

Absence Makes The Heart Grow Fonder: the Second Reading of the Identity Cards Bill

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On the face of it, the voting on the Second Reading of the Identity Cards Bill seems unremarkable. The Government comfortably defeated a backbench rebellion on a reasoned amendment by 206 votes to 93, and then – with the aid of the Conservatives – achieved an even larger majority on Second Reading, winning the vote by 385 votes to 93. Only the Liberal Democrats mounted any sustained opposition to the Bill. Nevertheless, last night's Labour and Conservative rebellions were as important for those MPs who did not vote, as those that did. This short briefing paper considers the Labour and Conservative rebellions, before noting the low turnout on both sides of the House.

Labour rebels

In three separate Labour rebellions last night, a total of 20 Labour MPs voted against the Government on various aspects of the Identity Cards Bill. Eighteen[†] Labour MPs supported a cross-party reasoned amendment in the name of Douglas Hogg that declined to give a Second Reading to the Identity Cards Bill because it would 'lead to an unreasonable intrusion into the liberties and privacy of the citizen', especially as 'the introduction of such cards is likely to lead to a requirement that they be carried at all times and such a requirement would be objectionable in principle and would lead to serious tension between the police and the citizen'.

The eighteen Labour MPs were:

Andrew Bennett*
Michael Clapham
Jeremy Corbyn
Gwyneth Dunwoody
Neil Gerrard
Ian Gibson
Kate Hoey
Kelvin Hopkins
Glenda Jackson
Terry Lewis
John McDonnell
Alice Mahon
Bob Marshall-Andrews
Clare Short
Dennis Skinner
Llew Smith
Robert Wareing
David Winnick

Note: * indicates a teller. In addition, David Taylor voted in both lobbies to cast a deliberate abstention.

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[†] In addition, the ex-Labour, now Respect, MP George Galloway voted against the Government, both on the reasoned amendment and on Second Reading.

On Second Reading, the exact same eighteen Labour backbenchers listed above again defied the Government, together with David Taylor (this time only voting once). Finally, four Labour MPs – Jeremy Corbyn, Mark Fisher (casting his first vote against the Bill), John McDonnell and Bob Marshall-Andrews – voted against the Bill's programme motion.

All 20 of the Labour rebels had rebelled before – many of them frequently: of the 20 rebels, 16 were drawn from the ranks of the 30 most rebellious MPs.

In comparison to all Labour rebellions (since 1997 or 2001), the revolt is small, and unexceptional. But since 1997 there has been no history of Labour backbenchers opposing civil liberties legislation in any great numbers, especially at Second Reading. As is clear from the table below, the nineteen Labour rebels on Second Reading make it one of the larger civil liberties rebellions on the principle of a Bill since 1997, and the largest since 2001.

Largest Civil Liberties Rebellions at Second or Third Reading since 1997

| <i>Bill</i> | <i>Stage</i> | <i>Lab rebellion</i> |
|--|-----------------------|----------------------|
| Criminal Justice (Mode of Trial) (No.2) Bill (99-00) | <i>2nd</i> | <i>29</i> |
| Criminal Justice (Mode of Trial) (No. 2) Bill (99-00) | <i>3rd</i> | <i>28</i> |
| Identify Cards Bill (04-05) | 2nd | 19 |
| Criminal Justice (Terrorism & Conspiracy) Bill (97-98) | <i>2nd</i> | <i>19</i> |
| Anti-Terrorism, Crime & Security Bill (01-02) | <i>3rd</i> | <i>17</i> |
| Anti-Terrorism, Crime & Security Bill (01-02) | <i>2nd</i> | <i>4</i> |
| Football (Disorder) Bill (99-00) | <i>3rd</i> | <i>3</i> |
| Criminal Justice Bill (02-03) | <i>3rd</i> | <i>3</i> |
| Football (Disorder) Bill (99-00) | <i>2nd</i> | <i>1</i> |
| Criminal Justice Bill (02-03) | <i>2nd</i> | <i>1</i> |
| Criminal Justice (Mode of Trial) (No. 2) Bill (99-00) | <i>2nd</i> | <i>1</i> |

Note: italics indicate a vote on a Reasoned Amendment rather than Second Reading per se.

Conservative rebels

While the Conservative frontbench abstained on Douglas Hogg's reasoned amendment on Second Reading, ten Conservative MPs supported it:

John Bercow
 Angela Browning
 William Cash
 David Curry
 Nick Gibb
 Damian Green
 Douglas Hogg*
 Edward Leigh
 Peter Lilley
 Richard Shepherd

Note: * indicates a teller.

One other Conservative – Henry Bellingham – defied his frontbench to vote in favour of the Government in the aye lobby. Twenty minutes later, the exact same ten Conservative backbenchers listed above voted against the Bill's Second Reading. Later on in the evening, one of them – Nick Gibb – voted against the Bill's Money Resolution.

Turnout

Of far greater concern for the Conservative leader, however, was the fact that only 82 Conservative MPs –around just half the parliamentary party - joined Michael Howard in the aye lobby with the Government on Second Reading.

In part, a low Conservative attendance is understandable on such votes. When the Conservative frontbench elects to vote with Labour in the division lobbies, far fewer Conservative backbenchers tend to join in; Labour is then assured of victory, so why help the other side to win by even bigger margin?

But if we assume that around 130 Conservatives would normally vote on a Bill's Second Reading, then that leaves around 50 Conservative MPs unaccounted for. Some may genuinely have had pressing engagements elsewhere, but many others would have been deliberately absenting themselves, an action that was encouraged by the Conservative whips for those known to have difficulties with the issue.

There were also around 90 Labour absences. Again, not all of these will have been abstaining, but it is clear that opposition on the Labour benches goes further than the 20 who voted against the measure last night. Only 302 Labour MPs backed the Government at the Second Reading of the Identity Cards Bill, 14 *fewer* than supported the Government over the Second Reading of the Higher Education Bill in January 2004.

Conclusion

It is not possible to say how much progress this Bill will make before the expected general election is called. But if the Bill makes it to its Report stage, previous history of civil liberties bills (particularly the Freedom of Information Bill in 1999-2000) suggests that we can expect larger rebellions at that point, than over the principle of the legislation.