

Harry Willcock

The Forgotten Champion of Liberalism

Mark Egan remembers the Liberal who helped ensure that British citizens today are not compelled to carry identity cards.

A leader article in *Liberal Democrat News* last year (LDN 30 August 1996) argued that 'ID cards are insidious' and that 'sometimes conscience dictates a higher law than the latest bigoted intolerant missive from Westminster'. Clarence Harry Willcock would have wholeheartedly agreed. In 1951 Willcock took on the police and the government in a famous court case which paved the way for the abolition of identity cards the following year.

The case of *Willcock v. Muckle* is now largely forgotten, but the evidence and arguments presented in the case illustrate the issues which are bound to re-emerge if the government – following their postwar predecessors – takes up Michael Howard's pre-election intention to introduce a photocard driving licence.

ID cards were introduced in Britain by emergency legislation immediately on the outbreak of war in 1939. The cards remained in use after the war to facilitate the administration of food rationing. Aneurin Bevan described them as 'distasteful' and 'repugnant' but, he argued, the cards were necessary as long as an estimated 20,000 deserters were at large in the country. It was assumed that these deserters would be unable to acquire food without an ID card and that the cards could be abolished once the deserters were captured.

This justification for the continued use of ID cards was a fiction. ID cards were easily forged and the droves of starving deserters whom the government expected to surrender to the authorities never materialised. By 1950 Labour ministers argued that the cards should be retained for administrative purposes. Applications for medical treatment, for new passports, and even withdrawals from Post Office savings accounts all required the production of an ID card. The police also had powers to ask to see an ID card, although supposedly only when they had grounds to suspect the commission

of a serious crime. In practice the police often demanded to see the ID card of anyone they dealt with, no matter how trivial the offence they had committed. In total 61 people were prosecuted for failing to produce an ID card within two days of the police demanding it, the last of whom was Harry Willcock.

In December 1950 Willcock was stopped by the police for speeding along Ballard's Lane, Finchley. He refused to show the police his ID card, stating: 'I am a Liberal, and I am against this sort of thing'. Willcock had twice stood for Parliament as a Liberal, at Barking in 1945 and in 1950. He was a Yorkshireman, and had served as a Liberal councillor and as a magistrate in Horsforth for many years before the war. In the magistrate's court he argued that the emergency legislation introducing ID cards was now redundant, because the 'emergency' was clearly at an end, and thus he had committed no offence. His counsel urged the magistrates to 'say with pleasure and with pride that we need not be governed by restrictive rules any longer.' The magistrates were impressed by Willcock's case and, although convicting him, gave him an absolute discharge. Willcock decided to test the law in the High Court.

Willcock assembled a team of prominent Liberal lawyers, comprising Basil (now Lord) Wigoder, Emrys Roberts MP, A. P. Marshall and Lucien Fior, to fight his case. The case was heard by seven senior judges, including the Lord Chief Justice. Willcock's appeal was dismissed on 26 June 1951 after the Attorney General, Sir Frank Soskice, successfully argued that in 1939 Parliament had legislated to deal not with one emergency but with several, undefined emergencies, and that consequently the legislation requiring the carrying of ID cards remained valid.

Despite ruling against Willcock the Lord Chief Justice was sharply critical of the government. He suggested that the definition of the 'emergency' was ambiguous and concluded that 'to use Acts of Parliament passed in war-time for particular purposes now that the war had

ceased tended to turn law-abiding subjects into law-breakers.' Within the week new guidelines were drawn up by the Metropolitan Police to ensure that police officers could only demand the production of ID cards in exceptional circumstances, and other police forces were encouraged to follow suit.

The government came under pressure in Parliament to abolish ID cards. A number of both Labour and Conservative MPs, particularly Sir William Darling, Lt-Col Lipton and Lt-Cmdr Hutchison, had regularly urged the government to scrap ID cards during the preceding six years. Following the Willcock case the Liberal MPs, particularly Clement Davies, also began to call for reform. The Liberal Party had not previously campaigned on the issue, although during the war Sir Archibald Sinclair had extracted a promise from the government that it would discontinue its emergency powers at the end of the war. In the House of Lords the Marquess of Reading proposed a motion, 'that the use of identity cards is unnecessary and oppressive, and should be discontinued without delay'. It was passed by 54 votes to 28.

A campaign was also commenced outside Parliament, headed by Willcock and supported by several Liberal MPs and candidates. The Freedom Defence Committee was launched by Willcock ceremonially destroying his own identity card in front of press photographers on the steps of the National Liberal Club.

In August 1951 a well-attended public meeting was held in Hyde Park to launch a petition to Parliament calling for an end to 68 emergency measures which had continued despite the end of the war.

The campaign failed to generate any further momentum. The 1951 Liberal manifesto did not even mention ID cards, and in the heat of the election campaign in the autumn of that year the issue was all but forgotten. The incoming Tory government

porters of the cards because they represented the triumph of bureaucratic socialism over individual rights. Tory MPs generally opposed ID cards on the grounds of their inefficiency. Some Tories called for more sophisticated ID cards to be introduced so that everybody could have one number identifying them to the government from birth to death. Only Liberals objected to the cards because they infringed the fundamental liberties of the individual.

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initially refused to commit itself to a policy on ID cards. However, on 21 February 1952 the Secretary of State for Health, H. Crookshank, finally announced that the public no longer needed to carry the cards. The decision was presented as a budgetary one, with the government saving £1 million as a result. Clement Davies asked whether the government would compensate Willcock's court costs but, predictably, no help was forthcoming. Willcock, the Liberal hero, was dead within the year.

Looking back, it is interesting to note that only individual Liberal members and candidates spoke out on grounds of principle against the use of ID cards. Labour MPs were amongst the most enthusiastic sup-

It is also instructive to observe the ways in which ID cards were abused by state officials. Post Office staff had the right to demand the production of an ID card and this caused widespread resentment. Some police forces did arbitrarily demand to see ID cards. In 1946 it was reported in Parliament that the police regularly rounded up and questioned girls in the West End of London who could not prove their identity. Anyone without an identity card was immediately assumed to be an army deserter or a criminal and this left some groups, such as gypsies, especially vulnerable to harassment. Comically, there was also a case of a vicar refusing to baptise an infant until his parents procured an ID card for him.

In practice ID cards were easily forged, so criminals were barely affected by their existence. Ordinary citizens were affected, having to pay to replace lost cards and risking prosecution if they failed to do so. Without a written constitution or Bill of Rights to which to appeal, citizens had no redress from the abuse of the law by government officials and the police. Were ID cards to be reintroduced we would again face the injustices Harry Willcock stood up to and, ultimately, triumphed over.

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