

Freedom of speech

We already have bills that act like Big Brother, protecting consumers and preventing terrorists from hiding in cyberspace, but now the government's rush-job on the Anti-terrorism Crime and Security Bill has been blocked. Is this such a bad thing?

As I write this, peers in the House of Lords have bounced back to the Commons the Anti-terrorism Crime and Security Bill. This has probably put paid to the government's attempt to rush the bill through before Parliament recesses for Christmas. And that is no bad thing.

Down the centuries, wiser souls than the current batch of career politicians with their vote-motivated 'sincerity' have come to the conclusion that hard-won democratic freedoms shouldn't be surrendered in a rush of emotional reaction.

"The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding," said Louis Brandeis, the Czech immigrant lawyer who became known as The People's Attorney in Boston at the end of the 1800s.

Power to the people...

Among the increased powers that this bill would grant the security services, if it became enacted in its current form, is part 11, the Retention of Communications Data. This outlines the requirement for ISPs and telcos to retain all communications traffic data for a period of time to be determined by the Home Secretary.

Before this plan made its way into the bill, it was part of a request made by the NHCU (National High-tech Crime Unit) in the wake of the 11 September terrorist attacks on New York and Washington. The NHCU asked ISPs to retain data in case the FBI

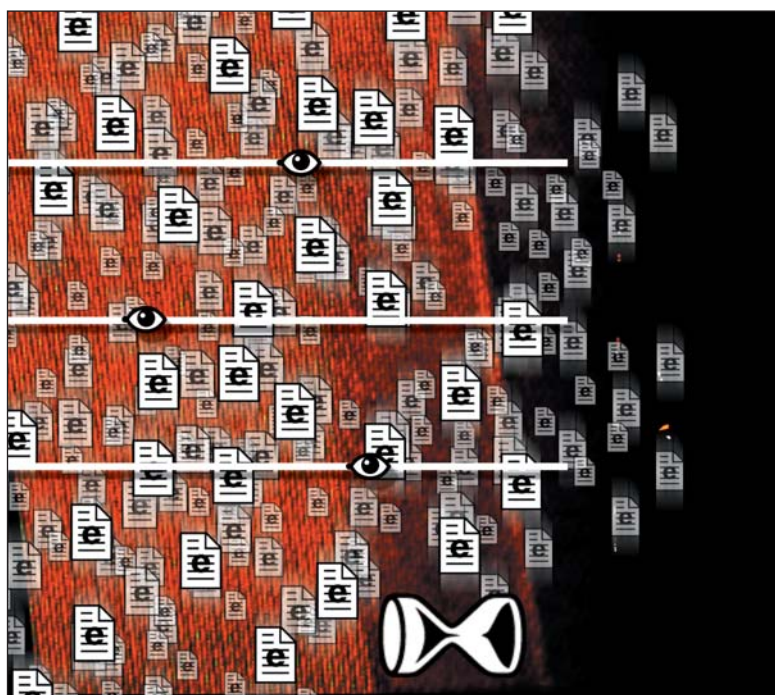
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Louis Brandeis, The People's Attorney

needed it as part of its investigations into the terrorists' activities before the attacks. But the idea that government has the right to examine our emails dates back even earlier – to 1998 – when the Electronic Communications Act and Regulation of Investigatory Powers Act were still bills.

That ISPs should retain data on traffic is also enshrined in the updated Data Protection Act. But in that instance, the legislation requests that ISPs keep data for no longer than a month and only for the purposes of verifying customers' bills – that is, to protect consumers. The security services and the government argue that such powers are necessary to prevent terrorists from conducting their activities in cyberspace. If it means less privacy for the individual, so what? The innocent have nothing to hide.

Any woolly minded liberal who disagrees is shown reruns of the video footage of the burning twin towers and asked 'Is that



the kind of world you want to live in?' No? Then the price you have to pay for a secure, terror-free world is to let the security forces deal with terrorists in the most effective way.

...or power to the politicians?

Such blunt-ended arguments were used by the CIA for three decades to justify covert support for oppressive right-wing regimes and their death squads, economic sabotage of errant states, torture and assassination. That's the price you have to pay for keeping the communists at bay, the Agency spooks told the President.

But such an argument plays directly into the hands of the terrorists, fulfilling theories of terror articulated by the Bolsheviks before 1917. If you can't terrorise the people into giving you what you want, then the clampdown the government implements to combat terrorism will be so severe that the population will rise in revolt – not that the population of the midwest is likely to rise in revolt at the destruction of Afghanistan or the internment of US Arabs on suspicion. Nor will middle-England march on Whitehall demanding the government stops peeking at its emails.

Everything to lose

But at the risk of sounding like a clichéd hack, it's the thin end of the wedge. 'I prefer liberty with danger to peace with slavery,' runs the anonymous maxim. Give up a little freedom and you begin the process of giving it all up. ■

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