

Britain: The political issues raised by the arrest of Damian Green MP

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A number of political issues are raised by the arrest of Conservative Member of Parliament Damian Green by anti-terrorist officers.

The Tory immigration spokesman was detained for nine hours on Thursday over the alleged leaking of government documents, while up to 20 anti-terrorist officers searched his homes and business premises. Anti-terrorist officers also raided Green's parliamentary office, seizing numerous files and correspondence, along with the MP's computer and blackberry. Green's e-mail account was disabled, with those trying to contact the MP receiving the reply, "Your message wasn't delivered because of security policies."

The actions are all the more extraordinary given that none of the information allegedly leaked to the MP involved matters of national security. In several instances it concerned information used as part of a right wing campaign to embarrass the Labour government—on the numbers of illegal immigrants employed by Whitehall and a potential increase in crime figures due to the growing recession. Another potentially more damaging leak, however, involved an alleged blacklist of malcontent Labour backbenchers being kept by the government.

Numerous MPs and political commentators have denounced the police action. Former Tory Chancellor Kenneth Clarke compared it to "Richard Nixon's America", while Liberal leader Nick Clegg dubbed it a "mayday warning" for democracy.

Analogies have been made to the English civil war and the pre-eminence of parliament that was established by cutting off the king's head.

Even prominent Labourites have decried the raid, with David Blunkett—who as home secretary introduced some of Labour's most draconian attacks on civil liberties—denouncing "the danger of overkill, of treating every case as though we are dealing with a suspicious character".

Despite this furore, Prime Minister Gordon Brown and Home Secretary Jacqui Smith have refused to condemn the police. Speaking on Sunday's Andrew Marr programme, Smith defended the "operational independence" of the police as the over-riding principle, refusing to comment on the implications of the raid on a parliamentary office.

Brown and Smith's only concern has been to reject allegations that the government directed Green's arrest so as to intimidate its political opponents. But their denials of advance knowledge of Green's arrest have raised more questions than answers.

Smith confirmed on the Marr programme that it was her permanent secretary, Sir David Normington, who had called the police in over the leaks. The permanent secretary is the most senior civil servant in a

government department. But while Smith said that she was kept informed of the investigation, including the arrest of the alleged whistleblower, she denied being aware of Green's impending questioning.

Why Normington would keep the home secretary informed of progress against a junior civil servant, but would not pass on information over the alleged involvement of a leading politician is unexplained.

Moreover, Tory leader David Cameron and Conservative London Mayor Boris Johnson have both said they were warned by police that Green was to be arrested shortly before it occurred. Why the police considered the matter sensitive enough to inform leading opposition party officials but not the prime minister or home secretary is another moot point.

Questions have also been raised as to whether the Commons speaker, Labour's Michael Martin, and Jill Pay, the serjeant at arms in charge of Commons security, agreed the police raid on a parliamentary office, thereby abrogating their duty "to protect [members] from the excesses of the executive."

The raids took place as parliament took a few days break. Writing in the *Telegraph*, legal expert, Joshua Rozenberg, suggested that had officers attempted to search Green's office when parliament was sitting they could have been in breach of "sessional orders" that are meant to ensure parliamentary business is not impeded.

With parliament not due to resume until Wednesday, the speaker's office has declined to elaborate on its role stating only that "There is a process to be followed and that was followed." But a series of questions have been prepared as to who authorised the search of the Commons office, on what basis, and whether it is a breach of parliamentary privilege to arrest an MP for using leaked information.

Then there is the matter of the involvement of anti-terrorist officers when the alleged crime is not being pursued as a matter of national security or violation of the Official Secrets Act, but under the catch-all offence of "aiding and abetting, counselling or procuring misconduct in a public office".

Professor Gary Slapper, director of the Centre for Law at the Open University, told the *Times* that the involvement of counter-terrorism officers was potentially "sinister". "When the state starts arresting elected parliamentarians for saying things it says they shouldn't, alarm bells should ring," he said.

Undoubtedly more will come out in coming days, but several points can be made.

Whatever the truth or otherwise of government involvement in these events, Labour's response makes clear its political culpability. The government has repeated, ad nauseam, that the "operational

independence of the police" is paramount. Even when it has been put to Brown and Smith, that they should have been informed of such a politically contentious course of action, they have gone to great lengths to deny this.

"Operational requirements" are the same grounds on which Labour has repeatedly abrogated fundamental civil liberties over the last decade, arguing that the police must have the power to do as they wish and that questioning their demands is tantamount to abetting a crime.

On this basis, the government has increased the period of detention without trial from seven to 28 days, and only held off on a proposed extension to 42 days because it faced defeat.

There is no question that Labour's defence of the right of the police to operate without hindrance, and with no reference to the law or democratic rights, has given carte blanche to the state. This has had deadly consequences. This is a police force that has not only been empowered to shoot to kill, but executed an innocent man—Jean Charles de Menezes—in broad daylight, without anyone facing criminal charges as a result.

What are the implications of such developments? Commentators have pointed out that the offence of "aiding and abetting, counselling or procuring misconduct in a public office" is so vague that all manner of MPs, journalists, and others could be caught up in its net. Indeed, the day that Green was held, a judge rejected the case against journalist Sally Murrer who writes for the local *Milton Keynes Citizen* newspaper.

Murrer, a 50 year old mother-of-three, faced imprisonment on the same charge as Green over information she received and published from Police Sergeant Mark Kearney. The tips concerned minor issues, as to whether a star football player would face charges and details on the criminal convictions of a murder victim. Yet, in response, police bugged Murrer's phones, raided her home, seized her computer and even strip searched her.

Last week, the case against Murrer was dismissed, on the grounds that the bugging evidence was a violation of human rights. (Nick Cohen in the *Observer* stated that Murrer believed the police had tried to intimidate her and Kearney "into silence because he had protested about his superiors ordering him to bug conversations between Sadiq Khan, the Labour MP and lawyer, and a constituent who was an imprisoned terrorist suspect).

There are also allegations that the case against Green is the outcome of a vendetta against the Tories on the part of the Metropolitan Police, or some of its senior members, for the party's involvement in forcing the resignation of Police Commissioner Sir Ian Blair.

Blair had been persistently attacked by the Conservatives for his closeness to the government, and his support for changes to the police force based on positive discrimination. Green was arrested the day Blair stepped down from office. Acting police commissioner Sir Paul Stephenson, previously considered a shoo-in for the post, agreed to Green's arrest.

The politicisation of the police has developed apace. It is one reason for the tremendous factional infighting within the Metropolitan Police, which is now a matter of public record. Amongst other things, senior police officers have called press conferences to denounce "institutional racism", only to retract their remarks within weeks.

It is not only the police that have become a law unto themselves. The government has also made clear that it too feels itself liberated from democratic restraints. It sanctioned the illegal invasion of Iraq despite massive popular opposition and clear warnings that the war breached international law—and made a virtue out of the fact that it

was prepared to do so.

Nor have the Tories functioned as a counter-weight to this development. Having set the tone during their 18 years in office, they have largely encouraged Labour every step of the way. Indeed many of the recent leaks used by the Tories were intended to show Labour up as insufficiently tough on matters of law and order.

Fundamentally, both parties have given free rein to the super-rich and the major corporations to reap enormous wealth at the expense of working people. And, when the result has been a collapse of entire economies and industries, with major social ramifications, none of those responsible have been held to account but have instead been bailed out with tax payers' money.

The massive economic meltdown forms an integral backdrop to recent events.

The *Daily Mail* headlined its piece on the Green affair, "This is a declaration of political war".

"The next election campaign started last night, and it promises to be one of the nastiest, dirtiest and hardest fought in modern British political history", it wrote, noting that Green's arrest, "probably with the tacit support of Labour ministers, marks a fundamental break with the political Geneva Convention, the unspoken terms on which parties do business in Westminster."

Leaving aside the hyperbole, it is the case that—for the first time in some 20 years—real differences have opened up between the two main parties, specifically over how to respond to the economic crisis. While Labour insists that measures must be taken to stimulate consumer spending and that the state, through bringing forward certain capital projects, should play a role, the Tories say this will only defer the crisis and oppose anything that smacks of greater state involvement (except where it directly benefits the banks).

This conflict is being fought out entirely on the right of the political spectrum and in the interests of big business and the rich, but there are significant differences nevertheless. At the moment, government policy has the backing of the City, which drew it up in the first place. But that could change.

The *Guardian*, while reproaching the prime minister for refusing to defend the integrity of parliament, editorialised Saturday that "Despite some hysterical responses yesterday, Britain has not become a police state."

Such is the political flabbiness and complacency of what passes for British liberalism. Britain has not become a police state *yet*, it should more rightly state. But the warning signs are there for all to see.



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