mid 1990s when it came round to supporting terrorism laws and all the other 'anti-job' initiatives of the then Major government. In conventional politics, only the Liberal Democrats say they support freedom but how serious are they: their own leading member the Lib Dem peer Alex Carlile (the Government's independent watchdog on terrorism laws) is a strong supporter of more rather than fewer police powers in this area. Not for the first time it is left to community groups, to faith leaders, to lawyers, to people involved in civil society to keep alive the idea that long-term detention without charge is a monstrous invasion of freedom. And the House of Lords of course and David Davies: the British constitution is always full of surprises.

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