

## Identifying trouble? Backbenchers and ID cards

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The fagends of Parliaments rarely see much backbench dissent. Even the most unhappy of MPs can usually be persuaded to hold their tongues and there is anyway usually less serious legislation to cause trouble (all of which results in what the Conservative MP and diarist Chips Channon described as the 'odour of dissolution'). It is, however, not quite so certain that the same will be true of the final session of this Parliament. The Queen's Speech contained several measures with the potential to divide the PLP – of which identity cards is the most high-profile.

It has long been clear that there is a group within the PLP opposed to the introduction of ID cards. When the Home Secretary launched a consultation exercise on entitlement cards and identity fraud in July 2002, Chris Mullin, then a backbencher, asked:

Will he [Blunkett] confirm that the card will be little or no use in combating terrorism? ... given the unhappy history – I put this as gently as I can – of Government technology projects, are we not entitled to be sceptical about some of the claims made for the card?<sup>1</sup>

Fiona Mactaggart, a former chairwoman of Liberty, expressed her 'deep anxiety about the privacy implications of data sharing and the fact that people would carry data around with them on the cards'.<sup>2</sup> David Winnick argued that 'there is a real fear among many people that the card would become compulsory and antagonise many law-abiding people'; he concluded by advising the Home Secretary 'in all friendliness that the sooner this idea is buried as quickly and decently as possible, the better'.<sup>3</sup>

Almost a year later, in May 2003, Neil Gerrard, Secretary of the PLP's Civil Liberty group, predicted a 'substantial rebellion' over any possible introduction of ID cards.<sup>4</sup> There will therefore almost certainly be a Labour backbench rebellion when the legislation promised in the Queen's Speech is introduced. The purpose of this (very short) briefing note is to try to assess the extent of opposition on the backbenches of the PLP – as well as the division within the other main parties in Parliament.

### The story so far

There has in fact already been a parliamentary vote on the issue during this Parliament. On 23 January 2002, Dr Nick Palmer, the Labour MP for Broxtowe, introduced a Ten-Minute Rule Bill that would have issued all UK residents with a

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\* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further details are available from [www.revolt.co.uk](http://www.revolt.co.uk).

<sup>1</sup> HC Debs, 3 July 2002, c. 231.

<sup>2</sup> HC Debs, 3 July 2002, c. 234.

<sup>3</sup> HC Debs, 3 July 2002, c. 234; see also HC Debs, 11 November 2003, cc. 183-184.

<sup>4</sup> Sarah Hall, 'Labour faces ID cards rebellion', *The Guardian*, 24 May 2003.

smart ID card.<sup>5</sup> On a free vote, Labour MPs split 55/44 in favour of the measure, with one, Kevin Brennan, casting a deliberate abstention by voting in both lobbies.

There have also been various Early Day Motions (EDMs) on the subject. An EDM put forward by the former Conservative Cabinet Minister Peter Lilley in the 2001-02 session (EDM 883), against compulsory cards rather than ID cards *per se*, was signed by 74 MPs, of whom 27 were Labour. Austin Mitchell's EDM 1396 from the 2003-4 session, which concluded by suggesting that 'the Home Secretary should place the proposal in a deep Home Office drawer, rather than an overloaded Government in-tray', was signed by a total of 30 MPs, 15 of them Labour. This was five more than had signed his similar EDM (EDM 1907) in the previous session. And most recently of all, 26 MPs – 13 of them Labour – signed Neil Gerrard's EDM 1780 which argued that 'a convincing case for the introduction of identity cards and a national database has not been made'.

### **Labour opponents**

Many of these names are the same people. Glenda Jackson, for example, voted against Palmer's Bill and signed all four of the EDMs, as did Jeremy Corbyn and John McDonnell. But there were 15 MPs who signed at least one of the EDMs but did not vote against Palmer's Bill, bringing the total number of MPs to have publicly declared against ID cards to 59. Of these, one (Jim Marshall) has since died, and one other (Terry Davis) has left the Commons. This leaves 58 MPs known to be opposed, of whom seven are now in government, as either Ministers or PPSs. They are listed below:

#### **1. Labour ID card opponents**

Diane Abbott  
Andrew Bennett  
Harold Best  
Karen Buck  
*David Cairns*  
Ronnie Campbell  
*Roger Casale*  
Michael Clapham  
Tony Clarke  
Harry Cohen  
Tony Colman  
Jeremy Corbyn  
David Crausby  
*Tony Cunningham*  
Tam Dalyell  
Ian Davidson  
Denzil Davies  
Andrew Dismore  
Jim Dobbin  
Gwyneth Dunwoody  
Bill Etherington  
Paul Farrelly  
Neil Gerrard  
Eric Illsley  
Glenda Jackson  
Lynne Jones  
*Jim Knight*  
Mark Lazarowicz

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<sup>5</sup> HC Debs, 23 January 2002, c. 905.

Terry Lewis  
*Fiona Mactaggart*  
Alice Mahon  
Rob Marris  
John McDonnell  
Ann McKechin  
Kevin McNamara  
Austin Mitchell  
Julie Morgan  
George Mudie  
*Meg Munn*  
Bill O'Brien  
*Mike O'Brien*  
Albert Owen  
Kerry Pollard  
Geoffrey Robinson  
Brian Sedgemore  
Jonathan Shaw  
Alan Simpson  
Dennis Skinner  
Chris Smith  
Mark Tami  
David Taylor  
Rudi Vis  
Brian White  
David Winnick  
Mike Wood  
Jimmy Wray

*Note:* italics indicates a member of the government

By contrast, a pro-ID cards EDM, put forward by Andy Burnham (EDM 612), in the 2002-03 session, attracted 32 Labour signatories. Again, many of these were the same people that voted for Palmer's Bill, but combining the EDM and the vote produces a total of 73 known supporters of the policy on the backbenches. This is more, though not significantly more, than the number of known opponents.

This tallies with other research on attitudes within the PLP, which showed the balance resting in favour of ID cards.<sup>6</sup> In April 2004, CommunicateResearch, a polling company, asked 201 MPs drawn from all parties for their views on ID cards. Sixty-one per cent of Labour MPs were said to support ID cards, with a further 21 per cent favouring a voluntary scheme, and found only 13 per cent who opposed cards even if voluntary. This in turn chimes with the beliefs of Neil Gerrard, himself implacably opposed, who argued that the exact size of the rebellion would depend on the detail: 'the more compulsion there is, the more opposition'.<sup>7</sup>

However, that the balance of the PLP is in favour of cards will not matter when the legislation is brought forward. What will matter will be the size (and determination) of the minority opposed to the Government. And it is clear from the foregoing analysis that there is a sizeable group of MPs who have (at best) concerns about the policy.

It is of course easy to dismiss lists of EDM signatories on the basis that people frequently sign EDMs and then do not rebel when the measure is eventually voted

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<sup>6</sup> Rosemary Bennett and Richard Ford, 'Blair gets backing of his MPs for ID cards in two years', *The Times*, 3 April 2004.

<sup>7</sup> Sarah Hall, 'Labour faces ID cards rebellion', *The Guardian*, 24 May 2003.

on. Similar objections can be made about participation in a vote on a private members' bill. It is one thing to vote against a Ten-Minute Rule bill on a free vote but quite another to vote against a Government Bill. Of the 155 Labour MPs who signed the key EDM against top up fees, for example, 68 then went and voted for the Higher Education Bill's Second Reading. In some cases, of course, this is because MPs have (perfectly legitimately) changed their mind on an issue. After Fiona Mactaggart (quoted above as an opponent of ID cards) – and who voted against Palmer's Bill – became Minister for Race Equality, Community Policy and Civil Renewal, she argued that the new biometric technology had caused her to change her mind on the issue.<sup>8</sup> Such conversion can even occur without entering Government: Graham Allen, who also used to be an opponent of ID cards, has now become a supporter, provided there is sufficient pre-legislative scrutiny and wide public consultation before any measures are introduced.<sup>9</sup> The Government's proposals are also less radical than those proposed by Palmer's Bill, for example, and this may have mollified some critics.

But for all their limitations, EDMs (and votes on private members' bills) remain a pretty good guide to who's concerned and who's not. Of the 72 Labour MPs who voted against the Government over top up fees only three had not signed the key EDM. Signing an EDM does not therefore guarantee an eventual vote against the Government; but those who vote against the government will usually come from the ranks of those who signed the EDM. Previously declared opposition is therefore (usually) a necessary but not sufficient condition of rebellion.

There are two other useful comparisons with the Higher Education Bill. The first is that the most recent EDM was the best guide to voting. The EDM put down by Ian Gibson during the session in which the Higher Education Bill was introduced was a better guide to who went on to rebel than the various EDMs that had been placed on the Order Paper in earlier sessions. We await therefore a new EDM against ID cards in this session with interest. Then – and only then – will we have a good idea of the opposition which the Home Secretary can expect to face.

The second lesson from the Higher Education Bill was that past behaviour was a very good indication of whether an MP would eventually vote against the measure. Of the most rebellious third of MPs who signed the EDM against top up fees, none voted for the Government. Of the least rebellious third of Labour MPs, over 60 per cent voted for the Government. Herein lies some problems for the Government over ID cards. Although ten of the known opponents have yet to vote against the Government, that leaves 49 (or 48, excluding the late Jim Marshall) who have already rebelled, including 21 of the top 30 backbench rebels during this Parliament.

### **The other parties**

What will make the vote more interesting is that the other parties are not united on the issue either.

The Liberal Democrats are largely – though not totally - united in opposition. They split 3/34 against Palmer's Bill, and all those to have signed EDMs on the subject since have done so against ID cards. The position of the three Lib Dems to have voted in favour of ID cards – Norman Lamb, Mark Oaten and Bob Russell – might still be of interest, though, especially as Oaten is the (rather grandly titled) Shadow Secretary of State for Home Affairs and will therefore be leading the party's opposition to the proposal.

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<sup>8</sup> Fiona Mactaggart, 'The eyes have it', *The Guardian*, 13 November 2003.

<sup>9</sup> Graham Allen, 'Letter to the Editor', *The Guardian*, 13 November 2003.

The position within the Conservative Party is even more interesting. The CommunicateResearch survey found that just under half of the Party's MPs backed a compulsory ID scheme, with a further 28 per cent favouring voluntary cards, and just 18 per cent opposed in principle. But (albeit on a low turnout) the Conservatives split 13/21 against Palmer's Bill<sup>10</sup> and several other Conservative MPs have indicated their disapproval of the idea by signing EDMs. Should Michael Howard seek to support the measure (as it is widely believed he will, especially given his own preference on the issue),<sup>11</sup> there is a decent-sized group amongst the parliamentary party who will be placed in some difficulty. They include Peter Lilley, whose public statements on the subject make it likely that he will be a leading Conservative opponent.<sup>12</sup> Lilley, and the other 23 Conservative MPs to have indicated opposition to ID cards, are listed in Table 2. Of these 23, more than half (13) are currently in Howard's frontbench team.

## 2. Conservative ID card opponents

Richard Bacon  
Peter Bottomley  
*David Cameron*  
*Peter Duncan*  
*Mark Field*  
Adrian Flook  
Nick Gibb  
*Paul Goodman*  
David Heathcoat-Amory  
*Mark Hoban*  
Edward Leigh  
Peter Lilley  
*Patrick Mercer*  
*Andrew Mitchell*  
*Dr Andrew Murrison*  
*Mark Prisk*  
*John Redwood*  
*Andrew Rosindell*  
Richard Shepherd  
*Hugo Swire*  
Teddy Taylor  
Michael Trend  
*Andrew Tyrie*  
Sir Nicholas Winterton

*Note:* italics indicates a member of the frontbench.

## Conclusion

None of this should cause too many worries for the Government. There is – disasters notwithstanding – no risk of a Government defeat over this issue. By the standards of the Parliament so far, it should not even rank as a major rebellion. Compared to the 139 who voted against the Government over Iraq, or

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<sup>10</sup> Andrew Hunter, who voted in the aye lobby was then in receipt of the Tory whip.

<sup>11</sup> See, for example, May Ann Sighart's piece 'Can someone please help the Tory Party to rediscover its identity', *The Times*, 26 November 2004.

<sup>12</sup> Peter Lilley, 'Smart identity cards for all – a dumb solution in search of a problem', *The Times*, 18 February 2002; Peter Lilley, 'ID cards – a dumb idea and dangerous too', *The Observer*, 30 June 2002.

the 72 who did so over top-up fees, this will probably seem a small revolt. Seen in a more sensible perspective, however, by comparison to most 'normal' rebellions, it is likely to seem more sizeable.