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Stephen Lawrence scandal: guarding the guards Editorial

Both the revelations of undercover police spy Peter Francis and NSA whistleblower Edward Snowden speak directly to the issue of trust between citizen and state

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"The people in our house were all black," said Doreen Lawrence. "The people who killed my son were white. Why should the police be so interested in who was in the house?" Now we have a possible explanation. Even as they grieved for their son Stephen, the Lawrence family may have been victims of covert surveillance. For them, it would be another personal low. It would also mark a new low in the history of undercover police operations. The apparent excuse: that frustration with the police inquiry among the family's friends and supporters might have spilled over into public disorder. This is the kind of thing that happens when, without adequate legal restraint, fears for security are allowed to take priority over privacy.

This sort of undercover policing has been going on for 45 years. And it's still going on. According to the Metropolitan police - in response to questions from the Guardian journalists Paul Lewis and Rob Evans - one day a generation of officers will have to account for their actions. But not yet. So this secret band of officers, as we have reported over the past two years, can carry on creating fake identities to make friends among ordinary people involved in legal activism and protest, and then spy on them. These victims are the kind of people described by one judge as acting from the highest

intentions, "decent men and women with a genuine concern for others". It is a grotesque betrayal of love and friendship which would amount - in the words of another judge - to the "gravest interference with their fundamental rights".

It was not only the women and the children fathered in these duplicitous relationships who have been harmed. Many close friendships were made and betrayed. Identities of dead children were stolen. Even the officers involved suffered psychological damage. But if it is hard to imagine anything worse, contemplate the wider betrayal of the trust that is indispensable in a functioning democracy, the trust between citizen and state that rests on the belief that security measures are always justified and proportionate.

The worst aspects of the operations - the intimate relationships and the resulting children, and the theft of dead children's identities - have been condemned by senior police officers. They promise it will not happen again. That is not enough. Nor is the ongoing internal Operation Herne, set up in 2011, which, despite a £1.6m budget and 30 staff, is expected to take another three years to report. Some individuals are pursuing a high court action claiming the surveillance breached their human rights - but it is to be heard partly in a secret court. An interim report from MPs has called for an independent inquiry by the Independent Police Complaints Commission, and they want a fundamental review of the legislative framework. The inquiry by the then chief inspector of police, Sir Denis O'Connor, recommended covert policing should be used only where serious crime was suspected. But what is needed is a much more extensive, public investigation into when and why surveillance is appropriate, and how and by whom those questions are judged.

Many of the same questions are also raised by the Snowden revelations. Both have depended on a whistleblower, in this case Peter Francis, who came to believe that operations in which he was involved were wrong and who wanted information about them in the public domain so that ordinary people could judge for themselves. The surveillance both described took place in an environment where the legal framework was ill-defined, the targets nebulous and accountability inadequate. They were fishing expeditions, anticipating wrongdoing regardless of the evidence, and an invasion of privacy entirely disproportionate to the threat. The enormity of, say, spying on the recently bereaved Lawrence family might be easier to grasp than the revelations of the vast anonymous data-mining operation described by Mr Snowden and operated by GCHQ and the NSA. But speak directly to the issue of trust between citizen and state.

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