LAST WEEK'S eight-page White Paper on the 'Interception of Communications in Great Britain' looks slim indeed, when compared to the detailed 40-page report on the same subject which Lord Birkett and others submitted almost 23 years ago. Both reports omitted a good many salient facts; last week's was the more serious offender.

Its chief deception is that it makes no mention of the principal government department working on the interception of communications in Britain: Government Communications Headquarters (GCHQ). At least ten thousand people are directly or indirectly employed in its 'communications intelligence' (COMINT) activities in Britain. Nor are they solely concerned with, for example, breaking the secret codes of foreign powers. As revealed in the NEW STATESMAN (1 February 1980) the tapping centre in Chelsea known to the police as 'Tinkerbell' was designed, and much of its equipment provided by GCHQ. GCHQ also receives much of Tinkerbell's intelligence, as do other, better known agencies, MI5 and MI6.

The White Paper does not deny our report; it merely avoids the issue by noting that the warrants discussed therein are issued for the purposes of the police, HM Customs and Excise and the Security Service (MI5)...

Neither GCHQ nor the Secret Intelligence Service (MI6) are included in the list; yet all are substantial users of information from intercepted communications.

The 'safeguards' in the tapping rules were published last week; but they fail a long way short of balancing personal and political liberty with the need to serve the public interest. In the use of tapping by the police, the restrictions sound fine

the offence must be really serious; normal methods of investigation must ... from the nature of things be unlikely to succeed ... interception would be likely to lead to arrest and conviction.

But 'serious' doesn't mean what it used to mean. It normally means an offence with a likely minimum sentence of three years' imprisonment, but it can also mean

an offence of lesser gravity in which either a large number of people is involved or there is good reason to apprehend the use of violence.

This could be interpreted to cover any industrial dispute or 'political' case.

The 'safeguards' affecting the Security Service are significantly weaker, since no offence need ever take place; the SS merely have to demonstrate that interception will 'be of direct use in compiling the information that is necessary ... in carrying out (its) tasks'.

The target of the interception must be 'major subversive, terrorist or espionage activity' - but the current Home Office definition of what constitutes subversion is so wide as to permit the inclusion of much ordinary trades

The White Paper 'brings up to date' the Birkett report on the interception of communications, and gives statistics from 1958 to 1979 on warrants issued by the Home Secretary and the Secretary of State for Scotland. The figures, on careful examination, do not bear out Mr Whitelaw's contention that there has been a 'modest overall increase' in the total amount of interception - even leaving aside the omissions and other aspects of the White Paper.

By plotting the newly released figures, a very different picture emerges (see graphs). Warrants for tapping in Scotland, according to the published information were virtually non-existent until 1967. During 1967-69, the number of warrants issued annually was ten or less. During 1979, 56 warrants were issued in Scotland.

The rise in the number of Home Secretary's telephone tapping warrants issued yearly in England and Wales is less startling. From an immediate postwar low of 56, the number of warrants issued rose to peak at 231 in 1965. Thereafter, it has slumped, probably for two reasons. First cold war security hysteria was coming to an end. Second, public concern about telephone tapping was at a peak in 1956/7, provoked by a 1956 case in which telephone tapping information had been passed outside the public service, and which led to the setting up of the Birkett Inquiry in June 1957.

After Birkett, as the NEW STATESMAN suggested two months ago, there came a sharp boom - from 129 warrants in 1958 to 468 in 1975 - a rise of more than 250 per cent. As can be seen clearly from the trend of the graph, the rise began immediately after Birkett reported, and recommended that in future figures on tapping should not be made public. The rise continued through the 60s, long before international terrorism, invoked by Whitelaw as a case for growth, became a serious problem. Indeed, the rate of growth of tapping seems, if anything, to have slackened around 1970, just when terrorist activities were beginning to make their mark.

The most startling feature of the graph is the abrupt dip and levelling off which takes place in 1976. The reason for this feature is unclear from evidence published so far. It clearly does not relate to tighter security reins which Merlyn Rees might claim to have imposed after his arrival at the Home Office from Northern Ireland.

The only downward trend is in the number of warrants issued for mail interception. Part of the explanation may be in the removal or downgrading of offences concerning the transmission of, for example, obscene material through the post.
union and even Labour Party activity.

The report admits, as the new States-
man claimed, that warrants for a 'target'
organisation, person or activity exist and may
cover multiple lines without restriction on the
total involved. Thus, the number of warrants
issued is less than the number of lines they
touch - substantially less, according to our
sources. The existence of 'general' warrants,
which specify a general target only, and allow
civil servants to add or remove the telephone
lines involved at will, was admitted, if some-
what elliptically. The White Paper explains that
the Secretary 'may delegate' to the
civil service power to amend a warrant. In
other words, once the Home Secretary has
issued a warrant, the Secretary of State 'may delegate'
to the civil service to amend a warrant. In
words, once the Home Secretary has
approved a single warrant to tap the tele-
phone line of a 'target' organisation, fifty
more lines of individual members could be
added without his consent being needed.

There are further discrepancies between the
number of warrants issued and the number of
lines tapped. Clement Freud MP spotted one, and
asked Mr Whitelaw
whether the number of interception orders is
cumulative - that is to say, those currently in
force - or is the number given simply that of the
new orders that have been published?

Whitelaw didn't answer the question, leaving
open the possibility that 'permanent' warrants
for MI5 and the Special Branch (which are
re-authorised every six months) are only
enumerated once - in the year in which they
were first issued. The cumulative number of
warrants in force would thus be rather more
than that implied by the yearly total published
in the White Paper.

Freud also asked Whitelaw to reveal the
breakdown of the totals between Customs and
Excise, MI5, and police. That question wasn't
answered either. But the Home Office, inad-
vertently, has given a clue to the answer. The
White Paper, in a separate table, included
figures for the number of warrants signed and
in operation at the end of three sample years.
These figures may be compared with the total
number of warrants signed during the year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Signed during</th>
<th>In force at 31 Dec.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>129</td>
<td>95</td>
</tr>
<tr>
<td>1968</td>
<td>333</td>
<td>155</td>
</tr>
<tr>
<td>1978</td>
<td>428</td>
<td>214</td>
</tr>
</tbody>
</table>

Since a normal warrant lasts only two months,
the number of warrants said to be in operation
at the years' end is astonishingly high. Since
warrants for taps by the Special Branch and
MI5 are normally renewed for six months at a
time, the likely explanation is that most of the
warrants go to those two agencies and that
many warrants are more or less permanent.
On the basis of simple assumptions and some
simple maths (warrants issued evenly through
the year, and say, once) the proportion of
'security' warrants may be calculated. For
1968 and 1978, the proportion is about 75 per
cent.

THE NUMEROUS OPPORTUNITIES for
fiddling the figures, detailed above, go a con-
siderable distance towards explaining the
discrepancy between the apparently 'modest'
overall figures for warrants issued, and the
capacity (of more than 1,000 lines) of the
cellular phone tapping centre in Ebury
Bridge Road, London SW1, where the war-
rants are put into action by the Post Office.
Meryn Rees told journalists recently (in 15
February 1980) that during his time as Home
Secretary, 2-3,000 lines were tapped every
year, and 250-400 warrants were in force at
any one time. Last week, Rees greeted the
White Paper's rather smaller figures with an
almost audible sigh, and a sycophantic speech.
He did not offer any suggestions as to how his
memory had previously failed him - or, more
likely in which way the Home Office had
obligingly doctorred the real figures down to
more 'modest' levels.

At least Whitelaw did acknowledge that
some tapping, particularly in Northern Ire-
land, was not covered by the White Paper.
The House of Commons was told that tapping
in Northern Ireland was done under the same
'conditions and safeguards'; subject only to overriding requirements for deal-
ing with terrorism...

which means, in effect, no safeguards for
liberty or privacy at all.

There was no mention of the warrants for
tapping which are signed by the Foreign Sec-
retary (for GCHQ and SIS), or by the Prime
Minister; nor was there any mention of the
(reputedly) delegated power of the Cabinet
Secretary to sign warrants on the PM's behalf.

The whole area was omitted even from the
Birkett report. It became clear in 1967 that a
permanent warrant authorising the intercep-
tion of overseas telegrams by GCHQ was in
force when Birkett reported - but the subject
wasn't touched.

Today, this omission is even more impor-
tant. The continuing re-equipment of the
telephone tapping operation changed it from a
highly selective activity to comparatively easily regu-
lated activity, closely linked to clear offences
and areas of concern, to generalised intelli-
gence - gathering and surveillance, carried out
as part of GCHQ's recognised COMINT job
but turned inward on the British people. The
sudden drop in Home Secretary's warrants
after 1975 may be one indication that the
'surveillance 'load' on MI5 has been transfer-
ted to GCHQ. Although the government has alluded to 'fears about new technology' as
one reason for the recent statement, they have
offered nothing to allay such fears. Last year,
in the Malone court case on the legality of
telephone tapping, Vice Chancellor Sir Robert
Megarry commented that tapping was a sub-
ject which 'cries out for legislation'. This cry
has now been watered down to a 'considera-
tion', which the government has dismissed as
unsuitable for scrutiny by Parliament or the
courts. Instead, a single judge will be asked to
exercise rather less substantial oversight on a
very partial brief.

The UK may well be in breach of its inten-
ational obligations. Although the European
Convention of Human Rights makes no specific
mention of telephone tapping, the
European Court has ruled that 'powers of
secret surveillance of citizens, characterising
as they do the police state, are tolerable under
the Convention only in so far as strictly neces-
sary for safeguarding the democratic institu-
tions'; the Court must be satisfied that 'there
exist adequate and effective guarantees
against abuse'. In Germany, tapping warrants
are supervised by a Parliamentary commission
and the victim of tapping has eventually to be
informed: these provisions were found to be
acceptable under the Convention - but only
just. The Home Office plan for a single judge
will not suffice.

ECONOMICS
Jeremy Bray

Backbench economists to question Chancellor on monetarism

Howe to face the music

NEXT Tuesday Sir Geoffrey Howe, Chan-
cellor of the Exchequer, will have the opportunity
of defending his belief in monetarism when he appears before the Select
Committee on the Treasury on 14 April. Previously he has been content repeatedly to describe
monetary relationships as 'complex', to dis-
cass identity between a 'radical theoretical dis-
pute', and to claim, 'there is no alternative pol-
cy'. At the Select Committee he will find
MPs of his own and opposing parties as sceptical
about Thatcher-Howe monetarism as about
Chancellor of the Exchequer Richard Barber.
Sir Geoffrey has prepared to enter into any degree of complexity Sir Geoffrey cares to raise with us. As
a committee we have an equal appreciation of
the dangers of weathercock pragmatism and
tact. And we are prepared to deploy the
argument and evidence needed to con-
struct not just one but many alternative
policies, between which it is possible to make
a political choice with some indication of its
likelihood of success.

Sir Geoffrey is right when he says monetary
relationships are complex. That is why among
the arguments put forward by Professor Harold Rose, Group Economic
Adviser to Barclays Bank, to cover institu-
tional considerations; Dr Alan Budd to contrib-
ute his point of view and resources from
the London Business School, and a trio of
economists from the younger generation, Pro-
fessors Marcus Miller, David Hendry and
Willem Buitler to formulate and test the alter-
native economic theories put to us, and to
design policy appropriate to alternative objec-
tives. The principal UK model builders, and
the Programme of Research into Optimal
Policy Evaluation at Imperial College, will
also be asked to contribute. Apart from the
principal agents - Ministers, the Treasury, the
Bank of England, the discount houses, the
clearing banks, foreign central banks and the
IMF - we are inviting a wide range of econom-
ists to give evidence. A number of arguments
and lines of analysis have already emerged.

One of the key themes of the debate is that
monetarism consists of a theory - the quantity theory of
money; a policy rule - pre-set growth of the
money supply; and various supporting theories - on the rate of growth of productive
potential, the formulation of expectations,
and their influence on behaviour. As many of the brighter young Tory MPs did not hesitate
to point out in the Budget debate, such
monetarism is no more a necessary foundation
for Tory beliefs in free enterprise and low
public expenditure, than it is for I abhor ideals of equality and social justice. It may be a wise
and valid doctrine for both parties, as the
Chancellor would have us believe, or it may
be a hideously expensive mistake. Either
way it may offer elements of insight which can be