

“The Black Spider Memos”: Prince Charles, Secrecy and the British Government

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Over this month, British officials, with enormous reluctance, will relinquish the contents of 27 letters by Prince Charles to the press termed the “black spider memos” spanning the period between September 2004 and April 2005. A better view into the idiosyncratic views of the prolific letter writing prince might be offered, though it is unlikely to be spectacular. The Royals, notably the British ones, have tended to be fairly open about their antediluvian prancing in a world that has somehow left them behind.

But that was not the point of *The Guardian* newspaper’s ten year challenge, which yielded rewards last month with a 5 to 2 Supreme Court ruling rejecting the attempt by former Attorney-General Dominic Grieve to veto publication. The veto had been directed against the decision of the freedom of information tribunal which rejected Grieve’s efforts to keep the lid on the correspondence.

In 2012, Grieve argued that the correspondence contained the “most deeply held personal views and beliefs” that effectively constituted his training to be a monarch.[1] The tribunal found, however, that it was “in the overall public interest for there to be transparency as to how and when Prince Charles seeks to influence government.”

The rather vague constitutional justifications for secrecy again demonstrate how woolly logic has a habit of finding its ways into the highest departments of supposed constitutional democracy. Should the public be interested in what the Prince and future heir to the throne is considering in letters to the ministers of the crown? Perhaps less than the efforts of government to suppress the contents of such correspondence.

Amendments made to the Freedom of Information Act in 2010 suggest that knowing one’s royals – at least in terms of thoughts, however threadbare – is not something governments wants the public to know. The persisting addling of British thinking on this score is that transparency is only good in modest doses, and is not something necessarily required over large swathes of government. Communications from a monarch, heir, and second in line are exempt for 20 years, or five years after the individuals death.

Then comes the government veto, which was overridden by the UK Supreme Court. In the words of Lord Neuberger, President of the court, “There is no clear or specific suggestion anywhere in the [FOI Act] that it is intended that [a veto] should enable a member of the executive to over-ride a judicial decision.”

The argument fired from the secrecy advocates was always one of protecting Charles – most probably from himself. You can’t spill the beans on the future monarch – to do so risks harming his ability to perform his duties, certainly on his ascension to the throne, should his

enduring mother ever decide to leave this world.

A mystifying line taken by those mucking in for Charles is that of compromising political neutrality. It is evidently not in the public interest to know that the heir is, in fact, politically compromised. Keep that reality at bay. Advocates of privacy for Charles' correspondence suggest that his correspondence be protected, notwithstanding it was with government ministers and officials. It is precisely for this reason that such correspondence can have value.

To what extent the royal understands his constitutional role in the structure of Westminster is not entirely clear. In such cases, presumption means little, and some politicians are wondering whether Charles should be leapfrogged. "If there are serious questions about the suitability of Prince Charles as a monarch," ponders Labour member Paul Flynn MP, "there could be a question in the public mind about whether to skip a generation."

Prime Minister David Cameron is aggrieved at the whole business, finding fault with the view that senior members of the royal family have a direct, yet confidential line with the government of the day. Cameron "thinks that's a principle we should uphold. So while we have taken steps in this parliament to strengthen the ability to do that through the FOI act, if there needs to be more done to make that clear, then the prime minister is clear those steps should happen in the next parliament." [2] The imposition of further secrecy is something to look forward to.

The move on the part of republicans is to show Charles to be a significant meddler in the affairs of elected government. The demarcation between monarch and government is a fine one, managed by steady, sagacious heads. Charles' mother, Queen Elizabeth II, may well have that; the republicans wonder whether the son sports a similar approach. Campaign group Republic are awaiting to see if the letters reveal the prince to be "a serious political force rather than [...] apolitical and harmless." [3]

Certainly, republicans might get a fillip from all of this, though it will hardly matter much. First comes the issue of what will be released. Heavy redaction may be expected. In Cameron's own ominous words, "we will now consider how to release these letters."

The second issue is how revealing the contents of such correspondence will actually be. The prince may well inhabit a twilight role of assumed powers and relevance, patched over by various causes and efforts at activism. But however eccentric, bizarre or simply dull in modesty, the privacy of such figures has to yield to a general understanding of public duty. And that duty remains particularly onerous when faced with the dictates of Westminster democracy and parliamentary supremacy.

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Notes:

[1] <http://www.spectator.co.uk/australia/australia-features/9488992/royal-activism-in-the-spider-web-of-secrecy/>

[2] <http://www.theguardian.com/uk-news/2015/mar/26/supreme-court-clears-way-release-secret-prince-charles-letters-black-spider-memos>

[3] <http://www.theguardian.com/uk-news/2015/mar/26/supreme-court-clears-way-release-secret-prince-charles-letters-black-spider-memos>

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