

## IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

## IN THE MATTER OF THE BLACKLIST SUPPORT GROUP

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### OPENING STATEMENT

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1. My name is Dave Smith. I am an ex-construction worker who has been granted core participant status in the union stand of this Inquiry. I am speaking on behalf of the Blacklist Support Group, a campaign set up by and representing union members who were unlawfully blacklisted by major construction firms. When we first spoke about being blacklisted for our union activities we were ignored by the authorities and ridiculed as conspiracy theorists. But blacklisting is not a conspiracy theory. It is a real life conspiracy: secretly organised by multinational construction firms with the collusion of the police and the security services.
2. Trade unions first arose during the industrial revolution and the British Empire. At the time that dynastic fortunes were being made in the slave trade, parliament was passing the Combinations Acts to make trade early unions illegal. In the colonial mind-set of the higher echelons of the British establishment, hostility towards trade unions – just like racism and sexism - was so deeply ingrained, that it has become an instinctive reaction that has carried on through the generations.
3. My good friend Lord Hendy QC has already mentioned the famous case of the Tolpuddle Martyrs who were transported to Australia for joining a union in 1834. But a less well-known event took place in the very same year. A meeting of the Master Builders took place in Ludgate Hill in London, where major employers drew up a plan to keep unions off of their sites. Every craftsman looking for work was forced to sign the infamous ‘document’, declaring that they would never join a trade union. Failure to sign would result in dismissal or refusal of work. At a time without the welfare state, this would mean destitution for the workmen and their families.
4. In 1919, ex-military intelligence officers together with Conservative MPs and the captains of British industry set up the Economic League, to wage in their own words ‘a crusade for capitalism’ by keeping left wing union activists under

surveillance and denying them work. The Economic League had both direct formal and countless informal links with the police, that resulted in thousands of workers losing their jobs in sectors such as pharmaceuticals, mining, engineering, banking and local government.

5. The Inquiry will find that after the Economic League closed down, Cullum McAlpine, a director of Sir Robert McAlpine Limited bought part of the Economic League blacklist to set up a new organisation called The Consulting Association. This secret body comprising major construction companies including; Balfour Beatty, Laing O'Rourke, Costain, Skanska, Kier, Bam, Vinci, AMEC and AMEY, illegally orchestrated the blacklisting of construction workers. A former Economic League employee, Ian Kerr was appointed as Chief Executive. Files were kept on 3213 individuals, which included their name, national insurance number, address, photograph, phone number, car registration, information about their medical history and family members.
6. When a blacklisted worker was elected as a union representative, raised concerns about safety on a building site, submitted an employment tribunal, or took part in a protest or strike, this was recorded on his or her blacklist file. Every job applicant on major building projects, had their name checked against the blacklist and if there was a match, the worker would be refused work or dismissed. This includes workers engaged via sub-contractors and employment agencies.
7. The Consulting Association did not have spies on every construction project; instead each subscribing company nominated a 'main contact', usually at director level; who received information from managers on site and then forward it to Ian Kerr. The Consulting Association even had its own constitution, which required companies to attend quarterly meetings with attendance at director level of the firm. The meetings discussed industrial relations issues, plus union members involved in employment tribunals or disputes. So, directors of multi-national corporations were holding regular secret meetings organised by Ian Kerr to orchestrate the blacklisting of union members. I will return to these meetings later in my Opening.
8. The consequence of the blacklisting conspiracy was that during the middle of the building boom, when employers were crying out for skilled labour, highly qualified and experienced workers found themselves virtually unemployable. When other construction workers were buying new cars and taking their families on holidays to Disneyland, blacklisted workers defaulted on their mortgages. The partners of blacklisted workers have spoken about having to take on 2-3 jobs to keep the family afloat, not being able to afford trainers or school trips for their children. One wife of a blacklisted worker has spoken

about making the painful decision not to have a second child because of the family's financial hardship. It is hardly surprising that there were arguments in relationships: families lost their homes and there were divorces.

9. I worked, and was a union safety rep, on the Jubilee Line Extension in the 1990s, and some of my fellow workers who took part in a safety dispute over the lack of fire alarms at London Bridge station ended up being blacklisted. Tragically, some of those blacklisted workers took their own lives. No one can say that blacklisting was the sole reason for these suicides, but prolonged periods of unemployment and family tensions cannot be good for anyone's mental health.
10. Blacklisting is also responsible for workers' deaths in another way. When union safety reps are repeatedly sacked just for highlighting unsafe working conditions such as asbestos, electrical safety or poor scaffolding, that sends out a message to other workers on site. If the safety rep, who is supposedly protected by law can be dismissed, this creates a climate of fear where other workers keep their heads down rather than speak up. The conscious blacklisting of safety reps is undoubtedly a contributory factor in the appalling workplace fatality rates in construction, the sector with consistently the highest number of deaths of any major industry in the UK.
11. Parliament was so outraged by the Consulting Association that as a direct consequence it introduced the Blacklisting Regulations 2010. A select committee investigation into Blacklisting in Employment published seven reports and called blacklisting a "real live conspiracy". In 2016, a High Court trial was settled when the UK's biggest building firm made a public apology for their blacklisting activities.
12. This Inquiry will find that it was not just the major employers who kept union activists under surveillance and contributed to our blacklisting – it was the political police at the heart of this Public Inquiry too. The police's own internal investigation, Operation Herne has concluded:

"Para. 4.2 - Police, including Special Branches and the Security Services supplied information to the blacklist funded by the country's major construction firms, The Consulting Association and other agencies.

Operation Herne finds this allegation is Proven

Para.13.1.2 - Special Branches throughout the UK had direct contact with the Economic League, public authorities, private industry and trade unions."

13. This Inquiry has already disclosed evidence that shows that from its very inception, spying on left-wing trade union activists was a central part of the Special Demonstration Squad's activities. The SDS annual report from 1972 alone records intelligence being gathered in relation to the miners' strike, Dockers strike and building workers strike of that year. The Shrewsbury Two Defence campaign, which was set up by rank and file members of the construction unions to support Des Warren and Ricky Tomlinson was an explicit target of the SDS. The two union activists were imprisoned in a notorious miscarriage of justice involving collusion between the security services and major construction firms. Nearly 50 years after the event, successive Home Secretaries have refused to release the official papers into the Shrewsbury Pickets. This shouts of an establishment cover up.
14. The Inquiry will find that intelligence gathered by SDS officers spying on union activists was added to a Special Branch registry files, which act as a central database for political activists targeted by Special Branch. Once information about an individual was placed on the registry files, it becomes available for anyone within Special Branch and the security services to access.
15. Only two years after the formation of the SDS, the Special Branch Industrial Unit was established, from Operation Herne, "with the aim of monitoring trade unionists from teaching to the docks". The Industrial Unit was also developed a network of well-placed contacts in industry, including directors of multinational companies, and apparently General Secretaries of TUC affiliated trade unions. As part of the unit's liaison role with industry, these police informants would meet and share information with Special Branch officers. According to Operation Herne, the Special Branch Industrial Unit had a dedicated officer who was their official liaison officer with the Economic League. This Inquiry will find that intelligence gathered by both undercover and uniformed officers, was available to the Industrial Unit and was passed onto both major employers and blacklisting organisations. A number of SDS officers worked for the Special Branch Industrial Unit, either before or after their undercover deployment, hardly surprising given the considerable degree of overlap between the work of the two units.
16. In addition to the Special Branch registry files, police intelligence on political activists is also analysed and collated on the National Domestic Extremism Database, originally compiled by the National Public Order Intelligence Unit (NPOIU), another undercover police unit central to this Inquiry. The database holds information on thousands of British citizens that the state considers to be domestic extremists, many of whom have committed no crime whatsoever. Another police unit responsible for collating the Domestic Extremism Database was the National Extremism Tactical Coordination Unit. NETCU's former

head, Superintendent Steve Pearl, explained in an interview to the *Daily Telegraph* that the unit was set up to “take over MI5’s covert role watching groups such as the Campaign for Nuclear Disarmament, trade-union activists and left-wing journalists”

17. According to Operation Herne, NETCU also performed a liaison role to share information with third parties including businesses across different sectors from life sciences, oil, gas, banking, finance and farming, as well as government agencies.
18. In October 2008, Detective Chief Inspector Gordon Mills from NETCU gave a PowerPoint presentation to one of the secret Consulting Association meetings. Held at the Bear Hotel at Woodstock in Oxfordshire, eight senior executives from the blacklisting companies attended. The senior police officer’s presentation identified left wing activists as ‘emerging threats’ for which the ‘companies needed to have strong vetting procedures in place’, in order to stop activists attempting to get jobs with them. Following the Woodstock meeting a further two-way exchange of information developed between the blacklisting construction companies and the UK’s political police. In a witness statement compiled for the High Court blacklisting trial Ian Kerr, the Consulting Association chief executive claims that NETCU ‘wanted an output for their information.... I gave them the email addresses of the contacts in the construction industry and they would feed them information.’
19. This Inquiry will find that while NETCU and Special Branch Industrial Unit are now both dissolved, the sharing of police intelligence across all sectors of industry has not ceased. It continues through Operation Fairway and the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU) Industrial Liaison section. Disclosing information to industry contacts which has gone on for centuries is now officially sanctioned using what are known as Information Sharing Agreements. This Inquiry will find that in 2010, the office for the National Coordinator Special Branches urged police forces across the UK to become more proactive in putting on Special Branch briefings, to share information about supposed domestic extremists with academics and business contacts.
20. I will now talk about specific incidents of political police units spying on unions relevant to the Blacklist Support Group and the eight individual core participants in the union strand. I will concentrate on a small group of union activists who all appear on the blacklist, and for over a decade from the early 1990s until the early 2000s, were spied on by 3 separate SDS officers: Peter Francis, Mark Jenner and 'Carlo Neri'.

21. This Inquiry will find that Mark Jenner, an undercover police officer from the Special Demonstration Squad infiltrated the construction workers' union UCATT using the false name Mark Cassidy. Claiming to be a joiner, he attended Hackney Branch of UCATT, his union subscriptions were paid by a bank account set up by Special Branch. During his deployment he attended numerous union picket lines, protests, meetings and conferences. After each meeting pages of hand written notes were typed up, presumably to be used as intelligence to be fed back to Special Branch.
22. Jenner also infiltrated a campaign group called the Colin Roach Centre, which amongst other activities was the home of the Hackney Trade Union Resource Centre. Numerous union branches and union related campaigns used the premises, including two small union groups infiltrated by Mark Jenner: the Building Workers Safety Campaign and the Brian Higgins Defence Campaign. The undercover police officer actually chaired some of the meetings and used his position to contact branch secretaries from UCATT, UNISON, TGWU, RMT, EPIU, NUT and CPSA unions. He also wrote letters to the well-respected safety body, London Hazards Centre and Inquest, the charity that supports those campaigning over deaths in police custody. Brian Higgins and John Jones, both core participants, were leading members of the groups Jenner infiltrated and both have entries on their blacklist files relating to those campaigns and the Colin Roach Centre.
23. Jenner also attended events organised by the London Joint Sites Committee, which organised union activists to fightback on issues such as pay cuts, safety, and victimisation of union reps. Personally, I remember Jenner being particularly disruptive at meetings we both attended in Conway Hall. While spying on picket lines over unpaid wages at Waterloo, Jenner also came into contact and spied on other core participants; Frank Smith a blacklisted bricklayer, UCATT shop steward and Branch Secretary; and Steve Hedley, currently Senior Assistant General Secretary of the RMT rail union. In the late 1990s, Steve Hedley was part of a union delegation to Northern Ireland as part of the peace process organised by the Hackney Trade Union Resource Centre and the Colin Roach Centre. Mark Jenner was also part of that delegation and stayed at Steve Hedley's family home during the trip.
24. Union activism is not only about terms and conditions. It is multi-faceted and all the individual core participants in the union strand are also anti-racist and anti-fascist activists – actively opposing fascism is viewed as something to be proud of by the trade union movement. At the time of Peter Francis' & Mark Jenner's deployment, British National Party thugs and the fascist paramilitary group Combat 18 were terrorising communities. The murders of Stephen

Lawrence and Ricky Reel are testimony to this wave of racist attacks. Fascists also planted bombs in Brixton, Soho and Tower Hamlets. They also vandalised union offices, including at the London Borough of Tower Hamlets, where computers were destroyed and swastikas daubed on the walls.

25. Unsurprisingly, activists from construction unions were often asked to provide stewarding to defend labour movement events from fascist violence, especially during election campaigns. One loose network of union activists who helped steward events was known as the 'Away Team', a name derived as a joke referring to football. Both Peter Francis and Mark Jenner spied on these activists too.
26. We assert that by voting at union meetings on policy motions sent to national conference and to the Regional Council, by distributing literature in favour of a particular candidate during Executive Council elections, by distributing leaflets and publicly calling for the sacking of an elected UCATT convenor, by being particularly antagonistic at meetings, Mark Jenner and the British state disrupted and interfered with the internal democratic processes of an independent trade union. This is in direct contravention of international law signed and ratified by the United Kingdom, specifically: International Labour Organisation Convention 87 and the European Convention on Human Rights, Article 11. We expect the Inquiry to fully investigate our allegation.
27. When Jenner's deployment was coming to an end, another undercover SDS officer, 'Carlo Neri' was sent to spy on the same group of activists. The Inquiry will hear how, on more than one occasion, 'Neri' incited Frank Smith and Dan Gilman (both core participants in this Inquiry) and Joe Batty (a TGWU union steward who has been denied core participant status) to fire bomb a charity shop in North London. The police officer claimed the shop was run by Roberto Fiore, the leader of the Italian fascist Forza Nuova Party. Fiore fled Italy after being wanted by Italian police in connection with the terrorist bombing of Bologna railway station in 1980 that killed 85 innocent people.
28. For the record, we accuse 'Carlo Neri' of being an agent provocateur, of deliberately attempting to entrap union members by inciting them to commit arson. Again for the record, the spied upon activists wanted nothing to do with the proposed attack, they are trade union and anti-fascist activists, not terrorists.
29. At one point during this deployment, 'Neri' orchestrated a split from Donna McLean and moved in with Steve Hedley as a lodger. In October 2004, Steve Hedley was victimised and sacked from the Channel Tunnel Rail Link project,

a dismissal and dispute that appears on his blacklist file. 'Neri' turned up on the picket line, spying on union members showing solidarity with Hedley.

30. This Inquiry will find that the SDS did not just spy on trade unionists; the intelligence it gathered was passed onto employers and found its way onto the blacklist. One of the most glaring examples of this comes from the undercover SDS officer Peter Francis, who was deployed in the early 1990s.
31. While undercover, Peter Francis opened the Special Branch registry file on Frank Smith which included entries about his anti-racist role in the Away Team and his relationship with an American woman, Lisa Teuscher. This Inquiry will find that Frank Smith's Consulting Association blacklist file includes an entry which reads "Under constant watch officially and seen as politically dangerous".
32. Peter Francis claims this almost mirrors the wording of information that he used when he opened the Special Branch file on the blacklisted bricklayer. How could the blacklist possibly know that Smith was being spied on by the state, unless that information had been passed on by the police or the security services?
33. Francis also gathered intelligence on Lisa Teuscher, primarily because of her role in Youth Against Racism in Europe, but was also specifically tasked by the Home Office to find evidence that could be used in relation to her immigration status, including a previous marriage. Following the SDS intervention, the Home Office tried to deport Lisa by refusing her indefinite leave to remain. Her passport was held for seven years, while she appealed the decision. Prevented from meeting her family, Lisa describes this period as 'traumatic'. Eventually Teuscher won her appeal but after seven years of constant stress, she was physically and mentally exhausted and eventually returned to the US, where she has now settled.
34. Despite never having worked in the construction industry, the Consulting Association blacklist also held information about Lisa Teuscher, including that she was "the girlfriend of Frank Smith" and that she was "involved in several marriages of convenience". This information was placed on her blacklist file at the time that she was involved in her battle with the Home Office and is similar to the information that Peter Francis added to her Special Branch file.
35. No one is suggesting that Peter Francis personally provided the intelligence gathered during his undercover deployment to the blacklist. That was not his job. It was more senior officers from the Special Branch Industrial Unit or NETCU who were tasked with sharing information with "industry contacts".



36. Another glaring example of where information from Special Branch files appears on the blacklist relates to an incident in November 1999. Every Remembrance Day, the National Front lay a wreath at the Cenotaph. That a fascist organisation, whose members have a history of violent anti-Semitism and racism is allowed to do such a thing on the national day of mourning for those who fought against the Nazis has always been controversial. In November 1999, Frank Smith, Dan Gilman and Steve Hedley participated in a counter-demonstration. The police's own investigation, Operation Herne has confirmed that these three core participants were observed by police on the day and that intelligence about their participation at the Cenotaph was added to Special Branch files. Within a few days, the same information appears on the blacklist files of the three activists, along with information that they were members of the Away Team.
37. All the information cited above was supplied by the blacklisting construction firm, Costain. This Inquiry will find that two senior industrial relations managers for Costain both had close relationships with Special Branch; Dudley Barrett (now retired) and Gayle Burton (now a senior executive at the Jockey Club).
38. The only plausible explanation for how such very specific information about the Cenotaph incident and the Away Team appeared on the blacklist is that one of the Costain managers met with a Special Branch officer (probably from the Industrial unit) at which the information about the activists was given to the company. Any other explanation suggested by the police is laughable.
39. I also need to mention two other union activists who were targeted by these SDS officers. 'Alison', a school rep for the National Union of Teachers, who Mark Jenner groomed into having a five year co-habiting relationship during his deployment. And Donna McLean, a Transport and General Workers Union rep from a homelessness charity, who was groomed by [REDACTED] 'Carlo Neri' into a relationship. Alison and Donna were used by the undercover officers to provide cover for his false identities. The misogynist abuse of women activists is one of the most disgraceful human rights violations of the whole spycops scandal. It is only right that I allow Harriet Wistrich, the lawyer representing both Alison and Donna to present their cases.
40. To believe the police, the individual core participants in the union strand must be "subversives" intent on subverting democracy by violent and industrial means. If the purpose of this police spying operation was genuinely to detect serious criminality or public disorder, why were none of us ever charged or prosecuted with a serious criminal offence? The waste of taxpayers' money, the

personal intrusion, the human rights abuse, the collusion with an illegal blacklist cannot possibly be justified based on preventing crime. But the purpose of the British political police units is not to stop crime, they exist to keep activists from justice campaigns, political groups and trade unions under surveillance. This is political policing – end of.

41. I now wish to talk about what we *hope* the Inquiry will uncover.
42. Intelligence gathered by undercover police officers was collated on Special Branch registry files and the National Domestic Extremism database. These were central stores for information on individuals that the British state considers to be subversives, explicitly including union activists. The Economic League and the Consulting Association also compiled databases of union activists that major companies considered troublemakers. The ideological reasoning and purpose of both the state and corporate spying operations are almost identical; the national interest and the vested interests of big business are incorrectly viewed as one and the same. That intelligence about left wing activists was shared between the UK political police units and major corporations is hardly surprising. We accuse both the Special Branch Industrial Unit and NETCU of routinely sharing information reciprocally with senior business executives, often industrial relations officers or HR directors, on both a formal and informal basis. It is through these officially sanctioned communication channels that intelligence gathered by undercover and uniformed officers appears on blacklist files.
43. Did the police ever hold meetings with union leaders to advise them of the unlawful activities of the employers? Of course not. Yet, the police held meetings with employers to advise them about union activists – that is a fact. Police collusion in blacklisting is not an aberration or the actions of a rogue unit, it is standard operating procedures for the UK's political police.
44. What the core participants in the union strand want from this Inquiry, is for the police to reveal the detail of how state collusion with employers works. The Public Inquiry is not a trial. We expect a narrative verdict that explains not only the mechanics, but the ideological justification by senior police officers and politicians for such actions.
45. On the opening day, Counsel for the Inquiry stated that “The reporting of undercover officers refers to trade unions and to the trade union activities of some trade union members. There are concerns about why such information was recorded and what it was used for; in particular, whether it was passed to those who blacklisted workers”.

46. The core participants are not the only union members that undercover police spied on. Mark Jenner alone provided information on more than 300 individuals. There are 7 million union members in the UK. Even today, trade unions remain the largest voluntary organisations in civil society; organising in every sector of the economy to improve the lives of working people by campaigning for equality, for safety, for fair wages. 7 million members of the public, want to know if their meetings and conferences were infiltrated by undercover police officers? If police groomed female activists in their unions? If the state provided information about the union reps to their employers?
47. The police lawyers will repeat the mantra that unions were not the target of the undercover surveillance and what we suffered was “collateral intrusion” or the new phrase, that we were “the subject of peripheral reporting”. But trade unionism isn’t a business relationship: union members are not customers. Union members are the union. If undercover police sat in on our meetings or turned up on our picket lines to gather intelligence about union members – they were spying on trade unions. If the political police units kept a secret database with files on specific unions and activists – they were spying on trade unions. Claiming anything else is just smoke and mirrors.
48. It is time for the police to come clean and name names. Yes, we want the names of the undercover officers who spied on trade unionists to be released. Yes, we want the names of the trade unions and all of the 1000 political groups that were spied on by the spycops to be released. But we want much more than that.
49. It is in the public interest and part of the terms of reference for this Public Inquiry to know what was done with the intelligence gathered by undercover sources. We want to know which other union members lost their jobs or were denied work because of information supplied by the police to industry. We are calling on the Inquiry to force the police to publish the names of Special Branch Industrial Unit’s ‘key industry contacts’ that both supplied and received information. We want the directors and the companies that were supplied with information about union activists to be made named. And from the point of view of the Blacklist Support Group, if any trade union officials were amongst the ‘key industry contacts’ supplying information to the police, we call for them to be named as well.
50. In construction we have found our blacklist, but we are not the only one. At the BBC, Room 105 in Broadcasting House was at one time the home for MI5 officers who carried out vetting ‘formalities’ of all appointments in the state broadcaster. Job applicants were rejected and staff under suspicion were placed on a Staff Transfer List by the security services with a Christmas Tree being added to their personnel files.

51. Prime Minister, Margaret Thatcher called trade unions the 'enemy within' and called on the security services to set up the *Subversion in Public Life* blacklist against civil servants. Do those at the top of Special Branch and the security services, still view those who organise for workers' rights as the enemy?
52. The 2002 BBC TV documentary series *True Spies*, in which SDS officers participated, explained that Ford's Halewood factory in Liverpool provided Special Branch with a list of all job applicants to vet. One of the police officers stated that "It was very, very important that trade unions were monitored... We were expected to check these lists. You call it blacklisting and that's what it is. In any war there are always going to be casualties". Is the secret state at war with trade unions?
53. In the North Sea, the *Not Required Back* system, means that workers on oil and gas platforms who complain about safety have been blacklisted for decades. The *National Staff Dismissal Register* acted as a blacklist for companies such as Harrods, Selfridges, Mothercare in retail but also employment agencies and the public sector: this blacklist was actually part funded by £1 million grant from the Home Office.
54. We demand to know whether intelligence gathered by undercover police was supplied to any of these blacklists or the companies that subscribed to them. For the avoidance of all doubt, we believe that some form of blacklisting occurs in virtually every sector of the UK economy, but mostly remains hidden – as does the role of the police. For this Inquiry to have any credibility, it needs to fully investigate our concerns.
55. Another aspect of political policing we are concerned about, is what happened to police and MI5 spies and their supervisors after they stopped working for the state? For example, Assistant Chief Constable Anton Setchell, was the officer in charge of the UK police domestic extremism machinery between 2004 and 2010, he is currently head of global security at Laing O'Rourke – one of the blacklisting construction companies. Superintendent Steve Pearl, who ran NETCU, is now a non-executive director at Agenda Security Services, Barrie Gane, the former deputy head of MI6 sits on the Board of Threat Response International: both companies spy on activists for corporate clients.
56. Control Risks, another private security firm that employs former state spies had a £59,000 contract with Crossrail to keep union activists under surveillance.

Those spied on included Frank Morris, the first union rep on the publicly funded project, who was sacked within a few days of being elected and has suffered long periods of unemployment ever since due to blacklisting. Are the ex-police spies using their relationships with former colleagues to garner information about campaigners and union activists?

57. Given the mass privatisation over the past four decades, has there been a blurring of the lines between state and corporate spying? We believe it is essential that this Inquiry investigates whether any state spying functions formerly carried out by the undercover police units or MI5 have been outsourced to private companies. Which companies have been given contracts? How much taxpayers' money have they been given? If state spying is now privatised: what is the political oversight? Are these privatised spies exempt from FOI Act and public scrutiny?
58. Unfortunately, I now have to talk about why we are sceptical that the Inquiry will be a success.
59. Everything we know so far about the spycops scandal in relation to trade unions and blacklisting is because activists have uncovered it. Not because those in authority have willingly admitted or disclosed the evidence of their wrong doing, but because it has been unearthed by activists, investigative journalists, campaigning lawyers, MPs and trade unions. One of the core-participants in the union strand is Steve Acheson, an electrician who stood on a picket line in Manchester for over 3 years to highlight the blacklist, which was finally exposed when a whistle-blower came forward and gave evidence at an employment tribunal. Steve has one of the largest blacklist files in the country and was almost unemployable for nearly a decade, nearly losing his home. It is people like Steve who have helped uncover the truth – not the police.
60. When the Blacklist Support Group complained about police involvement in blacklisting in 2012, the Metropolitan Police refused to even accept the complaint. Only after an appeal by Imran Khan and Partners Solicitors was it passed onto the Independent Police Complaints Commission, who quickly confirmed that “it is likely that all Special Branches were involved in providing information about prospective employees”.
61. This was immediately disputed by Chief Constable Mick Creedon, who claimed there was no such evidence. We now know this to be simply untrue.

At every step, the police have obstructed our fight for justice and BSG fear that the police will continue to deliberately obstruct the work of this Inquiry.

62. I will give one clear example. NETCU, the police unit charged with collating the National Domestic Extremism database, and which gave a PowerPoint presentation to the Consulting Association, was deliberately set up under the auspices of the Association of Chief Police Officers (ACPO), who have now changed their name to the National Police Chief's Council (NPCC). The effect of this, was that although being funded directly by the Home Office and all of its staff were serving police officers, NETCU was outside the scrutiny of the *Freedom of Information Act*. NETCU existed from 2004 until it was rebranded in 2011.
63. During those years, the police officers working for NETCU compiled reports on individuals and campaign groups, sent and received emails and written correspondence, and kept minutes of internal meetings and those with industry contacts (such as the Consulting Association meeting in 2008). All requests for the documents relating to the meeting to be disclosed have been refused by the police, instead they claim that all NETCU records were destroyed and there was no transfer or copying of any information.
64. I will go out on a limb and state for the public record that I believe this to be a blatant lie. What exactly was taxpayers' money being spent on if all of NETCU's work was worthless? Are we seriously to believe that after seven years, not one single document produced by NETCU was worthy of transfer to the Met Police or has been accessed by the police since?
65. Ask the families of football supporters who were unlawfully killed at Hillsborough or miners falsely arrested at Orgreave whether the police lie. The undercover officers in the spycops units were trained to lie. It doesn't take a huge leap of imagination to suggest that some ex-police officers will lie when questioned by this Inquiry. This Inquiry has a choice: either it accepts everything it is told by the police as the truth, or it accepts that police officers and, especially the UK's political policing, units lie, and therefore the Inquiry needs to be sceptical about accepting their statements at face value.
66. Unfortunately, from what we have seen so far, the Inquiry has repeatedly given the benefit of the doubt to the police. An incidence of this is that despite admitting that spying on union militants being a central role of SDS activity, the police claim that in 40 years of undercover deployments, only one police officer actually joined a trade union. This in a time period that covers such significant industrial events as the Fords Equal pay strike, Pentonville 5, the Shrewsbury Pickets, Saltley Gates, the 3-day week, Grunwick, Miners strikes,

Cammel Laird, Wapping, the Liverpool Dockers, Firefighters strikes and the BESNA dispute to name but a few.

67. I am not a lawyer, but I imagine than when barristers meet at legal events and social functions they ask each other where they studied law or what Chambers they are at, possibly what school they went to? In the labour movement, at meetings or on picket lines or in the pub afterwards, we ask each other what union do you belong to? Any SDS officer targeting union activists who was not a member of a union would stand out like a sore thumb. Yet the police claim that in over 40 years, only one undercover officer joined a trade union? Are we seriously meant to believe this? Yet when we met the Inquiry team in 2018, this is what we were told by the Chair.
68. Giving the police the benefit of the doubt is observable in their continued refusal to provide core participants with copies of their own police files. None of us would be core participants if the police had not already accepted that we had been kept under surveillance. I have applied for my police file, plus files relating to the Blacklist Support Group. On both occasions, the police response was that they can 'neither confirm nor deny' whether the police hold any files on me, citing national security and the potential to interfere with ongoing criminal investigations as the reason. So much for police transparency.
69. In July 2018, the Blacklist Support Group held a meeting with the Inquiry team, where we specifically requested that the police files for Brian Higgins and John Jones be released. This was because the two core participants were both severely ill and in their seventies. We were given assurances by the Chair of the Inquiry that everything possible would be done to make this disclosure happen. More than 2 years later, the files have still not been released. Brian Higgins passed away in June 2019, without ever being able to see the extent of the state spying on him. What possible national security reason can there be for denying a dying man access to his police file from the 1990s? I am in close contact with Brian's family and I am putting it mildly by saying that they are furious with the way they have been treated by the police and by this Inquiry.
70. In relation to Tranche 1 of this Inquiry which starts in 1968, the Blacklist Support Group represents construction union activists with blacklist files that go back as far as the early 1960s. Yet, rather than seeing the full evidence bundle, the only disclosure the BSG has so far seen are a heavily redacted version of Operation Reuben carried out for Operation Herne and the SDS Annual Reports from 1968-1975.
71. If these reports are going to be used as core evidence in the Inquiry, I must make some comments. Firstly, the Reuben Report. What is so striking is the use

of language. The police repeatedly use terminology such as 'alleged victimisation' and 'supposed blacklisting' in relation to the core participants in the union strand, even though the investigating officers had access to the full Consulting Association blacklist, parliament had changed the law because of the scandal, there have been successful employment tribunal decisions with written judgements that are scathing about the blacklisting and the employers have made a public apology in the High Court. The Reuben Report is not a transparent investigation seeking the truth: it is the police preparing their defence for this Inquiry.

72. It would however be churlish of me not to thank the officers compiling the Reuben Report for their glowing review of the book written by myself and the investigative journalist Phil Chamberlain, which is described as, "the most comprehensive collection of material on the subject". Thank you, we will use that quote in our future marketing.
73. Secondly, in relation to the SDS Annual Reports. These remind me of the Annual Reports that multinational companies involved in blacklisting provide to shareholders at their AGMs. What is noticeable is while such annual reports identify areas in the globe where the companies operate and may even mention corporate ethics, they always omit any mention of the number of fatalities on their building projects or prosecutions for breaches of anti-corruption, safety or environmental laws. Or ongoing investigations by NGOs or public authorities for human rights violations. Not once have I seen mention of their role in blacklisting in the corporate annual reports. This is hardly surprising, as the reports are a PR document written by senior executives with a vested interest in securing a continued funding stream. The SDS Annual Reports fulfil the exact same purpose.
74. Yet even these heavily redacted and sanitised documents raise concerns that there are other documents that may be of relevance to us. One example is the explicit mention of the Shrewsbury Two Defence campaign as being infiltrated by the SDS. One of the leading members of the Shrewsbury Two Defence campaign was Mick Abbott, a scaffolder whose life was blighted for four decades due to blacklisting. His blacklist file starts in 1964, with multiple entries about his role in the Shrewsbury campaign. If SDS officers had infiltrated the campaign, it is implausible that Mick Abbott would not have been under surveillance. Sadly, Mick Abbott passed away in 2014, so he will never know if the police were spying on him or supplied information to employers about him.
75. SDS annual reports also refer to the 1972 national building workers strike as being a central area of concern. The blacklisted construction workers who were



active in the 1972 strike were amongst the leading figures in the Building Workers Charter movement that led the dispute. If the SDS was keeping union activists under surveillance during the 1972 strike, it again seems implausible that at least some of the blacklisted workers from that period were not the targets of surveillance. Yet despite making an application to the Inquiry, we have been denied permission to view the evidence from Tranche 1.

76. In conclusion, the treatment of blacklisted workers by the British legal system does not make us optimistic. The multinational corporations that ruined so many lives were able to buy themselves out of a High Court trial involving over 700 claimants. That is not justice. Blacklisted workers do not expect the state investigating itself to provide 'justice'.

77. Our participation in this Inquiry is a continuation of our campaigning, based on the slim hope that at least some evidence of the anti-union bias, institutional racism and institutional sexism of the British state spying machinery will be exposed to public scrutiny. We are here to shake the tree and see what falls out. Keeping this dark underbelly of anti-democratic political policing hidden is against the public interest – it only helps the perpetrators of wrong doing - not the survivors or the British public.

78. The police can claim all they like that they were protecting democracy. But by spying on trade union members and colluding with our blacklisting, the UK's political policing units are actually protecting big business and capitalism. And for the avoidance of all doubt: capitalism and democracy are not the same thing.

**Dave Smith**

**On behalf of the Blacklist  
Support Group**

**5<sup>th</sup> November 2020**