

FEBRUARY 2010

**CIVIL
LIBERTIES
AND
TERRORISM**

DOLAN CUMMINGS

Produced by



GLOBAL UNCERTAINTIES
SCHOOLS' RESOURCE

MOTION:

**“PROTECTING THE
PUBLIC FROM
TERRORISM SHOULD
COME BEFORE CIVIL
LIBERTIES”**

CONTENTS

Introduction	1
Key terms	1
The civil liberties and terrorism debate in context	2
Essential reading	4
Backgrounders	5
Organisations	5
In the news	6

KEY TERMS

- [Civil liberties](#)
- [Counter Terrorism Act 2008](#)
- [Prevention of Terrorism Act 2005](#)
- [Terrorism](#)
- [Terrorism Act 2006](#)

INTRODUCTION

1 of 6

NOTES

The 9/11 attacks of 2001 led to a new era of a ‘war on terror’ declared by then US President George Bush and strongly supported by former UK Prime Minister Tony Blair. Since then the terrorist threat has remained high on the political agenda in many countries. Like the American government, the UK government has introduced a raft of measures and legislation to provide the police and other bodies with greater powers of surveillance and detention to combat the threat of terrorism. This, though, has led to significant and vocal concerns being raised about the erosion of civil liberties in both the US and UK. The case of failed Christmas day ‘jet bomber’, 23 year Umar Farouk Abdulmutallab, who was born in Nigeria but latterly educated and allegedly ‘radicalised’ in the UK, has again brought the issue in to sharp focus, with commentary about the rights and wrongs of full-body scanning’ in airports and targeted ‘profiling’ being only the most recent manifestation of this long-running debate [Ref: [BBC News](#)]. The banning of radical Islamic group Islam4UK under anti-terrorism legislation just two weeks later , and the groups claim that the move was an ‘evident failure for democracy and freedom’ prompted some to question the efficacy of the government’s action [Ref: [BBC News](#)].

How should we respond to the threat of terrorism today? Are civil liberties simply a fringe concern, distracting us from the dangers our societies face? Or are we overreacting in our response to terrorism? Do we risk undermining the very freedoms that we are seeking to defend? And should we be wary of governments invoking protection from terrorism as the basis on which to introduce measures that restrict individual freedoms?

The terrorist threat

Prior to the recent Real IRA shooting of two soldiers in Northern Ireland in March, no successful terrorist attacks have been carried out in Britain since the 7/7 London bombings of 2005, which claimed 52 lives. However, the thwarted Easter bomb plot in Liverpool in 2009 [Ref: [The Times](#)], the unsuccessful car bomb attacks in London and at Glasgow airport in June 2007, alongside high profile media coverage of the unsuccessful attempts to prosecute individuals accused of aiding the London suicide bombers [Ref: [Guardian](#)] and the controversial passage of the Counter-Terrorism Act 2008 through Parliament, have kept the issue of terrorism high on the public agenda. But defenders of the governments' counter terrorism strategy have suggested that the lack of successful terror attacks is evidence that the balance struck between liberty and security by government is the right one.

What are civil liberties?

Civil liberties place limits on the power of the state over the individual and guarantee a private sphere of autonomy where individuals are free to act so long as they do not harm others. Freedom of speech and freedom of assembly, for example, protect the rights of citizens to criticise and protest against the government, and longstanding protections have sought to guarantee the right to a fair trial. At the centre of this debate is whether civil liberties are non-negotiable absolutes, or whether liberty must be continually balanced against the need to ensure security.

What anti-terrorism measures have been introduced?

After 9/11, terrorist suspects in the UK were held without trial at Belmarsh prison. In 2004 the Law Lords ruled that this breached human rights law [Ref: [BBC News](#)], forcing the government to introduce new legislation in the form of the Prevention of Terrorism Act 2005. Most controversially, this allowed the Home Secretary to impose control orders on terrorist suspects, placing them under effective house arrest without trial. In November 2005 the government suffered an embarrassing defeat over proposals to increase the time that suspects can be held without charge from 14 to 90 days [Ref: [BBC News](#)]. The final legislation, the Terrorism Act 2006, included a compromise figure of 28 days. The act also introduced laws against indirect incitement and 'glorification' of terrorism and an offence of 'acts preparatory to terrorism'. In 2008 the government courted further controversy with the Counter-Terrorism Bill through which it again attempted to extend the period suspects can be held without charge, this time to 42 days. This provision of the Bill was heavily defeated in the House of Lords and was removed from the Counter-Terrorism Act 2008 [Ref: [Guardian](#)].

DEBATE IN CONTEXT CONTINUED...

3 of 6

NOTES

Is an exaggerated sense of fear being used to undermine civil liberties?

In the UK, in the face of so many new anti-terror measures, increasingly vociferous concerns have been expressed in many quarters about the erosion of civil liberties. Fears have been raised that the law against 'glorifying terrorism' threatens freedom of speech and blurs the distinction between words and deeds. Criticisms have also been launched at the government's determination to introduce ID cards; the massive increase in the use of police stop-and-search powers; and the increasing police harassment of innocent people taking photographs [Ref: [Guardian](#)]. Even Stella Rimington, the former head of MI5, has responded to the current situation warning that the fear of terrorism is being exploited by the government to erode civil liberties and risks creating a police state [Ref: [Daily Telegraph](#)]. But whilst some were heartened by the defeat of the government's proposals for 42 days detention, others warn that arguments about 28 or 42 days are by the by, both are draconian attacks on our liberties [Ref: [The Times](#)].

Are the dangers to civil liberties being overplayed?

The UK government argues it's wrong to talk about 'creeping authoritarianism': freedom requires security and the most important civil liberty is freedom from terrorism. Supporters of the government think that civil libertarians fail to appreciate the new threats we face. For example, the claim by British police to have prevented 'mass murder on an unprecedented scale' by uncovering a plot to blow up UK flights to the US in 2006 is seen by some as a vindication of government policy [Ref: [Guardian](#)]. Home Secretary Jacqui Smith defends the UK government's

approach arguing that 'people's fundamental civil liberty is that they are kept safe from terrorism and serious crime' [Ref: [Daily Telegraph](#)] and data from the British Social Attitudes survey indicates public support for the current level of emphasis on security even if it means giving up some civil liberties [Ref: [Guardian](#)]. Others, however, have linked the 'War on Terror' to a state of moral confusion in the West, where a heightened sense of vulnerability makes people feel easily terrorized [Ref: [spiked](#)], and make the case for greater resilience to undermine the impact of terrorism on society [Ref: [THE](#)].

ESSENTIAL READING

4 of 6

NOTES

Balancing liberty with security

Paul Reynolds *BBC News* 23 October 2009

Liberty and the state - a debate that had to happen

Observer 23 April 2006

Britain's liberties: The great debate

Henry Porter & Tony Blair *Observer* 23 April 2006

For

Forget body scans: search the right people

The Times 6 January 2010

The police are right not to remain silent on civil liberties

Sir Ian Blair *Guardian* 8 December 2009

'I know where balance lies with civil liberties and security'

Jacqui Smith *Daily Telegraph* 27 March 2009

42-day detention; a fair solution

Gordon Brown *The Times* 2 June 2008

The first step towards defeating the terrorists: stop blaming ourselves

G Baker *The Times* 11 August 2006

Against

Is the Islam4UK ban a blow against democracy?

Deborah Orr *Guardian* 14 January 2010

Spying on us doesn't protect democracy. It undermines it

Seamus Milne *Guardian* 28 December 2009

Slash 42 days to 24 hours

Brendan O'Neill *spiked* 17 June 2009

Britain's terror laws have left me and my family shattered

Hicham Yezza *Guardian* 18 August 2008

42-day detention: the threat to our liberty

John Major *The Times* 6 June 2008

In Depth

Stopping terrorism is not 'criminalising dissent'

Shiraz Maher *Standpoint* 13 January 2010

Security v liberty

Hugh Rosemont *Guardian Comment is free* 5 May 2009

Out of bounds

Kenan Malik *Index on Censorship* 2008

Counter terrorism and public trust

Jonathan Evans *The Times* 5 November 2007

Al-Qaeda threat: Britain worst in western world
Con Coughlin *Daily Telegraph* 15 January 2010

Our false sense of security should end here: Al Qaeda never went away
Sam O’Neill *The Times* 28 December 2009

A decade of unfreedom
Tim Black *spiked* 22 December 2009

Al-Qaeda and a decade of terror
Michael Burleigh *Daily Telegraph* 7 December 2009

Liberal values have never been more important – or less popular
John Kampfner *Independent* 21 September 2009

Explainer: Terrorism legislation
Guardian 22 January 2009

Dilemmas of terror
Conor Gearty *Prospect Manager* October 2007

ORGANISATIONS

- Campaign against Criminalising Communities (CAMPACC)
- Convention on Modern Liberty
- Council on Foreign Relations: Terrorism
- Liberty
- Statewatch

IN THE NEWS

6 of 6

NOTES

Ministry of Justice lists eco-activists alongside terrorists

Guardian 26 January 2010

Terrorist threat level raised to severe

The Times 22 January 2010

Islam4UK Islamist group banned under terror laws

BBC News 12 January 2010

Gordon Brown promises full body scanners at UK airports

BBC News 3 January 2010

Detroit airliner incident 'was failed bomb attack'

BBC News 26 December 2009

Terror suspect freed after home secretary revokes second control order

Guardian 24 December 2009

Scotland Yard warns police officers over photography concerns

Guardian 15 December 2009

Judges rule against government over secret evidence in terror cases

Guardian 1 December 2009

Prevent, Anti-Muslim Extremism program, attacked by civil rights groups

Huffington Post 2 November 2009

Manchester launch for ID cards

BBC News 6 May 2009

Trio cleared over 7/7 attacks

BBC News 28 April 2009

Ex-defence chief says attack on liberties is bowing to terrorists

Guardian 24 April 2009

Student visa scam allowing terror suspects into Britain

The Times 14 April 2009

Losing the 'war on terror'

Los Angeles Times 8 April 2009

Rising threat of dirty bomb attack on UK, says Jacqui Smith

The Times 25 March 2009

60,000-strong 'army of shopkeepers' to fight terrorist threat

Scotsman 23 March 2009

'Real IRA claims' murder of soldiers in Northern Ireland

Guardian 8 March 2009

Spy chief: We risk a police state

Daily Telegraph 17 February 2009

Glasgow airport bomber was being tracked by MI5

Guardian 17 December 2008

Peers throw out 42-day detention

BBC News 13 October 2008

David Davis has struck a fine blow for the cause of civil liberties

Independent 12 July 2008

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- I am a sixth form student and would like further details about events in my area
- I am interested in becoming a Debating Matters judge
- I am interested in sponsoring/supporting Debating Matters
- Other (please specify)

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Surname

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Professional role
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