

## **SECURITY WITH FREEDOM The Challenge for Liberals**

The current obsession of the Western World is the search for security – whether it is security from international terrorism, from muggers on our streets, from kids hanging around outside the local shop and of course from the marauding hordes of paedophiles.

We feel that we have lost control of our lives in a world dominated by the mysterious and unaccountable forces of globalisation and the seemingly ever more rapid and incomprehensible pace of technological change – all of it reported to us coated in political spin and trivialised and sensationalised by media frenzy.

In a world seemingly gone mad we yearn for old values of community and unchanging certainties. We long for that rose covered cottage where we know and like everyone in the village and our door remains safely unlocked at all times.

To achieve that we are happy – at each and every level – to “give up a little freedom” in order to gain some sort of assurance of “security”. Indeed there are those who would seek security at any price.

Of course this all started long before 11<sup>th</sup> September 2001 but the events of that day have now become the ultimate excuse on a grand scale for the search for security at whatever cost to freedom.

Of course people are entitled to yearn for security but – argues Mike Oborski – in giving up freedom we are not achieving security we are instead merely giving up freedom while failing to achieve security.

To achieve security we need greater freedom because it is only with greater and truly informed freedom that we can change society and the world to preserve and extend both freedom and security.

“If ever there was an issue for Liberals this is it” Mike Oborski told the October 2002 Liberal Assembly in Presidential Address which is the basis of this Liberal Institute booklet.

### **A NEW WORLD OF SORTS ...**

President George W Bush tells nations in this post September 11<sup>th</sup> 2001 World that they should dance to America’s tune. Sacrifices of freedom are, after all, regrettably essential in war against terrorism – a war for security. It is sad but Freedom – we are told – must be sacrificed for security.

A mother tells her eight year old child that he must play where she can see him, that he must not roam, that he will be accompanied everywhere. He has far less freedom to roam at play than an eight year old of thirty years ago. She does so because she

is worried by all these stories of prowling paedophiles she reads about in the red-top papers. It is sad that he cannot go out to play on his own. It is sad but Freedom – we are told – must be sacrificed for security.

These are but points on a continuum along which are also scattered a whole variety of issues such as the possible introduction of identity cards, possible restrictions to the right of trial by jury, the ever widening deployment and abuse of CCTV, and greater surveillance of e-mail traffic, and even the forcible taking of blood samples from suspected drunken drivers.

These issues are often not as simple as they appear for Liberals.

The citizens whose liberties are restricted by any post-September 11<sup>th</sup> measures is a citizen who should also have the liberty to be confident of flying in safety.

The child whose freedom to roam is restricted by parental fears is also a child who deserves a secure environment in which to thrive and grow.

Technology has also moved on at speed. Is the issue of Identity Cards exactly what it was in the 1940s or has technology advanced to such a degree, with such a wide diversity of means and reasons for storing information, that the debate has in reality moved to different levels and aspects?

In looking at these various issues we need in each case to:-

- Examine the reality of the threat that prompts the circumscription of liberty in the name of security;
- Look at the effectiveness of the measures proposed;
- Be aware of ulterior motives and hidden agendas behind such measures;
- Propose effective alternatives where really required which do not infringe upon long held, cherished and valuable liberties.

We also need to:

- Clearly identify and respond to trends in governmental and public opinion with respect to the balance between “freedom” and “security”; and
- Establish and promote a clearly Liberal response to such developments.

The issues are vast and significant. This small booklet is meant simply to open the debate from a Liberal perspective. It is an opening shot to provoke discussion and debate.

## **A RETURN TO REALITY**

It is now a well-worn cliché that politics is all about perception. Reality has become irrelevant and politicians and red-tops spin and spin and spin. Politics is no longer “the art of the possible”. It is now “the art of what it is possible to get into a sound bite” – which is of course a rather neat sound bite if I say so myself.

Ironically in, for example, exploiting perceptions of crime in order to gain political advantage by identifying themselves as the “toughest” on crime, politicians are

repeatedly trapped as they cannot realistically address the expectations which they themselves have raised.

In many areas reality may intervene. Whatever we are told, we generally know from the realities of day-to-day life whether we are better off now than last year. We are perfectly aware whether or not the refuse system in our locality is in decline.

When it comes to issues relating to perceived threats to our personal safety and security we are far more vulnerable to the strident politics of perception. A single second of actual thought would surely convince anyone of balanced mind that avoiding aeroplanes after the horrors of September 11<sup>th</sup> was a singularly pointless activity. The chances of being on a flight seized by terrorists are mathematically insignificant and indeed would not the terrorists, aware of increased air travel security, look for alternative and now easier means of mayhem and destruction? Indeed, given the respective number of deaths on September 11<sup>th</sup> in terms of airline passengers and office workers it might arguably make more sense to avoid office blocks rather than aeroplanes as places of risk. Be that as it may, airline passenger numbers collapsed bringing many of the World's airlines to their knees and rocking the whole structure of international passenger flight. All of this happened because of a perception of risk which should be incapable of withstanding one second of applied logical thought.

Not only do we respond to perception rather than reality but driven by politicians and media we seek easy targets upon which to attach the blame. Whenever things go wrong for us there are no longer complex roots and histories to our problems. No, today, we simply need to be told who is to blame so that they can be shamed and punished. Then presumably we can make a clean start and everything should be perfectly all right almost as if the guilty anomaly had never happened in the first place.

### **A WORLD IN TERROR ....**

So it is easy to demonise Bin Laden as a monster. He is to blame. He must be caught and punished or preferably slaughtered. Indeed the more he is demonised the easier he is to live with because the more he becomes a solitary unrepeatable abnormality and no longer part of our real ongoing normality. He becomes the "scapegoat" so relieving us of the need to face up to the complexities from which he sprang and to the blundering connivance and guilt of our own politicians who helped to create the exact conditions in which he could thrive.

However, while Bin Laden is, on the one hand marked out as an inexplicable monster – the very embodiment of maniacal madness terror – to be hunted down as a rabid monster, we are also expected to believe that there is now a whole series of malignant regimes which, starting with Saddam Hussein, must be overthrown by violence in the interests of peace.

Additionally it is now commonly accepted that the world is a far more dangerous place than it was prior to September 11<sup>th</sup> 2001.

Strangely I do not remember the Cold War and the Cuba Crisis as a time of great happiness and joy. Few Cambodians remember Year Zero as a time of security;

Rwandans might be forgiven for thinking that everything has not been totally perfect for some time; the Jews did not enjoy an auspicious fifth decade in the twentieth century, and the innumerable millions who suffered or died at the hands of Hitler or Stalin or in the folly of the First World War might, given the chance, have something to say on the matter.

As a Pole I can tell you that we are only just surfacing after a rather bad two centuries!

It only takes a second of actual thought to realise that there was no safe world before September 11<sup>th</sup> and there has never been any safe world at any given moment for very large sections of mankind.

In the West we are locked into an overwhelming deluge of American self-deception. As the greatest power on earth, believing themselves to be totally invulnerable, they are now locked into some massive and dangerous self-feeding indulgence of self-pity, fear and anger at events which have damaged their self-esteem and the associated veneer of invulnerability.

This is not to deny the appalling horror of what happened on September 11<sup>th</sup>. The Americans deserve our full and total sympathy in the face of such a brutal and evil assault. Such sympathy should not allow us to accept a simplistic hysterical response manipulated by American politicians and vested interests for their own ends.

As the distinguished Indian writer Arundhati Roy put it in the Guardian “to fuel a war against Iraq by manipulating people’s grief is a terrible thing for a state to do to its people” and “one year into the war on terror, in country after country, freedoms are being curtailed in the name of freedom!”

### **CAUSE FOR CONCERN ...**

The situation is alarming at two levels.

Firstly it is alarming in the context of what is happening country by country.

In a report of “Anti-Terrorism Legislation in the UK” published by Liberty recently] they point out that of the more than 7,000 people detained in Britain under the Prevention of Terrorism Act the vast majority were eventually released without charge and the very few ever charged could have been arrested under ordinary criminal law anyway.

Back in the 1980s I was heavily involved in Solidarity With Solidarity campaigning in support of the then suppressed Solidarnosc Trade Union in Poland. The British Government was publicly pro- Solidarity but we knew that our telephone lines were being bugged. From what we now know about the limitations of Polish intelligence operations of that period we are convinced that we were the objects of British surveillance.

Worse still when communism fell I was eventually alerted to the contents of my very own Polish security file. My file was huge – enormous – possibly the biggest of those

active in the UK. It was full of "Focus" newsletters dutifully collected in Kidderminster, passed to London, transferred to Warsaw and lovingly stored.

I have this beautiful mental picture of some lone, exhausted KGB agent at his desk in Warsaw – struggling to keep awake with coffee late into the night – struggling to decipher the true meaning of the sinister headlines "Pot Holes Scandal" and "Stop Refuse Collection Mess"! Funny now, but there was a time when the Polish security services flirted briefly with the idea of "taking out" key campaigners in the West!

In the 1980s the pro Solidarnosc groups in the West played a key role in undermining the position of the communist regime. Talking to the leaders of that campaign in Warsaw recently I discover that they believe that such a campaign – which was completely peaceful and totally legal – could not be effective today because of the greater restraints and limitations now imposed by Western, including particularly UK, police and authorities who have simply changed the parameters without the sanction of any change in the law or any public debate!

Incidentally, if you still believe that Britain has a perfect record on civil liberties then I invite you to look at the Amnesty International Report for 2002 which covers the period January to December 2001. Even leaving aside the continuing mayhem in Northern Ireland, look at the sorry saga of those shot dead by the police including the collapse of the court case following the death of James Ashley, shot dead in his own home while naked and unarmed by police acting on what they now admit was deliberately false intelligence. Look at the deaths in police custody and the deaths in prison. Look at the suicides in prison and the incidents of ill treatment and racism in prisons. Look at the issues relating to the treatment of refugees and the so-called child soldiers issue. I am not calling for this country to become a "soft touch". I am calling for fairness and consistency.

The other level at which the situation is alarming is simply the fact that what is happening is not a reasonable, reasoned or effective response to international problems.

What gives the Americans the right to think that they can impose "regime change" wherever and whenever they think fit? Don't you just hate that term "regime change" with its arrogant assumption of the right to impose change from outside by people who know better?!

I will also tell you – as a Pole – that the reason that the new Poland, despite of all its difficulties, is a strong, resilient and united society is because – against all the odds – we changed the regime! It was the fact that it was done by our efforts that gives us strength, gives us pride, and gives us drive and motivation. We would not be the same if someone else had come along as outsiders and delivered freedom to us – however noble and well meaning their intentions.

### **A TIME OF PARADOX ...**

The Americans use their influence to impose self-control on India and Pakistan but will not impose it upon themselves. Can't they see the paradox?

Cannot they also see that to simply remove Bin Laden or Saddam Hussein solves nothing? Today's terrorists for some are tomorrow's martyrs for others. In Warsaw this summer I purchased one of those Russian style dolls with a doll within a doll within a doll and so on. It makes a neat political point. What will you get if you just remove Bin Laden without tackling the issues that gave rise to Bin Laden? The answer? Another Bin Laden and then another Bin Laden.

Cannot they see that simply removing specific leaders and regimes solves nothing unless you actually face up to and address the issues that are actually undermining the whole basis of relationships between Arabs and the West.

How can the United States hope to come to any sort of understanding the Arab world when to most Arabs the United States is seen simply as the protector, financier and armourer of Israel in its war against Palestine?

Yes, I know that there have been terrible wrongs and crimes on both sides and I do not intend to get bogged down in apportioning blame. What I am saying is that until the Americans are seen to be using their enormous power and influence to at least try and create the circumstances for a settlement in the Middle East – and that means the creation of a real Palestinian state free from Israeli interference and solid international guarantees of Israeli security – there can be no hope of America coming to terms with a large section of the Arab world.

If anybody takes military action against Saddam Hussein then young men will go home in body bags and we will, once again, wince at the sight of the pitiful little corpses of dead children on our television screens.

If America goes it alone we could also see the collapse of Saudi Arabia and possibly even Pakistan in an outpouring of hatred against regimes in predominantly Muslim states that are seen as being too supportive of the United States. That prospect is truly horrific.

As a Liberal I am sickened by the prospect of violence. As a Pole you will understand that I also have strong reservations about appeasement.

Whatever happens now with regards to Iraq and Saddam Hussein must happen as the result – difficult as it will be to establish – of a concerted United Nations decision.

The British Government should be working to secure a concerted and appropriate United Nations response. Our Prime Minister should not simply be the docile poodle of the American Presidency.

### **OBSESSED WITH SECURITY ...**

We should also be aware that the post September 11<sup>th</sup> 2001 mood is adding to the obsession with security which is permeating Western society.

In the United Kingdom this obsession takes many forms. As a society we long for security whether it is security from international terrorism, from muggers on our

streets, from kids hanging around outside the local shop and of course from the marauding hordes of paedophiles.

We feel that we have lost control of our lives in a world dominated by the mysterious and unaccountable forces of globalisation and the seemingly ever more rapid and incomprehensible pace of technological change – all of it reported to us coated in political spin and trivialised and sensationalised by media frenzy.

In a world seemingly gone mad we yearn for old values of community and unchanging certainties. We long for that rose covered cottage where we know and like everyone in the village and our door remains safely unlocked at all times.

To achieve this we seem to be happy – at each and every level – to “give up a little freedom” in order to gain some sort of assurance of “security”. Indeed there are those who would seek security at any price.

Of course all this started long before 11<sup>th</sup> September 2001 but the events of that day have now become the ultimate excuse on a grand scale for the search for security at whatever cost to freedom.

Of course people are entitled to yearn for security but in giving up freedom we are not achieving security we are instead merely giving up freedom while failing to achieve security.

We run the risk of adopting measures that do not work, which can be misused for other purposes and meanwhile we fail to tackle the actual issue.

### **GAME OF CARDS ...**

We are told, for example, that the Home Office would like to issue 60 million identity cards in order to “target” a few thousand people working illegally in this country and to tackle benefit fraud. Liberty have pointed out that Government figures show that only a tiny proportion of such fraud relates to identity issues. Indeed the money that is lost is actually less than the costs of an Identity Card System. Indeed, why should 60 million of us carry cards simply as a result of the incompetence of the Home Office and the Benefits Agency which should have been tackled by conventional means long ago?

The Home Secretary says of course that an Entitlement Card is not an Identity Card although it exists only to establish your identity. He says it is not compulsory but you will have to have it. He says it will not be open to abuse but wants to link it to all the main Government databases.

Like the proposals to allow thousands of bureaucrats to see your e-mail and telephone data it is all about making all our information available to Government departments and even if you trust the present Government how can you know where this will lead in ten or twenty years time if future events are used as the justification for even more constraints on our freedom?

The French experience is that identity cards create complacency, thousands are lost and accidentally destroyed every year with infuriating consequences for the holders; and that thousands of cards are sold and forged.

We are also asked to believe that people from ethnic minorities will not be asked to produce their cards more often than the rest of us. That is not the experience elsewhere.

European countries still suffer from the same problems which afflict us – but with the problems that arise from the misuse of police powers relating to identity cards.

Liberty has pointed out that 70% popular support for the introduction of identity cards in Australia evaporated as the real impact became evident. The scheme was quietly buried.

### **VAMPIRE POWERS ...**

Meanwhile as The Daily Telegraph declared “the state sucking your blood is normally a metaphor applied to excessive tax regimes. Now it’s for real.” As of last Tuesday (1<sup>st</sup> October) a Doctor can upon a Police request take a blood sample from an incapacitated driver. It sounds innocent enough but as The Telegraph says “there can be no guarantee that there will never be a conflict between the officious policeman, desperate for his phial of blood, and the ambulance driver who wants to get the patient to hospital” and “who can ever be sure that the seconds spent taking blood might not be better spent looking after a patient.”

This change has been done without any sort of public debate either on the policy itself or the need for safeguards. That is in itself surely a sign of the times.

### **TRAIL OF DNA ...**

The Court of Appeal decision to allow the police to retain the DNA records of innocent suspects – I emphasise **innocent** suspects – is of more significance than it looks.

The inference is clear – once a suspect always a suspect. If, as we already know, under our criminal justice system more people from ethnic minorities become “innocent suspects” what is the moral or practical justification for building up a DNA record that concentrates on ethnic minorities?

No doubt the eventual “solution” will be to do what the Government would like to do – but has so far been too chicken to propose – namely create a DNA database of all citizens. Of course we will be promised safeguards against abuse but the evidence on unauthorised access to current computer systems does not bode well. Nor has there been any debate on where this could head. The constant pressure to be tough on crime could lead to the eventual watering down of safeguards and protections. We have yet to see an informed public debate on this issue.

### **TIME OF TRIAL ...**

I hope all Liberals would agree that the right to trial by jury lies at the heart of our freedoms and that any reduction in that freedom must be resisted.

However, what about the idea that juries should be told about the past record of the accused BEFORE they come to determining their verdict. It sounds logical. Juries should have the full facts and information. Opinion polls show that 70% of people believe that juries should be told.

However, the very same surveys show that 50% of people actually admit that if they knew about a person's past it would affect their verdict. In other words they would be concentrating on their view of the person rather than upon the evidence as to whether or not they actually committed the crime. The reason people want to know is exactly the reason why they should not know – because it will influence the verdict. Where they are directly relevant, juries can already be told but telling them in general is bound to lead to more miscarriages of justice as innocent people are convicted on reputation rather than fact.

Sadly there will also be an increased risk of the police setting up easy targets for conviction rather than actually solving the case – don't say it does not happen because we all know that it does.

### **CCTV ...**

There are areas where Liberal Party colleagues would probably regard me as heretic. I do not have the total antipathy towards the use of CCTV. Sadly, the cameras in the lifts and foyers of some of the blocks of flats are essential.

What did terrify me, as Leader of the Council, was the police demand for blanket town centre coverage with CCTV. Not only was there no interest whatsoever in the moral issues about surveillance in public places but there was also a total disregard for practical issues,

All the police were interested in was security capital grants for installation from central Government. The fact that the revenue costs were insupportable, that the quality of the pictures would not support prosecution, that the film would not normally be monitored, that there would be no increased speed of response to incidents and that it was acknowledged that the incidents would be largely displaced to the nearest CCTV free area – none of that appeared to be of any consequence. Nor did there appear to be any interest in the idea that other measures, particularly redesigning the environment, could do more to reduce the risk of crime.

The potential for the abuse of CCTV material is enormous. What is the justification for "Tarrant On TV" showing video footage from a secret camera placed by an unscrupulous employer to film female staff undressing as they changed their clothes before and after work? As we are shown the footage on our television screens Mr Tarrant laments this appalling exploitation of the girls concerned totally oblivious to the fact that he and we are now the exploiters of their discomfort.

Even the use of speed cameras on our roads forces us to face new moral dilemmas about the nature of freedom. Firstly, are they there to deter our speeding or to raise

revenue? Secondly, given that the courts have ruled that “scanners” are legal, how do we feel about the fact that poorer motorists who cannot afford a £350 state of the art scanner, are more likely to be caught and fined than their more affluent counterparts in their speedier vehicles, complete with scanner, who have already discovered (as we discovered in our area) that only one in twenty of the signposted “cameras” is actually in use?

### **PLAYING IN SAFETY ...**

Perhaps the saddest aspect of our security obsessed society relates to children. So great is the fear of roaming hordes of paedophiles that our children are now prisoners. They are escorted to and from school – usually of course by car – and they are not allowed out of sight to play.

As a nationally recognised expert on children’s play Rob Wheway will tell you that children are only allowed to roam a fraction of the distance allowed to similar age groups twenty or thirty years ago. This had real and very significant implications for the social development of children. They are less likely to be making new friends and relationships with other children in the neighbourhood and far less likely to be forming appropriate relationships with adults in the area or developing an understanding of the network of relationships that create community.

Ironically there is no evidence to suggest that children are in reality any more at risk than they were in previous decades. Indeed, as all the available evidence shows that children are far more likely to be abused by family, friends of the family and people they know well than by strangers, one could argue that there is a certain logic in attempting to restrict them to the area of greatest risk.

While the whole emphasis remains on an understandable obsession with avoiding risk at all cost, we will continue to avoid a realistic appraisal of risk and we will continue to avoid the real issue which ought to be how can we offer a safe and stimulating environment life style to our children. These are issues which desperately need to be addressed.

### **IF EVER THERE WAS AN ISSUE FOR LIBERALS ...**

Fellow Liberals, we are tiny minute fragment of a once great Party. What holds us together is our emotional and intellectual commitment to a belief. That belief is set out in the preamble to the Party Constitution which says:

*“The Liberal Party exists to build a Liberal Society in which every citizen shall possess liberty, property and security, and none shall be enslaved by poverty, ignorance or conformity. Its chief care is for the rights and opportunities of the individual and all spheres it sets freedom first.”*

“In all spheres it sets freedom first”.

Today, unexpectedly, the issues of freedom and liberty are at the very heart of political concerns – if not yet at the centre of political debate.

Our fellow citizens may not realise it but with issue after issue after issue today the hidden issue is about freedom.

We may be a small fragment of a party, a tiny glimmer of former greatness but let us take up one thing and do it well.

Let us take up the old Liberal cause of freedom.

Let's make this a starting point.

I am not suggesting that this is easy. I am not arguing that we can just reiterate past Liberal policies.

We live in changing times with changing needs and changing challenges – indeed the very speed of change, which calls for a continual redefinition of Liberalism and of freedom, is in itself one of the problems and one of the challenges.

To achieve security we need greater freedom because it is only with greater and truly informed freedom that we can change society and the world to preserve and extend both freedom and security.

If ever there was an issue for Liberals this is it. If ever there was a time when Liberals were needed this is it.

To quote a Polish poet:

*“Battles for freedom once begun  
Passes from father, passes to son,  
Battle for freedom once begun  
The battle for freedom can never end.”*

Councillor Mike Oborski