

**OPENING STATEMENT
ON BEHALF OF
NATIONAL UNION OF MINeworkERS
TO THE
UNDERCOVER POLICE INQUIRY**

1. When the National Union of Mineworkers (NUM) applied to participate in this Inquiry it did so on the basis of the experience of its members of sustained assaults on their civil and political rights and beyond them, on those of their families and the communities in which they lived and worked; the most extreme forms experienced in the course of the decade from the early 1980s into the early 1990s.

2. This statement draws to the attention of the Inquiry as an essential starting point clear evidence of many of these unlawful actions, perpetrated by institutions of the State itself. It underpins the Union's belief that important further evidence may exist to be uncovered in this Inquiry including the product of the Inquiry's investigation into claims for the justification of methodology and actions taken by the State in the person of police officers.

3. The NUM was established in 1945 for the miners of Scotland, Wales and England. In 1947 in recognition of the contribution of its workers to the war effort, the failure of private mine-ownership and the importance of the coal industry as the prime source of power integral to the strength of Britain, from the Industrial Revolution, from powering ships and rail to the supply of electricity and warmth for all its citizens, the coal industry was nationalised.

4. Combinations of miners had first formed in the 18th Century, and by 1889 local miners' unions had merged to become the Miners' Federation of Great Britain; by the First World War a million miners were risking their lives for the nation to have fuel. Throughout the 1920s and 30s the collective actions of miners proved central to the development of seminal political and industrial movements and events.

5. When, after the Second World War, the NUM undertook the task of attempting to achieve improvement of the working conditions of its members and degrees of basic protection, life for miners remained nevertheless grim and dangerous; the life expectancy of each miner severely truncated. In 1972 and 1974 in particular through industrial action the NUM secured the most basic of entitlements – more reasonable pay and safer conditions; its commitment to improve the working conditions of its members and to contribute to the trade union movement as a whole was firm and sustained, its role in both strong and secure.
6. And yet in 1979, a newly elected government under Margaret Thatcher set in train a plan to make the Union and its members the focus of exceptional and largely secret initiatives and operations involving the Security Services, the police, and relationships cultivated by all three with selected media. Some initiatives were too flagrant to remain secret; others have only recently come to light and others, it is suspected, remain as yet undiscovered.
7. The long-term but long concealed intention of the incoming Conservative Government was to bring about the de-nationalisation of the coal industry and the closure of the pits in the UK - the resulting history marked by a determination on the part of the Union to fight the intention, suspected (but never acknowledged by the Government) as being precisely that.
8. It is recognised that the outcome of the miners' strike of 1984/85 was fundamental to determining the political and social nature of Britain in the decades that followed; it is equally recognised that the NUM found itself facing the concentrated power of the state in an unprecedented form; nationwide police deployment, roadblocks, thousands of arrests and the large scale use of force by the police. The way in which police forces across the UK were instrumental in attempts to defeat the miners has been the subject of intense criticism; an unconstitutional prelude, without any parliamentary authority, to introduce the militarisation of policing of public order, criminalising of

disobedience to police orders and the introduction of the practice of kettling protest gatherings. These constituted the public face, their implications seen and understood even at the time.

9. In parallel however was a covert government campaign that dominated the tactics used to attempt to break the miners' resistance. The NUM's assessment of documents from government departments released under the 30 year rule as well as the papers held by the former Prime Minister Margaret Thatcher's private Foundation has been ongoing since Mark Ellison's findings of "*Appalling practices in undercover policing*" triggered the announcement of this Inquiry.

10. It is from both sources of information; the first, the compelling evidence already known for three decades and the second the revelations within the Government's confidential papers that together provide the factual matrix and context in which this Inquiry if it finds evidence of undercover police deployment, can assess that deployment.

11. The sources for the first? The product of long drawn out court proceedings - civil litigation and criminal trials; of investigations by journalists in print media and television; of a preliminary Independent Police Complaints Inquiry into the events at Orgreave Coking Plant in 1984 and the tragic reproduction of a number of the same fault lines by South Yorkshire Police at Hillsborough a few years later. That first existing line of evidence has established:
 - i. The use by the police of the criminal process to wrongly arrest, accuse and fabricate evidence against individual members of the NUM.
 - ii. The use of premeditated police violence.
 - iii. Collusion by the police in these actions by and with national media.
 - iv. The use of informers, infiltrators, provocateurs, attempted "frame-ups", bugging and surveillance on an exceptional scale.
 - v. Manipulation of evidence to attempt to implicate senior NUM officials in criminal acts.

12. These unprecedented assaults, comprising aggressive and unlawful intrusion into the lawful actions of the Union and its members in the 1980s and beyond, were countenanced by the authorities appointed to maintain law and the safety of the nation by lawful means. The maintenance of secrecy around many, often in the claimed interest of “National Security” has prevented and continues to prevent any testing of opinion or accountability of those responsible. None of the above have ever provoked or achieved official sanction.
13. Such assaults had nothing to do with the claimed defence of democracy but represented the very opposite.
14. Furthermore successive false allegations were broadcast with maximum publicity at the time. Only after the resulting devastating consequences to the recipients and only after sustained application of limited resources could individual accusations be established to have been an abusive exercise on the part of those making the accusation. The extravagant and extraordinary language of the Government was adopted by senior police, of “war”, of “battles” and of “battlegrounds”. The virulence of the Government’s denunciations throughout and long after the 1984/85 strike went far beyond the boundaries of modern day British politics; they reached their peak in the summer of 1984 when the Prime Minister said *“We had to fight an enemy without in the Falklands. Now the war had to be taken to the enemy within which is a much more difficult fight and more dangerous to liberty”*. The language used was of conspiracy, of subversion of law, of enemies of the state – calculated signals of unambiguous clarity being given to all government agencies and police forces that the gloves should come off in the “war with the NUM”.
15. The “war” involved the intervention of police in every aspect of the maintaining of the strike.

16. Secondary picketing and the gathering of large pickets were not an offence under the criminal law but police were deployed to intercept vehicles, to stop pickets from assembling and to disperse “excessive” numbers. Non-existent extended powers were claimed by police in practice, to turn back miners on pain of arrest many miles from the picket lines they intended to join. Bail conditions following arrest and charge imposed boundaries on free movement thereafter. Pit villages were cordoned off; Fitzwilliam in West Yorkshire, Blidworth in Nottinghamshire and Grimethorpe in South Yorkshire - the villages occupied often by police on horseback and in riot gear, imposing curfews and preventing villagers from leaving. There could be no lawful bar to their freedom of movement and no lawful bar to expression of opinion. The tactics terrorised whole communities, many of whom did not work at a pit but were swept up in the “swamping” exercise.
17. Chief Constables were routinely lending each other their own officers. Some 1.4 million officer days of mutual aid were worked making for extra policing costs of £400,000,000. The National Reporting Centre which co-ordinated mutual aid was able to call on a total of 13,000 officers in police support groups drawn from each of the 43 police forces of England and Wales. The effect was to create de facto “standing armies” with each Chief Constable *“autonomous in his area”*.
18. 11,313 miners were arrested in the course of the year long strike, 7,000 injured, 5,653 put on trial, 960 dismissed from their employment and 200 imprisoned.
19. The most exceptional manifestation of the “war” took place at the Orgreave Coking Plant on 18th June 1984; 95 miners were arrested and charged, almost a third with riot (carrying sentences of up to life imprisonment). Their prosecution in the first of the trials of the 95 almost a year later, was abandoned mid trial after evidence of mass fabrication became too overwhelming to ignore. More than 100 police witnesses, justifying the arrest and charge of each of the 95 defendants had been instructed to sit in schoolrooms and record statements dictated to them; photographic evidence

demonstrated a significant number of arresting officers had never encountered the defendant against whom they were giving evidence; records and notebooks claimed to be contemporaneous on which officers were giving evidence in court disappeared – one at a court lunch adjournment - never to be found. And overarching the case as a whole, the obvious question of why, despite concerted government efforts to prevent mass picketing, had police encouraged mass attendance at Orgreave on that day? The senior police witness at the trial, Assistant Chief Constable Clements, confirmed the police had assumed exceptional powers never debated by parliament and had deployed militarised police to carry them out, mounted police charging in formation as in a cavalry charge without warning into crowds of picketing miners, followed by short shield police units instructed to “incapacitate” demonstrators, witnesses commenting they had only ever seen or heard the equivalent in war films of soldiers carrying out bayonet charges. Miners were batoned and suffered life threatening injuries. ACC Clements’s evidence - that there was a predetermination, to be a pre-elected “battleground of his choosing”. Events at Orgreave evidenced a turning point in British policing of lawful assembly and protest and set the scene for policing thereafter.

20. It is however beyond this picture, long established, that the second layer of evidence uncovered by the Union and its members is drawn to the Inquiry’s attention. The Government papers released after 30 years provide the shocking realisation of the enormity of the government’s involvement, long before the visible examples of the destruction of the rule of law that were to follow.

21. What is clear from the recently disclosed records is that the Conservative government was bringing into realisation step by exact step, a detailed plan drawn up in the late 1970s following the collapse of the Heath government. The crucial element within the plan (the Ridley Plan drawn up by a free market Conservative think tank), was to provoke a strike in the nationalised industries, directed in particular at the NUM. The ultimate objective, spelled out in terms, was to weaken or destroy significant parts of the trade union

movement. The all-out planned offensive contained sets of instructions to bring about an economic system whereby the private shareholders of a de-nationalised industry would take precedence over the workforce.

22. Every aspect of what was to happen in the year long 1984/85 miners' strike that followed was anticipated; Nicholas Ridley under whose name the strategic report had been produced, held two key ministerial positions in sequence in the incoming Thatcher administration, Finance Minister and Minister for Transport. His report advocated:

"Trying to provoke a battle in a non vulnerable industry where we can win".

"This is what happened when we won against the postal workers in 1971. A victory could win industries like the railways, BLMC, the Civil Service and Steel. A victory on the ground of our choosing would discourage an attack on more vulnerable grounds". "The most likely area is coal". The chosen battleground could be the docks."

23. The report acknowledged the catastrophic implications that the claimed "reforms" would have on communities under consideration, entirely dependant upon the respective industries involved.

"There are whole towns dependant on steelworks, coalmines and ports which might severely be deprived if full efficiency policies are carried out".

24. With this in mind the report nevertheless explored how the government could produce an armoury of tools to pressure strikers– by starving them and their families, withdrawing social security benefits which it described as a "fruitful field" for bringing striking employees under the control of government's wishes, following the strategy of trying to provoke a battle it could win in a non vulnerable industry. The policy considered key factors that could consolidate victory.

- (i) *"A victory could win industries like the railways, BLMC, the Civil Service and Steel. A victory on the ground of our choosing would discourage an attack on more vulnerable grounds. The most likely area was coal. The chosen battleground could be the docks."*
- (ii) The Ridley plan advised of the *"tendency for nationalised industry boards to seek to centralise, unify and concentrate power. The opposite is needed – diversity, smallness and independence"*. And further, *"One political objective must be to fragment the public sector of*

industry into a number of independent units, which could eventually be denationalised”.

(One key tactic prevailing through the whole of the dispute was of divisions to be encouraged among the mining communities. The forming of divisions between miners in safer mining areas with greater prospects of their pits continuing and miners whose pits were immediately threatened, and within the latter, exacerbating or contributing to internal divisions.)

- (iii) *“By the far the greatest deterrent to any strike whether in the public or private sector is clearly to cut off the supply of money to the strikers and make the union finance them. These policies should enable us. We must be prepared to deal with the problem”.*
- (iv) Dealing with the problem involved the police; the predicted implementation of the policies included having a large mobile squad of police which *“Should enable us to hold the fort until the long term strategy of fragmentation can begin to work”.*

25. The stage being set for a strike, the plan envisaged fragmenting and then eradicating the political force, the trade union movement, assessed as a critical step for the future of markets at the time centralised within nationalised industries to pave the way for a transition to the desired economic model. Sacrificing livelihoods and communities dependant on the industries was deemed necessary; those who opposed the rundown of their industry would be categorised as a threat to freedom and democracy, to law and order and to national security; *“the enemy within”.*

26. The beginning of the government’s intended provocation required wholesale secrecy. At a secret meeting in Downing Street on 15th September 1983, within a month of Ian MacGregor’s appointment as chairman of the National Coal Board, (and a year before the strike) he presented a confidential report to the Cabinet confirming the intention to close 75 pits by 1985 (and not the 20 pits repeatedly publicly assured thereafter by the Prime Minister and other Ministers when challenged by the NUM). This would mean the loss of 70,000 jobs, decimating entire areas - South Wales, Scotland and the North East.

27. Minutes of meetings were required to be kept to the minimum or not kept at all. At one meeting the Energy Secretary, Peter Walker, reported to the Prime Minister that the manpower reduction would bite heavily in particular areas, two thirds of Welsh miners would become redundant, 35% of miners in Scotland, 48% in the North East, 50% in South Yorkshire and 46% in the South Midlands. At this meeting, attended by a small group of ministers, the Prime Minister, Chancellor, Energy Secretary, Employment Secretary, Head of Civil Service, it was stipulated that no record should be circulated and that instead of plans being written down ministers would be responsible for short oral briefings. Documents from the Prime Minister's Private Office files speak of how to arrange these meetings to ensure as little as possible of the more sensitive aspects being committed to paper.

28. The predicted strike began for one reason alone; to oppose the suspected but denied mass closure of pits. A letter was personally authorised by Mrs Thatcher to be sent by Ian MacGregor himself to the home of every miner in which he denied the government's already agreed plan:

"This is a strike which should never have happened. It is based on very serious misrepresentation and distortion of the facts. At great financial cost miners have supported the strike for fourteen weeks because your leaders have told you this

*That the Coal Board is out to butcher the coal industry.
That we plan to do away with 70,000 jobs.
That we plan to close down around 86 pits, leaving only 100 working collieries.*

IF THESE THINGS WERE TRUE I WOULD NOT BLAME MINERS FOR GETTING ANGRY OR BEING DEEPLY WORRIED. BUT THESE THINGS ARE ABSOLUTELY UNTRUE. I STATE THAT CATEGORICALLY AND SOLEMNLY. YOU HAVE BEEN DELIBERATELY MISLED".

29. No minister or ministry has accepted responsibility for the actions of police officers in 1984/1985 despite the clearest evidence that it was the Government itself that intended to manipulate the way in which the strike was policed. What was presented was the police acting under their own discretion. Within the extant scraps of records there is nevertheless evidence of

continuous pressure put on senior ministers in respect of the actions of the police.

30. Ministers were told that the line to take was that the dispute should be seen as a matter of law and order – although quick to condemn claimed violence of miners and praise police for their efforts. Lord Whitelaw, March 1984, said *“The Government’s interests will continue to be best served by its policy of non involvement in the dispute leaving the industrial relations aspect for the NCB and the public order aspects to be “dealt with as a police matter”.*
31. The disclosed files show repeatedly covert interventions made by ministers. In response to the Prime Minister’s complaint that insufficient arrests were being made, the Home Secretary replied that his department had alerted police chiefs to the extent of their powers and that he was not satisfied with their response. (The minutes of that meeting add that the Home Secretary believed he had gone to the limits of what a Home Secretary could do while respecting the constitutional independence of police forces). Yet the Prime Minister considered the matter should be discussed again at Cabinet, when it would be clearer whether the police were adopting the more vigorous interpretation of their duties which was being sought.
32. The Prime Minister and Ian MacGregor expressed dismay at police operations on the picket line and called on the Home Secretary to make arrangements to step up measures against miners; in parallel the government was demonising miners for their actions, portraying them as an uncivilised violent mob, affording no recognition of law abiding, tax paying citizens engaged in a justified industrial dispute with the right to protest.
33. Amongst the disclosed Cabinet papers from 1984/1985 are:
 - (i) Repeated references to the Prime Minister both before and after the mass arrests at Orgreave in June 1984 complaining of too few arrests of miners.

- (ii) Emphasis on the need for severe sentencing, (by September 1984, the Home Secretary reporting the Lord Chancellor as being understood to be examining the list of cases committed for trial at Crown Courts, *“It would be helpful if greater publicity could be given to sentences imposed by the courts particularly the most severe ones”*).
- (iii) At Cabinet meetings, references to the significant amount of pressure being placed on the Home Secretary Leon Brittan to intervene in stepping up policing measures against the miners, despite repeated public claims by the government that the police were acting from the position of constitutional independence.
- (iv) Unknown at the time, the concerns over police evidence being put forward were being raised at the highest levels even before Orgreave. A letter from the Lord Chancellor, Lord Hailsham, to the Prime Minister, dated 16 May 1984, raised private concerns over the quality of the evidence being brought against those arrested. Initially, he wrote: *“I understand the Chief Constable has expressed reservations about the quality of some of the evidence upon which the arrests have been made, and for this reason is not anxious for dates of trial to be fixed too soon”*. However a re-draft resulted in the letter citing the Chief Constable as *“anxious lest delay causes the quality of evidence to deteriorate”*
- (v) Indications of Ministers utilising the Courts as a political weapon of the State against the miners, including discussions over central influence on the administration of local justice in order to overcome barriers the Government perceived as existing in defeating the miners.
- (vi) Frequent references to previously unknown (but suspected) interaction between the courts and the government (helping to create the climate of fear in which those arrested including at Orgreave and charged with riot, contemplated their future). Extracts from Cabinet papers confirm the impression perceived at the time by the miners, that the courts and due legal process were being unduly and inappropriately intertwined with perceived political imperatives.
- (vii) A note marked “CONFIDENTIAL” was sent to the Prime Minister from the Attorney General on 4th October, which reads, *“Following our meeting at Cabinet this morning, I have spoken to the D.P.P who is also going to consider those more serious cases*

which he could properly take over. He is drawing to the attention of the County prosecuting solicitors the need to apply for expedited trial in appropriate cases and generally he will keep a close eye on the situation. I shall also be discussing with him cases which it might be necessary to move out of Yorkshire for trial either at the Old Bailey or a more friendly court".

34. In September 2015 the Union alerted the Inquiry to a number of the pointers that led it to apply for the status of Core Participant. It referred to significant fragments of revelation over many years, which suggested each strand of police and intelligence activity that had been focussed upon the destruction of the Union. The Union pointed to:

- (i) The apparent sharing and absorption by police of a significant part of MI5's controversial "counter subversion" work by Special Branch and by particular units.
- (ii) A mindset that allowed Union members and their activities to be generally deemed en bloc subversive, a mindset consolidated at precisely the time of the miners' strike in 1984 to 1985 in which co-participation of the Security Service and the Police was occurring and being deployed in parallel.
- (iii) Reports that in the run up to the miners' strike, MI5 gave Special Branch officers advanced training in agent handling at the Fort Monckton MI5 school outside Portsmouth.
- (iv) In parallel with recurrent reports of MI5 infiltration of the NUM HQ during the strike, (reported in BBC documentaries and memoirs) references to informants as providing very specific and very precise information about picketing which was "*correct every time*" and "*beat the strike*".**
- (v) Criticisms by MPs at the time including Tam Dalziel commenting on lack of definition of responsibility between police and MI5 and the freedom of manoeuvre of the Security Service - expanding during the strike because of the undefined division of responsibilities between local county police, the police reporting centre and the Police National Reporting Centre. (Tam Dalziel's descriptions to the House of Commons corroborating reports by NUM members of Special Branch

(described as “MI5’s foot soldiers”) running their own dirty tricks during the strike. Reported as often singling miners out for arrest and provoking violent incidents.**

(**These reports included among complained of police actions, interviewing officers being provided with standard lists of questions, one of which was “Are you a member of any political organisation?”; of men being stopped and questioned in the streets and asked whether they were pickets; and of particular tactics, snatch squads on pickets singling out men believed to be ringleaders. One observer, a safety team worker at a pit in South Yorkshire familiar with snatch squad tactics from his time in the British Army witnessed men rush in and snatch a person believed to have been chosen either by being pointed out by “plants” on the picket or by previously obtained photographs and descriptions)

- (vi) Descriptions by one Chief Constable of a countrywide gathering of fellow police chiefs attended by a Home Office representative with a personal message from the Prime Minister convinced, the official reported, that a secret communist cell was orchestrating the strike and complaining that *“The fact the police could not prove this conspiracy existed was because of the weakness of our intelligence gathering”*. Encouraged upon the police chiefs was the necessity of a secret public intelligence unit to infiltrate and monitor groups which *“threatened order”* to go beyond Special Branch investigation of subversive groups and activities and intended to concentrate on *“legitimate groups like the NUM”*.

35. It is with an understanding of the above history and experience that the Inquiry is asked to assess the data in its possession. The NUM does not and cannot know the extent to which undercover police were deployed against its members, their families, their communities and the individuals and organisations who constituted their wider support nationwide. Nor does this brief statement do more than point to aspects of the 1984/85 experience, to be in significant ways reproduced in the early 1990s. Nor does it attempt to do more than note the reports of close observers of systemic police collaboration

with private corporations to blacklist trade unionists; the NUM believes such practices occurred across the board following the 1984/1985 strike.

36. The NUM believes that it must be possible to assess the contribution of covert police activities within the terms of reference of the Inquiry in conjunction with its experience. That must include an examination of the motivation for and the scope of undercover police operations in practice and their effect upon individuals and public. The NUM has no doubt that an investigation of the covert activities by police (including joint or parallel activities of police and intelligence services during the 1984/1985 strike) and their effect on its membership and the wider communities in which they lived is very likely to uncover significant data to date undiscovered. The NUM believes these inquiries must reveal the state of awareness of such operations on the part of the Government and must thereby give insight into the inadequacies of oversight, including ex post facto oversight of abuse and misuse of assumed police powers.

37. The NUM believes it must be possible to assess the contribution of covert police activities to the wider experience. The enormity of the consequences of actions of which those may have played a part, and carried out as a consequence of the policies of the government at the time, may be difficult to disentangle in isolation. Nevertheless the opportunity of a far reaching investigation with powers considerably beyond those of the occasional and accidental interested investigative journalist or the laborious analysis of redacted government papers must be far greater than has ever been available to the Union or its members before.

38. The NUM believes the findings of a thorough and independent investigation must be of national importance.