

11 June 2008

Dear Jacqui,

Thank you for your further letter of June 11th and for your courtesy in the way in which you have responded to the issues which I have raised.

I am afraid that I still feel that you have not been able to deal with a number of my concerns, and we do disagree about the proposals which you are putting before Parliament which I consider will have little or no value in enhancing the security of this country.

In short I believe that:-

- the cumbersome and bureaucratic procedures which you have established mean that the police, security and prosecution authorities will never seek an extension of pre-charge detention beyond 28 days;
- this unproductive and diversionary controversy will continue until the autumn as the Bill is considered, and then rejected, by the Lords – to the detriment of both national security and the standing of the Government and Prime Minister;
- your proposals establish a number of constitutionally damaging precedents, in particular the lack of clarity about the definition of the threat facing the country, the existence of redacted report procedures, the introduction of 'independent' legal advice in the way proposed, the procedures in relation to certain Select Committee Chairs, the confusion about the role of judicial review and of Parliament in relation to the Home Secretary's actions and, additionally, the use of intercept as evidence (as highlighted by John Reid and Adam Ingram in yesterday's debate).

I have decided to vote for the Government's position today despite these very serious doubts which are shared by a significant number of other colleagues who will also support the Government today. I am sure that these concerns will continue to be a feature of public debate as the Lords considers the Bill and when the Bill returns to the Commons.

The core reason for this is my belief that the most important national and international message to send is of the Government's commitment to fight terrorism with determination. As the Home Secretary who originally brought forward the proposed extension to 90 days I think that the best thing to do at this stage, despite the serious inadequacies of this Bill following your 'concessions', is to support the Bill.

Yours sincerely,

Charles Clarke

Rt Hon Jacqui Smith MP
Home Secretary