

Friday, 23 April 2021

(10.00 am)

MR FERNANDES: Good morning, everyone, and welcome to the third day of opening statements at the Undercover Policing Inquiry.

My name is Neil Fernandes and I am the hearings manager. This is Day 3 of the opening statements in Tranche 1 Phase 2, and this phase will conclude on 14 May.

I will now hand over to our Chairman, Sir John Mitting, to formally start proceedings. Chairman.

THE CHAIRMAN: Thank you.

Today, as yesterday, I'm going to begin by reading a short statement. I do so at the request of Celia Stubbs.

On this day in 1979, Blair Peach was struck on the head during a demonstration at Southall, causing his death. Blair Peach was a teacher and a committed campaigner against racism.

His partner, Celia Stubbs, is a core participant in this Inquiry and her opening statement, which set out the circumstances of his death, was read to the Inquiry yesterday.

There will now be a minute's silence to commemorate

1 Blair Peach.

2 (One minute's silence observed)

3 Thank you.

4 Ms Williams.

5 MS WILLIAMS: Good morning, Sir.

6 THE CHAIRMAN: Good morning.

7 Opening statement by MS WILLIAMS QC

8 MS WILLIAMS: This statement is made on behalf of families
9 who became aware that the identities of their deceased
10 loved ones were appropriated for the purposes of
11 constructing the covert identities of
12 undercover police officers. Specifically:

13 Frank Bennett and Honor Robson, the bereaved brother
14 and sister of Michael Hartley, who died on 4 August 1968
15 at 18 years of age;

16 Faith Mason, the bereaved mother of
17 Neil Robin Martin, who died on 15 October 1969 at six
18 years of age;

19 Liisa Crossland and Mark Crossland, the bereaved
20 stepmother and brother of Kevin John Crossland, who died
21 on 1 September 1966 at five years of age;

22 Mr, Mrs and Ms Lewis, father, mother and sister of
23 Anthony Lewis, who died on 31 July 1968 at seven years
24 of age;

25 Barbara Shaw, the bereaved mother of Rod Richardson,

1 who decide on 7 September 1973, when he was just two
2 days old.

3 Each of our clients experienced the death of
4 a child, a life event amongst the most difficult that it
5 is possible to suffer. More recently, the families have
6 also suffered the horror of learning that their loved
7 one's identities were used by undercover officers
8 precisely because of their bereavements, because their
9 son or daughter lost their life when they were a child.

10 This phase of the Inquiry is a particularly
11 important one from our clients' perspectives, as it was
12 during the years covered by this phase of evidence that
13 undercover officers started to use deceased children's
14 identities, and it rapidly became the Special
15 Demonstration Squad's, the SDS's, standard practice.

16 Our clients seek answers from this phase of
17 the Inquiry to the most fundamental issues regarding
18 this callous misuse of their loved ones' identities.
19 How on earth did this abhorrent practice come to be
20 adopted? How did it come to be embedded in SDS
21 procedures? Were there alternatives that could and
22 should have been adopted instead? Did anyone consider
23 the impact upon the bereaved families of this practice?
24 And at what level within the Metropolitan Police
25 Service, who are referred to as the "MPS", was it

1 authorised or condoned?

2 Our clients have searched for answers to these
3 questions for too many years. They hope they will not
4 have to wait much longer. Barbara Shaw, the mother of
5 Rod Richardson, for example, has been trying to uncover
6 the truth since 2013. She is now very frail and her
7 health is failing. She is distressed to contemplate
8 that she will not live long enough to find out these
9 answers.

10 The families we represent engage in this Inquiry
11 because they want to know whether this abuse of their
12 memories of their loved ones was necessary, whether it
13 served any legitimate purpose, and if not, why it was
14 permitted to become such an embedded practice. On
15 the material now disclosed for this Tranche 1 Phase 2
16 hearing, we believe that the conclusion inevitably must
17 be that there was no clear rationale, no sufficient
18 justification and no necessity for this repulsive
19 practice.

20 In the earlier Tranche 1 Phase 1, the families
21 learned that between 1968 and 1972, none of the SDS
22 officers, who I will refer to as the "UCOs", who we
23 heard evidence about relied upon the identity of
24 a deceased child, and none suffered compromise of their
25 cover identity in consequence. Their fictitious covert

1 identities were protected, it would appear, by common
2 sense, by the maintenance of distance from their
3 subjects and keeping a low profile.

4 During this period, the SDS deployed UCOs without
5 any need to appropriate the identity of dead children.
6 Furthermore, the evidential picture that emerged from
7 this first phase of the Inquiry did not suggest that
8 there were any pressing operational imperatives that
9 either were prompting, or were sufficient to prompt,
10 the abandonment of the practice of officers using
11 fictitious identities for their legends.

12 I turn to the early Phase 2 period, prior to the use
13 of deceased children's identities.

14 We have searched in vain for evidence in
15 the thousands of pages of the Tranche 1 Phase 2 bundle
16 that would justify the dramatic change of approach that
17 took place in or about 1974. We do not believe it
18 exists.

19 Several of the officers whose evidence will be heard
20 or summarised in Phase 2 were deployed before 1974.
21 With one exception involving officer HN298's own
22 decision to use a real person's identity, it seems that
23 use of fictitious identities continued until some new
24 SDS officers were deployed in 1974. For example, HN45,
25 cover name "Dave Robertson", HN299, also known as HN342,

1 cover name "Dave Hughes", HN301, cover name "Bob Stubbs"
2 and HN347, cover name Alex Sloan, were deployed before
3 1974 and all used fictitious identities. None of these
4 officers have suggested in their accounts that using
5 a fictitious identity caused a specific concern amongst
6 them in terms of maintaining their cover; and,
7 furthermore, none of their experiences suggest that
8 using a fictitious name was a cause of, or heightened
9 the risk of exposure.

10 One of these officers, HN45, did have his undercover
11 identity compromised in December 1973, but this had
12 nothing to do with using a fake name. HN45's own
13 account is that a member of the public, Ethel, met him
14 when he was still a uniformed officer and greeted his
15 arrival undercover at a meeting at the London
16 School of Economics with, "Here are Scotland Yard come
17 to take us away." He was withdrawn from the field
18 immediately.

19 Diane Langford, in her statement, recalls aspects of
20 the incident differently. But in any event, it is plain
21 from both accounts that the officer's fictitious covert
22 identity played no part in his compromise;
23 the compromise was caused by visual recognition by
24 someone who had met this officer in the past.

25 We are only aware of two other incidents where

1 Phase 2 UCOs faced a challenge to their cover
2 identities. HN347, who infiltrated the Irish National
3 Liberation Solidarity Front, which I will refer to as
4 the "INLSF", was withdrawn from his deployment in 1971.
5 There is nothing to suggest that his use of a fictitious
6 identity played a part in those events. And it will be
7 appreciated that the practice of using fictitious
8 identities continued for around another three years
9 after that.

10 This officer, HN347, describes the INLSF as
11 being "very nervous" regarding infiltration by
12 undercover officers, and how he was followed and tracked
13 to his cover flat and confronted by two members of
14 the group stating that he was a "pig". His deployment
15 was ended as a precaution.

16 It is hard to see how those matters would have
17 played out any differently if that undercover officer
18 had been using a deceased child's identity.

19 Secondly, HN298, who, as I have just mentioned, did
20 use a real person's identity, seemingly of his own
21 volition, describes being challenged as a spy and
22 responding by assaulting his accuser. As he was not
23 withdrawn from his deployment, clearly the risk of
24 compromise cannot have been considered all that
25 significant.

1 The lack of justification for the dramatic change in
2 policy is underscored by the contents of the SDS's own
3 annual reports, documents prepared each year by
4 the officer in charge of the unit for consideration by
5 the senior echelons of the MPS and the Home Secretary.

6 The 1972 Annual Report, written on 14 February 1973
7 by HN294, the detective inspector who was then head of
8 the SDS, confirmed at paragraph 17:

9 "One of the main advantages of a field officer
10 assuming a fictitious name, using a cover address and
11 employment and radically altering his appearance is
12 that -- unlike an informant -- he can resume his proper
13 identity and appearance at any time and immediately be
14 'lost' to the extremists."

15 The 1973 Annual Report from HN294, now a chief
16 inspector, was written on 6 March 1974, the very year in
17 which it seems the new practice commenced. But far from
18 identifying a new or increasing threat to the unmasking
19 of his undercover officers, he described:

20 "... the avoidance in nearly six years existence of
21 the irretrievable exposure of any SDS officer."

22 And the point still holds good if the evidence
23 should show that the practice was introduced in
24 the previous year, 1973, since the 1972 Annual Report,
25 written in early 1973, contained the almost identical

1 observation that:

2 "Since the formation of the squad no officer has
3 been irretrievably exposed or identified."

4 So it seems that after six years of operation,
5 the SDS had relied upon a perfectly serviceable means of
6 acquiring fictitious covert identities. What, then,
7 provoked the change?

8 We have also re-examined the SDS's Tradecraft
9 Manual, which we referred to in our opening statement
10 for Phase 1. This was the document, it will be
11 recalled, that referred so dismissively to the bereaved
12 families and their deceased loved ones in offensively
13 flippant terms. For example, the officer's task was
14 characterised as "finding a suitable ex-person, usually
15 a deceased child". And officers were advised to find
16 a death that was "natural or otherwise unspectacular".
17 Checking whether the deceased child had living relatives
18 was referred to as identifying their "respiratory
19 status".

20 The manual notes that by 1994, there was growing
21 unease amongst SDS managers about the obvious risks
22 inherent in adopting a provably false identity, since
23 "hostile enquiry", as it was described, would reveal
24 that the person the undercover officer purported to be
25 was in fact dead.

1 The text also recognises, significantly, that these
2 were not new concerns. To the contrary, there had been
3 "many earlier fears" that using deceased children's
4 identities were "indeed unsafe".

5 I now turn to the start of the practice of using
6 deceased children's identities.

7 The material that has now been made available
8 indicates that from at least 1974 onwards, UCOs used
9 the identity of a deceased child, and were either
10 specifically instructed to do so, or were given to
11 understand that this was the expected practice.

12 For example, HN200, who used the cover name
13 "Roger Harris", HN353, "Gary Roberts", and HN351,
14 "Jeff Slater" were all deployed as part of the SDS in
15 1974.

16 HN200 says in his statement that he was:

17 "... told that the normal way of choosing a cover
18 name was to go to Somerset House and find someone who
19 had died."

20 In the same paragraph he says he:

21 "... did query whether it was necessary to do this
22 but it was explained that this was the usual process."

23 He describes someone from the SDS back office coming
24 with him to Somerset House to "show me the ropes as it
25 was a big undertaking".

1 Officer HN353 says that someone in the SDS told him
2 how to choose a cover name by attending Somerset House
3 and finding a person who had died who would have been of
4 a similar age to him if still alive.

5 HN351 describes it as follows, that it
6 was "the convention at the time that a deceased child's
7 identity would be used". But he goes on to say that he
8 does not recall the rationale for this being discussed.

9 Phase 2 officers who were later deployed to the SDS
10 have given similar descriptions of being told to use
11 a deceased child's identity in the creation of their
12 legend. For example, HN304, who used the cover name
13 "Graham Coates", who joined the SDS in 1975; HN354,
14 "Vince Miller", who joined in 1976; HN126, "Paul Gray",
15 who joined in 1977 and; HN96, "Michael James", and;
16 HN106, "Barry Tompkins", who both joined in 1978.

17 However, the disclosed documents offer no
18 explanation for why the use of fictitious identities was
19 abandoned. We do not know who made the decision, when
20 it was made or why it was made.

21 Mr Barr QC indicated in his opening statement to
22 the Inquiry on Wednesday that the Inquiry has not found
23 any contemporaneous written instruction or guidance
24 documents amongst the mountains of material that has
25 been considered that addresses or explains

1 the introduction of this practice.

2 In short, nothing has been provided that could
3 justify the damage that the change of practice has
4 caused to real, bereaved, vulnerable human beings;
5 nothing that could justify the huge risks of avoidable
6 harm to policing itself. The inference that we
7 reasonably draw is that the relevant decision-makers did
8 not contemplate the possibility that they would ever be
9 asked to answer questions in public about this practice.
10 The very fact of this Inquiry's investigation serves
11 a vital public function in communicating that these
12 senior police officers are not above the law.
13 The actions of those senior decision-makers will come
14 into focus in Tranche 1, Phase 3, and the evidence to be
15 heard in the coming weeks will be of great significance
16 to the questions that will arise for them.

17 In order to try and understand the introduction of
18 the practice, we look back at the justifications that
19 were advanced in the Phase 1 opening statements by
20 the Designated Lawyers Group officers and the MPS.

21 In summary, it was said there was an essential
22 operational imperative for undercover officers to rely
23 upon real identities. The Designated Lawyers' opening
24 statement said the justification for relying on
25 the identity of real people was to place officers in

1 a position to support their false identity by way of
2 a birth certificate that could be produced as proof if
3 they -- that they were who they claimed to be if they
4 were challenged, and that the equivalent could not be
5 done if a fictitious identity was adopted, as there
6 would not be a birth certificate in a publicly
7 accessible register of births, which were contained
8 within bound volumes.

9 Their opening statement continued that reliance on
10 fictitious cover identities "was adopted to begin with
11 ... but reviewed and abandoned after a number of
12 undercover officers were compromised or 'outed'".

13 However, I've already described incidents where
14 officers' cover identity was compromised. Strikingly,
15 none of those incidents suggested or warranted
16 the conclusion that the use of a deceased child's
17 identity would have made any material difference.
18 The Designated Lawyers' Phase 1 opening statement also
19 said:

20 "Some ... officers were uncomfortable with
21 the practice, some regarded it as necessary tradecraft
22 and all proceeded on the basis that there was no
23 alternative and the families of the deceased children in
24 question would never know."

25 The Phase 1 opening statement on behalf of the MPS

1 also relied upon alleged necessity, saying that evidence
2 would be given in Tranche 1 and 2:

3 "... as to why the practice was considered
4 necessary, at the time, to support the work of
5 undercover officers."

6 Well, we have yet to see that evidence. The MPS's
7 opening statement for this phase of the Inquiry does not
8 provide anything more concrete, and indeed appears to
9 acknowledge that in relation to the introduction of
10 the practice, the Inquiry will be testing "the extent to
11 which it was operationally necessary".

12 We also note that in the Phase 1 opening statement
13 provided by the National Crime Agency, who I will refer
14 to as the "NCA", the following was said:

15 "The NCA has never had a policy that involved
16 encouraging undercover officers to use the identities of
17 deceased children when creating their legend identities.
18 Nor is the NCA aware of any such policy being in place
19 within the [Regional Crime Squads], the [National Crime
20 Squads] or [Serious Organised Crime Agency]."

21 We suggest it is material that the Regional Crime
22 Squads operated from the 1960s until they were replaced
23 by the National Crime Squad in 1998. The Regional Crime
24 Squads contained dedicated undercover units that could
25 legitimately be described as "specialists" in undercover

1 policing. They operated prior to the digitisation of
2 birth records without appropriating the identity of
3 deceased children.

4 The MPS suggested in its opening statement for this
5 phase that the change in practice coincided
6 with "infiltration of more security conscious
7 organisations", which, they said:

8 "... brought a need to ensure that the identities
9 used by the undercover officers could withstand
10 scrutiny."

11 However, if this practice was introduced because
12 UCOs were outed, and/or because of the threat of this
13 occurring was thought to have significantly increased,
14 we would have expected to see a commensurate increase
15 around this time in other SDS precautions aimed at
16 shoring up the credibility of undercover officers'
17 legends, at preventing their exposure by those who were
18 being spied on. But again, we have looked for this
19 evidence in vain.

20 Turning, firstly, to the officers who were deployed
21 undercover in 1974. Officer HN200 says in his statement
22 said that he did "not create a particularly detailed
23 background persona". He goes on to say he did not
24 supply an autobiography, or go through a process of
25 eradicating inconsistencies within it with his

1 superiors. He says he received no written guidance on
2 creating his legend, and "it was largely left to me".

3 Both HN353 and HN351 also said they were not
4 provided with any other written guidance.

5 A similar impression emerges from
6 the undercover officers who were deployed over the next
7 few years. For example, HN126 says of his cover
8 identity in his witness statement:

9 "It is possible that it was not very detailed. I do
10 not think anyone ever really tested it."

11 HN354 says there was no formal training as to
12 the creation of a legend and no manual, and he comments:

13 "I have been asked whether my undercover persona was
14 sufficiently developed to include a cover background --
15 I simply made my legend up as I went along."

16 And he goes on to say that his legend was not tested
17 by managers.

18 So, on the face of it, this apparent casualness over
19 the creation of undercover officers' legends does not
20 sit well with the proposition that fears of their
21 exposure had escalated and had become so great by 1974
22 onwards that they had to adopt this extreme tactic of
23 misappropriating the identity of a dead child.

24 We note, of course, that the technique of using
25 a dead person's identity came to public prominence via

1 Frederick Forsyth's The Day of the Jackal. The novel
2 was published in 1971 and the film was released in 1973.
3 The timing is interesting. Could it be that a work of
4 fiction rather than operational necessity inspired
5 the introduction of this repellent tactic?

6 Once introduced, the practice of undercover officers
7 employing the identities of deceased children appears to
8 have lasted around 20 years, albeit not consistently in
9 the later years. We hope the Inquiry will look
10 carefully at the justification for it, not only at its
11 inception but as time progressed. Strikingly, there was
12 a demonstration of its risks and limitations shortly
13 after it was introduced.

14 As Mr Barr QC's briefly mentioned on Wednesday,
15 the now deceased HN297, Detective Constable
16 Richard Clark, who was known in his cover name as "Rick
17 Gibson", was deployed in early 1975, and was withdrawn
18 in September 1976 when members of Big Flame, the group
19 was spying on, confronted him with official copies that
20 they were able to obtain of both the birth and the death
21 certificates in his cover name.

22 Richard Chessum's witness statement indicates that
23 suspicions surrounding "Rick Gibson's" identity first
24 emerged because he appeared to lack the understanding of
25 the political and historical background and events that

1 would be expected of an activist in their circles.
2 The reference, years later, in the Tradecraft Manual to
3 an SDS officer being "confronted with his own death
4 certificate" appears to be a reference to the compromise
5 of DC Clark's covert identity as "Rick Gibson". And it
6 seems clear that the officer constructed his covert
7 identity from the personal details of a deceased child
8 consistent with the SDS practice of the time, and that
9 it was the availability of the child's death certificate
10 which clinched the suspicions of those who confronted
11 him.

12 Accordingly, far from confirming that use of
13 a deceased child's identity provided a secure means of
14 maintaining cover because a real birth certificate
15 existed to be found if a suspicious person went looking
16 for it, this episode in fact vividly illustrated
17 the dangers of relying upon a real person's identity,
18 because the death certificate as well as the birth
19 certificate was there to be found.

20 As Mr Barr noted, Detective Constable Clark was one
21 of the first officers to use a deceased child's
22 identity, and the technique proved not robust enough to
23 protect his cover. In operational terms, it was
24 a failure. Deceased children's identities were not
25 a prophylactic against exposure, and managers knew it.

1 There may be a further dimension to DC Clark's
2 outing. On the account of an officer whose testimony
3 has been gisted by the Inquiry, Clark told him that he
4 had a couple of sexual relationships in his cover
5 identity which led to his identity being compromised.
6 Richard Chessum recalls that this officer had sexual
7 contact with at least four female activists, including
8 one or more members of Big Flame, the group that became
9 suspicious and started to enquire into his background.

10 The same undercover officer also had casual
11 sexual relationships with both "Mary" and her flatmate,
12 whom he met through Goldsmith's College and the Troops
13 Out Movement. "Mary" describes how they both found his
14 behaviour oddly detached. For example, he never stayed
15 the entire night. But they didn't consider
16 the possibility that he was an undercover officer until
17 they were informed of Big Flame's discover.

18 What does seem clear, though, is that DC Clark was
19 willing to behave in a way that put exposure of his true
20 identity at considerable risk, and in a manner that may
21 very well have drawn suspicions upon himself. His
22 behaviour was certainly the antithesis of the conduct we
23 heard described in Phase 1, where officers spoke of
24 the importance of keeping distance and maintaining a low
25 profile as essential elements to retaining cover.

1 The circumstances of Clark's exposure and withdrawal
2 from the field prompted the officer who held overall
3 responsibility for the SDS at the time, Chief
4 Superintendent Bicknell, to send a memo to his superior
5 officer informing him of the compromise, and
6 offering reassurance that both he and
7 Superintendent Kneale were "keeping a very close eye on
8 it". The compromise of DC Clark was considered to give
9 rise to "extreme safety concerns".

10 It is therefore extraordinary that the practice of
11 reliance upon dead children's identities was not
12 immediately abandoned after these events in 1976. It is
13 equally extraordinary that they did not lead to
14 a disciplinary investigation regarding DC Clark's gross
15 misconduct while undercover. A proper review of all
16 these matters in 1976 would likely have identified that
17 use of deceased children's identities, particularly when
18 allied to outrageous conduct in undercover roles, ran
19 significant risks of compromise and could not be
20 justified.

21 Moreover, such a review would likely have brought
22 focus to bear on the importance of an
23 undercover officer's own conduct and their maintenance
24 of high standards of professionalism in the securing of
25 their own safety. In reality, the use of fictitious

1 identities and maintenance of strict professional
2 standards, including keeping a distance from the subject
3 of the surveillance, afforded far better cover than that
4 provided by officers preying on the biographical details
5 of dead children who had suffered tragic early deaths,
6 and then failing to adhere to professional standards
7 once they were deployed.

8 There are other instances of undercover officers who
9 used a deceased child's identity attracting suspicion.
10 HN126, "Paul Gray", came under suspicion, but it was not
11 considered a sufficient threat to require his removal
12 from the field. So this is a further example where an
13 identity based upon a real person offered no more
14 protection than a covert identity based upon a fiction.

15 HN304, who used the cover name "Graham Coates", had
16 his cover identity compromised because he gave his real
17 name when stopped by police, but obviously that episode
18 provides no support at all for the proposition that use
19 of a deceased child's identity afforded greater
20 protection.

21 As far as we can see, there was no justification for
22 adopting the practice of reliance upon dead children's
23 identities, and no justification for continuing with it
24 after the dangers associated with it were exposed by
25 the events in 1976. Not only did the SDS fail to revert

1 the practice of relying upon fictitious identities, but
2 they did not take steps to direct and ensure that
3 officers did not compromise their covers or put them in
4 jeopardy by engaging in conduct antithetical to their
5 policing responsibilities. The available material
6 indicates that SDS managers failed to see -- failed to
7 oversee that officers prepared assiduously for
8 deployment and once in the field, maintained distance
9 and avoided unnecessary intrusion.

10 All of this speaks to a lack of professionalism and
11 a unit that was operating far beyond the boundaries of
12 proper policing.

13 By way of further example, from the date of his
14 deployment, 1974, it is highly likely that
15 undercover officer HN300, who used the cover name
16 "Jim Pickford", was employing a deceased child's
17 identity. As Ms Kaufmann QC explained yesterday, this
18 officer embarked on a sexual relationship with one of
19 the women he was spying on, and subsequently had a child
20 with her.

21 So not only did the reliance upon deceased
22 children's identities continue, and indeed become the
23 embedded practice of the SDS for a further two decades,
24 but the gross misconduct of officers under cloak of
25 those identities continued, indeed escalated, as

1 Ms Kaufmann described yesterday.

2 I turn to the moral dimension. On the face of it,
3 remarkably few SDS officers appear to have experienced
4 qualms of conscience about appropriating a deceased
5 child's identity. We have seen nothing to suggest that
6 this immensely important aspect was taken into account
7 by their superiors, even after it must have become known
8 that officers were conducting deceptive
9 sexual relationships under these stolen cover identities
10 and, as I will come on to describe, committing crimes.

11 One of the officer's accounts where we only have
12 the short gist provided by the Inquiry says he
13 considered "the moral implications of doing so at the
14 time but considered it [was] the right thing to do" as
15 the only way to effectively protect his safety. We've
16 already addressed the latter proposition.

17 It is unclear whether there was any wider discussion
18 of the moral implications amongst this seemingly
19 tightknit group of officers and the superiors who they
20 met with and spoke to very regularly. There plainly
21 should have been.

22 One officer, HN80, says in his witness statement
23 that it distressed him to use the details from
24 a deceased child's birth certificate, "and I knew that
25 it would necessarily cause distress to the family if it

1 was discovered". He goes on to describe identifying
2 a death certificate for a Paul Clark, but making clear
3 to his managers he wanted to use a different first name,
4 Colin, and his own date of birth. However, his account
5 suggests that his request was not fully accommodated, as
6 some of Paul Clark's details were used in relation to
7 the driving licence and passport that he was provided
8 with in the Colin Clark cover name.

9 His account raises a number of issues which our
10 clients hope the Inquiry will explore in this and in
11 Phase 3.

12 As his managers were made aware of this officer's
13 concern about causing unnecessary grief to a bereaved
14 family, did this give them any pause for thought?

15 Even if, shockingly, they had not considered it
16 before, did they then think about the moral dimension at
17 this stage? If not, why not?

18 Were his concerns discussed amongst the other
19 undercover officers? Did any of the officers who
20 adopted a deceased child's identity believe they had
21 a choice over the matter, or were they given to
22 understand that they must follow an instruction to that
23 effect?

24 We also note that HN80 was deployed undercover for
25 almost five years with the SDS, so in his case it seems

1 that despite his less than wholehearted adoption of
2 the prevailing policy of using a deceased child's
3 identity, that was not regarded as compromising his
4 cover.

5 On a related topic, our clients are keen to
6 understand the extent to which the details from
7 the deceased children's lives were adopted, and
8 the extent to which officers visited the area in which
9 the child lived.

10 Mr Barr described the accounts of two of the Phase 2
11 officers in this respect in his opening on Wednesday.
12 We note that HN96, who used the cover name
13 "Michael James", says that he was instructed to visit
14 Blackpool, the birthplace of the deceased child, and
15 that he received assistance from the local
16 Special Branch in making enquiries about the family's
17 address. Given the terms in which this is described, it
18 seems hard to credit that this instruction was
19 a one-off.

20 Why weren't HN96's contemporaries given similar
21 instructions? Was there anything unique about this
22 case, or are other UCOs being less than forthcoming with
23 the Inquiry about the degree of intrusion they were
24 responsible for? We note that Mr Barr has confirmed
25 this issue will be explored with the Phase 2 witnesses.

1 As I have already touched on, our clients have an
2 additional concern arising from the use of deceased
3 children's identities which they also hope the Inquiry
4 will look at carefully. And this is the extent to which
5 officers committed criminal offences and were arrested,
6 prosecuted and, worse still, convicted in those names.
7 Although officers' use of the names of our families'
8 loved ones will not arise until later tranches of
9 evidence, our clients want to understand more generally
10 the extent to which this shocking state of affairs
11 occurred, and the extent to which, if at all, it gave
12 managers pause for thought about the wisdom or
13 the morality of using real identities belonging to real
14 people.

15 Undercover officer HN13 is deceased, but his widow
16 confirms he used the surname of a deceased child from
17 Wiltshire. This officer was arrested, charged and
18 convicted of public order offences in the name of
19 the deceased child he took.

20 And as has been described in earlier opening
21 statements, HN298, who was using the identity of a real
22 person without, it seems, checking first whether they
23 were alive or dead, was arrested, charged, tried and
24 convicted in his cover name for offences of obstructing
25 a police officer and wilfully obstructing the highway.

1 Other officers may have escaped arrest and
2 prosecution, but they were willing, it seems, to run
3 that risk, by committing offences when they were using
4 a deceased child's identity.

5 For example, HN297 is described as participating in
6 flyposting in his local area. Surely, the fact that
7 undercover officers could face prosecution and
8 conviction in their adopted identities provided further
9 compelling reason for SDS superiors to be extremely
10 cautious about using the identities of real people?

11 Was any regard paid to the consequential and wholly
12 unjustified besmirching of their good names? Was any
13 regard paid to the likely impact on bereaved families of
14 learning that their loved ones' reputations had been
15 tarnished in this way? Were any steps taken to protect
16 the real, living, as it turned out in the case of
17 Michael Peter Scott, whose details HN298 so casually
18 misappropriated? Mr Barr said on Wednesday that
19 the Inquiry has not been able to establish whether these
20 convictions were ever attributed to the real Michael
21 Scott, but we hope investigations in relation to this
22 important matter will continue.

23 From all we have read, the callous interference with
24 bereaved families that we have described was in every
25 sense consistent with the motivations, culture and

1 broader practices of the SDS, a unit that had been
2 permitted to operate without legitimacy or
3 accountability over several years by now.

4 Whilst from 1974, prospective UCOs were told to take
5 the steps necessary to acquire elements of
6 the identities of the deceased children by their
7 superiors, there is no indication in the material that
8 we have seen of actual supervision of the officers with
9 regard to their use and misuse of the data they
10 accessed; not a hint of any consideration by senior
11 officers as to the proportionality of their actions, nor
12 to the potential consequences for the bereaved families
13 should they become aware of what was happening; not
14 a sign of any appreciation that this could never be
15 characterised as an action taken on the public's behalf
16 in anticipation of public consent; and no review of
17 necessity, efficacy or risk.

18 On the contrary, this abhorrent, grossly abusive
19 technique simply became the embedded cultural practice
20 of the SDS, where it sat alongside other abhorrent
21 behaviours, all of which manifested in the context of
22 a unit that lacked legitimacy, accountability or
23 effective supervision.

24 In preparing for this phase of the Inquiry, our
25 ability to probe the adoption of the practice of

1 appropriating deceased children's identities and to
2 examine the extent to which the previous approach
3 afforded UCOs sufficient protection has been hampered by
4 the restrictive approach taken to disclosure.

5 The MPS has argued that should this Inquiry require
6 disclosure of information about its undercover policing
7 techniques and methodologies, real and tangible harm
8 would be caused to policing. This had led to what our
9 clients consider to be extensive and potentially
10 excessive redactions of information regarding
11 the practices surrounding the creation of fictitious
12 identities prior to 1974 and the practices surrounding
13 reliance on the identities of deceased children
14 thereafter.

15 Our clients struggle to understand how any harm to
16 policing can be derived from disclosure of information
17 regarding obsolete or discredited and abandoned policing
18 techniques. It is, from our clients' perspective,
19 the abhorrent practice of using the identities of their
20 loved ones that has caused the harm to policing.

21 Policing by consent has been the philosophy of
22 British policing for almost two centuries. The nine
23 principles of policing, issued to every police officer
24 from 1829, explicitly required police officers to:

25 "... recognise always that the power of the police

1 to fulfil their functions and duties is dependent on
2 public approval of their actions and behaviour and on
3 their ability to secure and maintain public respect."

4 Also:

5 "... [to] maintain at all times a relationship with
6 the public that gives reality to the historic tradition
7 that the police are the public and that the public are
8 the police."

9 The conduct of the SDS has been the absolute
10 antithesis of policing by consent.

11 We have therefore invited the Inquiry legal team to
12 review whether each and every redaction sought by
13 the MPS is in fact sufficiently justified, and we do
14 hope that greater openness may be possible, particularly
15 where the redactions conceal information regarding
16 the discredited and abandoned technique which is at
17 the very centre of this aspect of the Inquiry's
18 investigations, or where the concealment only concerns
19 obsolete practices. We invite this review because of
20 the absolute importance to our clients of the Inquiry's
21 investigations being open and transparent, and them
22 being able to participate as fully as possible.

23 The evidence as it emerges is that the SDS operated
24 with impunity and with great confidence that the units
25 and its managers would not be called upon to account for

1 its actions. This Inquiry's great burden of course is
2 to ensure that this expectation on the part of former
3 SDS officers does not spread its cloak over the means by
4 which it may detect and expose police wrongdoing.

5 A more open approach to information concerning these
6 practices will, we suggest, assist the Inquiry in
7 discharging its functions.

8 Paragraph 23 of the 1973 Annual Report pointed out
9 that the risk of compromise could never be extinguished,
10 and that individual officers bore a "great weight of
11 responsibility" to maintain their cover through careful
12 preparation of their "political backgrounds, cover
13 addresses and employments", and, it went on to say,
14 that anticipating suspicion, so that periods when it was
15 necessary to "live the life full time" might be kept
16 comparatively short.

17 This commonsense guidance sits in stark contrast
18 with the evidence the Inquiry will hear from and about
19 undercover officers in this phase in terms of their
20 actual conduct on the ground. The Inquiry will hear
21 from officers who took scant interest in their own back
22 stories, whose preparation and attitudes were casual,
23 who recorded little and who recalled less; from officers
24 who left the expected professional standards far behind
25 when they deployed into the field.

1 It appears that the Security Services were available
2 and did assist with the provision of fictitious cover
3 identities and materials to underpin and make credible
4 those identities on a few occasions. But no answers
5 emerged from the Phase 2 documents bundle as to why
6 the SDS took what appears to have been its own path.

7 As we have shown, as late as 1972 and 1973,
8 the leadership of the SDS was expressing confidence in
9 the unit's reliance upon fictitious identities.
10 The reason for the unit's switch to using identities of
11 deceased children at this stage remains an unexplained
12 mystery.

13 The evidence to be heard in this phase of
14 the Inquiry is of grave importance to the bereaved
15 families. We believe that it will establish that
16 reliance upon the identity of deceased children became
17 an adopted and embedded practice in the SDS without any
18 clear rationale.

19 Our clients seek full scrutiny, effective
20 lesson-learning and the implementation of tangible
21 protections against future abuses.

22 Thank you very much, Sir.

23 THE CHAIRMAN: Thank you, Ms Williams. And we will now have
24 a ten-minute break until 11 o'clock, when we will hear
25 from Mr Scobie.

1 MS WILLIAMS: Thank you, Sir.

2 THE CHAIRMAN: Thank you.

3 MR FERNANDES: We will now take a ten-minute break.

4 The time is now 10.50 am, so we shall reconvene at 11
5 am.

6 Thank you.

7 (10.48 am)

8 (A short break)

9 (11.00 am)

10 MR FERNANDES: Welcome back, everyone. I shall now hand
11 over to the Chairman to continue proceedings.

12 Chairman.

13 THE CHAIRMAN: Thank you.

14 Mr Scobie.

15 Opening statement by MR SCOBIE QC

16 MR SCOBIE: Thank you, Sir.

17 I appear along with Piers Marquis of Doughty Street
18 Chambers and Paul Heron of the Public Interest Law
19 Centre, and this is an opening statement on behalf of
20 Richard Chessum and "Mary".

21 We represent four core participants who are directly
22 affected by undercover officers whose evidence is to be
23 heard in this phase. Richard Chessum and "Mary" were
24 spied upon by Detective Constable Richard Clark, and we
25 are using his real name because it is one of the few

1 that the Inquiry has disclosed. Every other officer
2 that we refer to -- and there are many -- are referred
3 to by their cover name.

4 We also represent Lindsey German and John Rees.
5 They were spied upon, at the very least, by
6 "Phil Cooper" and Colin Clark. The evidence of other
7 officers impact directly on the Socialist Workers Party,
8 the organisation in which they held central committee
9 roles.

10 We were directed to provide this written opening
11 statement by the 14 April 2021. That direction was made
12 on the basis that the Inquiry would disclose
13 the evidence of these officers by 4 March 2021. That
14 was not done. The material in respect of Clark was not
15 provided until 1 April 2021. At the time of writing,
16 the Inquiry has still not served a witness statement
17 from Colin Clark. It has not served a single page of
18 disclosure in respect of "Phil Cooper".

19 We've asked that those officers be put back to
20 the next phase, to give those who were spied upon
21 a chance to contribute. The Inquiry has refused. Thus
22 denying these people the opportunity to provide an
23 opening statement before the evidence is given.
24 The Inquiry has denied itself the chance of looking at
25 that evidence from the perspective of those that were

1 spied upon, rather than those doing the spying.

2 It is obvious to anyone, and plainly to this
3 Inquiry, that late or non-disclosure inevitably
4 restricts the ability of Non-State Core Participants to
5 review the material, investigate the detail and
6 ultimately put forward their side of the story. Is this
7 a deliberate policy?

8 Despite the limitations that have been forced on us,
9 we will show that the Special Demonstration Squad went
10 far beyond its original remit, that DC Clark manipulated
11 the democratic processes of an organisation to place
12 himself in a high position of responsibility. From
13 there, he was able to destabilise and attempt to
14 decapitate the organisation.

15 We will show that to achieve that high position, he
16 used and exploited the trust of law-abiding citizens,
17 including four women, victims of his manipulative
18 sexual relationships.

19 We will show that in those positions of power --
20 those in positions of power in the Metropolitan Police
21 were fully aware of his tactics.

22 We will show that Clark's deployment served to
23 direct the undercover officers that followed to take up
24 organisational roles which then became the norm.

25 We will show that ultimately, authority for all of

1 this came from the highest level of government. Prime
2 Ministers were aware of the activity and remit of
3 the Special Demonstration Squad.

4 We will also draw attention to the evidence showing
5 widespread blacklisting of individuals because of their
6 political views, and invite the Inquiry to properly
7 scrutinise this evidence and deliver a degree of belated
8 justice to the victims.

9 We will also demonstrate that the Inquiry has
10 the evidence to effectively challenge these officers
11 when they try to justify their behaviour. We urge
12 the Inquiry to take the perspective and experience of
13 the ordinary people that were spied on, and directly
14 make that challenge. It has a duty to do so.

15 DC Richard Clark.

16 In December 1974, Richard Chessum and "Mary" were
17 students at Goldsmith's College. "Mary" was studying to
18 become a teacher. Richard was finishing off a sociology
19 degree. Both were members of the college's
20 Socialist Society. Intelligent people committed to
21 helping others.

22 "Mary" was 27 years old. She had come to the UK
23 having grown up in South Africa. She had witnessed
24 the state violence and injustice of the apartheid
25 regime. She campaigned on issues of anti-racism,

1 women's liberation, civil liberties and free speech.

2 She was an elected student union officer, devoting much
3 of her free time to campaigning and helping others.

4 Richard Chessum was 32. He'd been a Methodist lay
5 preacher, working full time at the South London Mission.
6 He was involved in the Fellowship of Reconciliation, an
7 international movement committed to active non-violence
8 to change the world for the better. He'd worked as
9 a political officer for his local Labour Party, and been
10 involved in the Campaign for Nuclear Disarmament. He
11 demonstrated against the war in Vietnam and against
12 apartheid. He joined the Anti-Internment League, and
13 organised the lobbying of MPs in the aftermath of
14 the shooting of unarmed civilians by the British army on
15 Bloody Sunday.

16 At around the same time, in December 1974,
17 DC Richard Layton Clark was deployed into Goldsmith's
18 College by the Special Demonstration Squad. He was 29,
19 married with children. A police officer for five years.
20 He stole the identity of a deceased child, Richard
21 Gibson, from the records at Somerset House. He enrolled
22 at the college on a Portuguese language course.

23 Clark's target was the Troops Out Movement. An
24 interesting target from the perspective of this Inquiry,
25 because it did not fit with the stated aims of

1 the Special Demonstration Squad.

2 The movement posed no public order risk at all. Its
3 aims were publicly stated and straightforward: (i)
4 self-determination for the people of Ireland, and (ii)
5 the withdrawal of British troops from Northern Ireland.

6 Their methods were lobbying Members of Parliament,
7 drafting alternative legislation, and raising awareness
8 with the occasional low-key demonstration, talks and
9 film screenings.

10 The Troops Out Movement had already been infiltrated
11 as recently as 1974 by HN298, "Mike Scott", who
12 concluded that:

13 "It had no subversive objectives and as far as I am
14 aware did not employ or approve the use of violence to
15 achieve its objectives."

16 "Scott" was right. There was no history of any
17 public order issue related to the movement, either
18 before Clark's employment or in the many years that
19 followed. So, what was the justification?

20 DC Clark is dead. Therefore, we don't have
21 a witness statement from him or the opportunity to ask
22 him questions. However, we've had sight of disclosed
23 reports that he wrote. Reading those alongside
24 the evidence of Richard Chessum and "Mary", we can gain
25 significant insight into how he worked.

1 Step one: identifying a target organisation.

2 First, his remit was meticulously planned. Shortly
3 before he was deployed, he wrote to the national office
4 of the Troops Out Movement. He told them that he was
5 a student at Goldsmith's and asked about any local South
6 East London branch that he could join. He already knew
7 that there wasn't one.

8 Richard Chessum had previously been involved with
9 the Anti-Internment League, and so was known to some in
10 the national office of the Troops Out Movement. He had
11 not become involved because he was studying hard and had
12 recently been ill. He had not joined and had no plans
13 to do so. Nonetheless, the national office contacted
14 Richard Chessum and a meeting was arranged between him
15 and Clark.

16 By February 1975, using the Socialist Society as
17 a tool, Clark had succeeded in creating an entirely new
18 branch of the Troops Out Movement. There were five
19 founder members of that branch: "Mary", Richard Chessum,
20 Richard Chessum's partner, another student and of course
21 DC Richard Clark himself.

22 Clark had completed step one: he was in the Troops
23 Out Movement. But rather than infiltrating a branch, he
24 had actively established one. He generated something to
25 spy on. He encouraged and organised demonstrations,

1 such as the picketing of the local Woolwich barracks and
2 the homes of local MPs. This created the potential for
3 public order problems that the Special
4 Demonstration Squad supposedly existed to prevent.

5 He created targets to spy on. Neither "Mary",
6 Richard Chessum nor his partner had Special Branch files
7 in their names until they became involved with Clark.
8 Richard Chessum had come to Special Branch's attention
9 before, because he had merely written a letter to
10 the Black Dwarf publication, but there was no file on
11 him. In all three of their cases, their Special Branch
12 files were tagged with 1975 as the year of their
13 creation, after they had met Clark.

14 What was the result of Clark's work?

15 Richard Chessum and "Mary" had their personal lives
16 reported and monitored to an extent that was both
17 sinister and ridiculous. Details of their private lives
18 passed up the chain of command and along to MI5. Their
19 physical appearances, commentary on their body size,
20 addresses, personal relationships, place of work,
21 hairstyles, immigration applications, health issues,
22 what theatre productions they went to, where they were
23 going on holiday to and who with, right down to
24 the brand of cigarette they smoked.

25 There was no reason for any of this. None of these

1 people posed a threat to anyone. They were targeted
2 first because of their politics. Secondly, they were
3 useful, and Clark used them.

4 Step two: developing an identity and building trust.

5 Clark aimed to get himself into a position of trust
6 and responsibility. He managed to do exactly that.

7 What were his difficulties? He had no back history;
8 he had just appeared. So before he could engineer
9 himself into a key position, he needed to establish
10 a background for himself and a place in the social
11 network of political activists. That was step two.

12 He did that by exploitation. "Mary" is unequivocal.
13 Clark used sexual advances on activists as part of a way
14 of ingratiating his way into the group as a whole and
15 building a back story. He certainly did that with her.
16 Clark initiated a sexual relationship with "Mary" having
17 been invited by her into her home.

18 It was not just "Mary". In total, he had
19 sexual relationships with four activists that we know
20 of. A pattern emerges from his reports. We can see
21 that Clark exploited each one of these women to assist
22 him with his infiltration of the Troops Out Movement,
23 and on at least one occasion to gain a tactical
24 advantage.

25 The other three women were a friend of "Mary's",

1 who, for the sake of anonymity, we will simply call
2 "Mary's flatmate", and two activists from
3 the organisation Big Flame that was an additional target
4 of Clark's in the latter part of his deployment. We
5 will address these relationships as we go through
6 the timeline of DC Clark's deployment.

7 The sexual relationship with "Mary" and
8 the establishment of a close friendship with
9 Richard Chessum were part of a tactical strategy and
10 helped him achieve step two.

11 Step three: taking positions and moving up
12 the hierarchy of a target organisation.

13 As one of the founder members of the South East
14 London branch of the Troops Out Movement, Clark used it
15 to gain access to the national movement. This was
16 Clark's step three. It was to prove quite difficult,
17 but he managed it with an astonishing level of
18 ruthlessness.

19 By 18 March 1975, Clark had got himself elected as
20 the secretary, the top position in the branch. He and
21 Richard Chessum were then elected as voting delegates to
22 the Troops Out Movement Liaison Committee conference.
23 That move gave Clark access to the movement at
24 a national level and exposure to the leadership, with
25 the added credential of being a branch secretary. It

1 ensured that he would be accompanied there by
2 Richard Chessum, a man with a proven track record of
3 genuine commitment. Clark's cultivated friendship with
4 Richard Chessum gave him credibility.

5 On both 2 and 7 April 1975, Clark got himself
6 elected as a delegate to the London coordinating
7 committee of the movement and the all-London meeting.
8 On the last of these occasions, he had chaired
9 the branch meeting which had taken place at
10 Richard Chessum's home. He was becoming known at
11 a national level.

12 At a branch meeting on 21 April 1975, he pointedly
13 took an opportunity to, in his own words, "severely
14 criticise" another section of the movement. It was
15 a move that appeared to ensure that he was elected as
16 the branch's delegate to the national coordinating
17 committee of the Troops Out Movement.

18 16 June 1975 was a key date. There was political
19 division within the Troops Out Movement. That was
20 replicated in the South East London branch. The group
21 Workers' Fight had mobilised their members to
22 the branch, in an attempt, as far as Richard Chessum was
23 concerned, to take control of it. There was significant
24 political infighting at the meeting. Despite this,
25 Clark was once again elected to be a delegate for

1 the next London coordinating committee, but this time he
2 was elected along with a member of Workers' Fight.

3 Where, previously, his position as a founder member
4 had guaranteed his delegate roles, the influx of
5 Workers' Fight members could make things problematic for
6 him. If they succeeded in completely taking over
7 the branch, then Clark would no longer be able to attend
8 the London and national meetings. He would fail at step
9 three.

10 On 23 June 1975, again Clark and a member of
11 Workers' Fight were elected, this time as delegates to
12 the national coordinating committee.

13 Four days later, Clark attended a private meeting
14 organised by the head of the national Troops Out
15 Movement, Gery Lawless. There were only ten people in
16 attendance. They were people that were seen as key to
17 supporting Lawless's position in the national movement
18 against the Workers' Fight and the Revolutionary
19 Communist Group to take control of the organisation as
20 a whole. Clark was one of the ten. He had used his
21 attendances at the London and national committee
22 meetings to get close to Lawless, and was now seen as
23 a key supporter.

24 In his report, Clark noted that the group Big Flame
25 had also formed "an uneasy alliance" with Lawless.

1 On 7 June 1975, at a branch meeting, there was "an
2 unprecedented" turnout with a number of additional
3 attendees from Workers' Fight and the Revolutionary
4 Communist Group. One of those additional attendees was
5 "Mary's" flatmate, who was a member of Workers' Fight.
6 She had attended various Troops Out Movement pickets
7 over the preceding weeks, but this was her first
8 attendance at a meeting. The chances of Clark
9 continuing to be elected as a branch delegate to
10 the London and national meetings were rapidly reducing
11 as it was.

12 Two months later, on 16 September 1975, there was
13 another meeting of the South East London branch. This
14 one was overwhelmingly attended by members of
15 the Revolutionary Communist Group and Workers' Fight.
16 There was an election for delegates to attend the London
17 coordinating committee meeting three days later.

18 This particular committee meeting was going to be an
19 important one, because it would select delegates that
20 could stand for national positions. The two South East
21 London Branch delegates would be potential candidates
22 for those positions. One member of Workers' Fight was
23 elected as a delegate. For the remaining position,
24 Clark stood against Richard Chessum, and he was elected
25 by an additional two votes. This is significant, as we

1 believe that one of those votes was from "Mary's"
2 flatmate, a member of Workers' Fight who, conveniently,
3 Clark had been having a sexual relationship with.

4 The next day, at a Big Flame meeting,
5 Richard Chessum lamented the takeover of the South East
6 London Branch by members of Workers' Fight. Clark was
7 present.

8 Sure enough, on 19 September 1975, at the London
9 coordinating committee that Clark was a delegate to, he
10 was elected to the organising committee for London. It
11 was a national position. He had now passed beyond
12 branch level politics.

13 Clark had first stood against his friend
14 Richard Chessum, and in doing so, an undercover officer
15 had deprived the movement of a national officer who
16 genuinely had the interests and aims of the movement at
17 heart. Clark had replaced a decent man, Richard
18 Chessum, with himself, an undercover police officer. To
19 get there, he had secured the support, we believe, of at
20 least one member of Workers' Fight, a female activist,
21 who he just happened to have been sleeping with.

22 By 29 September 1975, the Workers' Fight takeover of
23 the branch was complete, with all five of the delegates
24 elected to the Troops Out Movement national conference
25 being from that group, including "Mary's" friend. It no

1 longer mattered to Clark because he'd already passed
2 beyond the branch. He would be going to the national
3 conference by reason of his new national officer role.

4 On 13 October 1975, he resigned the position of
5 branch secretary -- he no longer needed it -- and made
6 what he himself called, in his report to his police
7 superiors, "a scathing attack" on Revolutionary
8 Communist Group and Workers' Fight. Richard Chessum
9 remembers that resignation differently. He recalls
10 Clark simply saying a few words in a laid-back and
11 matter-of-fact announcement.

12 But that apparently "principled resignation" would
13 demonstrate to the delegates of the Troops Out Movement,
14 particularly Gery Lawless, that he was on their side,
15 that he was part of the "clique run by Gery Lawless".

16 In his new role on the organising committee of
17 the Troops Out Movement, Clark quickly became the London
18 organiser, nominated for the position by Gery Lawless
19 himself. Shortly afterwards, he was again nominated by
20 Lawless, this time for a position on the national
21 secretariat. He obtained this position and was then one
22 of only seven people in charge of the whole movement.

23 He continued his relationship with Richard Chessum,
24 primarily because he had friends in Big Flame. That
25 organisation had been notoriously difficult for the SDS

1 to infiltrate, but Clark was targeting it. He continued
2 to attend meetings at Richard Chessum's home and
3 reported on him. He recorded that Richard Chessum had
4 started a new job at the London Electricity Board. This
5 information was passed to MI5. "Mary" and her flatmate
6 largely disappeared from Clark's reporting now that they
7 had served their purpose.

8 Clark busied himself with activities in the Troops
9 Out Movement. He became an organiser of the national
10 rally, where he failed to secure the attendance of any
11 of the proposed headline acts. They included
12 John Lennon, who also had a Special Branch file open in
13 his name, and Peter O'Toole, who may or may not have had
14 a file held on him.

15 Clark also pushed for the removal of the Troops Out
16 Movement press officer from the secretariat, and then
17 secured himself a position on the press committee. He
18 arranged speakers for the movement's public meetings.
19 He even helped to arrange what was called "a strong
20 contingent of stewards" to prevent attacks from
21 the National Front. That was a legitimate protective
22 measure. Yet we expect to see those from Youth Against
23 Racism in Europe, the Anti-Nazi League and
24 the Socialist Workers Party criticised for the same
25 thing in a later part of the Inquiry.

1 By March 1976, when Gery Lawless had to stand down
2 for paternity leave, Clark took his position as convenor
3 of the secretariat. He was then in charge of the whole
4 movement for several months.

5 What did Clark do in this leading position?

6 We do know that he proposed, and persuaded delegates
7 to vote for, postponing a long-planned Troops Out
8 Movement trade union delegation to Ireland. A press
9 statement was then prepared explaining that decision,
10 presumably by Clark, in his additional position on
11 the Troops Out Movement press committee. We know that
12 he used his position as national convenor "to severely
13 criticise" another individual member, whose name has
14 been redacted. And he was also involved in
15 the censuring of Sean Matgamna, a very prominent member
16 of the Troops Out Movement.

17 In the course of his stewardship, at least one
18 prominent organisation withdrew its affiliation. There
19 was also serious dissent with the International Marxist
20 Group over decisions taken in respect of the trade union
21 delegation to Northern Ireland. By the time
22 Gery Lawless returned four months later, two members of
23 the secretariat had resigned. Remember, this was
24 a serving Metropolitan Police officer working
25 undercover, making day-to-day decisions for

1 a campaigning organisation.

2 Clark had also entirely repositioned his loyalties.
3 Having been an ardent supporter of Lawless and using his
4 support to manoeuvre himself into the secretariat, he
5 now turned against him.

6 In reports to his superior officers, Clark referred
7 to "typical Lawless tantrums". And on 25 July 1976, he
8 took the highly unusual and hugely risky step of holding
9 a meeting at his own police cover flat. The meeting,
10 with Big Flame members, was "attempting to offer some
11 form of resistance to the leadership (ie Lawless's
12 supporters) within [the Troops Out Movement]". They
13 were discussing an internal coup decapitating the Troops
14 Out Movement of its long-time head.

15 On 2 September 1976, a further meeting with
16 Big Flame took the coup project further. Clark noted in
17 his report at the time:

18 "Independent elements within the [Troops Out
19 Movement] have over recent months become increasingly
20 frustrated at carrying out the doctrine of the 'Lawless
21 clique' ... Big Flame members in [the Troops Out
22 Movement] had been instrumental in bringing together
23 some of the more influential members of the organisation
24 in the hope of formulating a common policy with which to
25 fight the leadership at the next National delegate

1 conference, due to take place in late November."

2 Clark described the meeting as "a significant
3 beginning"; "the major aim of those represented would
4 have to be the defeat of the present leadership and
5 the replacement of them by independent members".
6 The new leadership was proposed at that meeting. It
7 included four redacted names and Clark himself.

8 What were his motives? Was it to destabilise and
9 decapitate the Troops Out Movement? Was he trying to
10 ingratiate himself with Big Flame? Perhaps his plotting
11 was a means of doing that. He had spent the summer
12 trying very hard to infiltrate them, chairing meetings,
13 listing himself as a member in reports.

14 Clark also embarked on sexual relationships with two
15 female members of the Big Flame. For him,
16 sexual relationships were a tried and tested tactic of
17 getting exactly where he wanted to go. He had used
18 "Mary" to give himself a background and authority, her
19 flatmate to ensure a vote to get him up to national
20 level of the Troops Out Movement, and two Big Flame
21 activists to try to cement his position in that group,
22 in the process firming up support for his coup.

23 However, with Big Flame, Clark had overreached
24 himself. We do not know exactly what his mistake was.
25 Was it holding a meeting in his un-lived-in undercover

1 flat? Or was it, as another officer suggested, that he
2 gave different accounts of his background to Big Flame
3 activists he was sleeping with? Perhaps it was that his
4 Machiavellian approach was just too obviously dishonest.
5 Perhaps, as Richard Chessum suspects, Big Flame were
6 canny enough to recognise that Clark had no political
7 background knowledge. Whatever it was, members of
8 Big Flame also went to Somerset House, and they found
9 "Rick Gibson's" birth certificate, and then they found
10 his death certificate.

11 They confronted Clark with both. Richard Chessum
12 tells of how he heard about this confrontation from his
13 friends in Big Flame. How he went white and nearly
14 started to cry. His ambitious plot to unseat
15 Gery Lawless was over.

16 So what was the fallout? Clark took flight and
17 disappeared from the political scene altogether.
18 Richard Chessum later saw a dossier that Big Flame had
19 prepared that included a letter from Clark written to
20 one of the female activists saying that he "had to go
21 away".

22 Clark's exposure is significant for one other clear
23 reason. When he walked out, there was no threat of
24 physical violence towards him, and no attempt at
25 retribution. A stand-out theme across the groups that

1 were infiltrated over the decades is that none of them
2 were interested in violence, unless they had to defend
3 themselves. If there was ever a reason and an
4 opportunity for violence against an undercover officer,
5 this was it. It was not how these groups, who stood for
6 principles, conducted themselves.

7 This example highlights the SDS attempts to justify
8 their infiltrations and their applications to have their
9 identities hidden. They look desperately inadequate.

10 Were the commanders and commissioners of the MPS,
11 the Metropolitan Police Service, aware of what was going
12 on?

13 Clark's taking of high office was known to his
14 superiors all the way up to the Commander of
15 the Metropolitan Police Service. The early principle of
16 Special Demonstration Squad that "members of the squad
17 should be told, in no uncertain terms, that they must
18 not take office in a group, chair meetings, draft
19 leaflets, speak in public or initiate activity", that
20 principle had been completely abandoned.

21 Equally, the fact that he engaged in
22 sexual relationships with activists was no secret
23 either. Two officers, to date, have been honest enough
24 to disclose that they knew of DC Clark's behaviour. One
25 of those officers has gone further and admitted that

1 sexual relationships were talked about at the weekly
2 officer meetings, and that his supervising officers
3 would have been aware because they were present. He
4 recalls two separate occasions when Clark's
5 sexual relationships were raised at those meetings. He
6 thinks that other officers and managers were present on
7 both occasions.

8 It was inevitable that they would talk about it:
9 police officers, in an almost exclusively male
10 environment, relaxed, with their guards down amongst
11 their own, in the late 1970s when institutionalised
12 sexism was endemic. To suggest otherwise would be to
13 turn a blind eye to reality.

14 It is refreshing to see that at least Officer
15 "Coates" told the truth. But how many will pretend that
16 they did not hear? Or were out of the office on those
17 days? Or simply, when presented with simple questions,
18 get angry and indignant that they are being asked at
19 all?

20 Counsel to the Inquiry has an abundance of material
21 to test these officers thoroughly. Should officers lie
22 on oath, as sadly is anticipated, one wonders how
23 the Inquiry will deal with such dishonesty.

24 Senior officers knew about Clark taking prominent
25 roles and interfering in the democratic process of

1 the Troops Out Movement. They also knew he was sexually
2 abusing female activists. Despite this, he left
3 the force with a special medal, a detective inspector's
4 pension and his conduct certified as "exemplary".

5 There is only one explanation for this: his conduct
6 was deemed acceptable. It continued for years.
7 The category H women are testament to the decades of
8 sexual misconduct at the hands of these officers.

9 Following Clark, the taking of positions of
10 responsibility and trust in these organisations was
11 commonplace.

12 Many of the officers we will hear from say that they
13 cannot remember being elected to the position of trust
14 that they were plainly elected to; or they will say they
15 did not really have a choice but to be elected -- it
16 just happened; or they say that the role was not really
17 a position of trust at all. The institutionalised
18 dishonesty creeps into every aspect of their evidence.

19 Political policing and positions of trust.

20 And here are a number of examples of officers
21 obtaining such senior positions.

22 "Michael James", HN96, started his deployment in
23 the Socialist Workers Party, where he was elected to
24 a position on the Hackney district committee. After two
25 years, he moved on into the Troops Out Movement, where

1 Clark had been four years before.

2 "James" is an interesting officer, because he's one
3 of two that give different accounts of the position they
4 reached. In his impact statement, a document arguing
5 the case for his continued anonymity, he described
6 himself as the "national secretary" of the Troops Out
7 Movement, ie the top role. Once his anonymity was
8 secure, he shifted, and tried to play down and minimise
9 the importance of his position.

10 He was the national membership and affiliation
11 secretary of the Troops Out Movement for a good
12 18 months. He's one of the officers that seems to
13 suggest that he just happened to fall into these roles,
14 rather than actively pursuing them. But he was on
15 the top level of the organisation, the national steering
16 committee, which he occasionally chaired. He was one of
17 nine people with a direct influence over the direction
18 of the movement, and he controlled the lifeblood of any
19 organisation, its membership. He was also on a number
20 of additional committees, specifically tasked with
21 organising demonstration.

22 But it was not just Clark or "James". Once the dam
23 had cracked, there was a flood of undercover police
24 officers taking roles in the organisations they
25 infiltrated. In some cases, officers took national

1 leading roles. What resulting from this was not just
2 information, but also the opportunity to have a say in
3 the direction of the organisation, and ultimately to
4 seek to derail that organisation.

5 HN348, "Sandra Davies", has already said that she
6 did not remember being elected to the executive
7 committee of the Women's Liberation Front. She didn't
8 remember voting to oust the founding leader and create
9 a completely new group, the Revolutionary Women's Union.

10 HN155, "Phil Cooper", and HN80, "Colin Clark", were
11 so close to the central committee of the Socialist
12 Workers Party that they were able to access
13 the headquarters of the organisation. "Phil Cooper" was
14 so involved that, in his own words, he got to sleep with
15 "groupies". We don't yet know exactly how prominent
16 they became within the organisation, because six weeks
17 after the deadline for disclosure, the Inquiry has still
18 not provided us with their documentation.

19 HN200, "Roger Harris", does not remember being
20 the contacts organiser for the Twickenham branch of
21 the International Socialists, a branch which was then
22 involved in a destabilising break away from the main
23 group to form the Workers' League.

24 HN300, "Jim Pickford", chaired meetings, attended
25 national conferences as a delegate, wrote articles, ran

1 classes, argued against individuals being granted
2 membership. He was granted position of branch
3 treasurer. He booked halls for meetings.

4 HN13, "Barry Loader", was described by his own
5 superior officer in an internal memo as "an active and
6 trusted member of the Communist Party of England
7 (Marxist-Leninist) who is to attend the national
8 conference".

9 HN353, "Gary Roberts", claims he was never in
10 a position of responsibility for the International
11 Marxist Group. However, his cover was as a full-time
12 degree course student at Thames Polytechnic, with his
13 fees paid for by the Metropolitan Police. Whilst in
14 that cover, he became the vice president of the students
15 union, he was a delegate at the National Union Of
16 Students conferences, and attended the International
17 Marxist Group caucuses at those conferences, involved in
18 the selection of so-called "revolutionary" candidates.

19 He does not remember being trusted enough by
20 the International Marxist Group to be asked to be
21 a delegate on overseas trips, including to Romania,
22 which was then in the Eastern bloc, France and Belgium
23 "on behalf of the International Marxist Group
24 leadership".

25 He says he must just have been the driver. He has

1 no recollection of being on any of the many committees
2 that his reports say he was clearly on.

3 HN354, "Vince Miller", was elected as a district
4 treasurer and on the social committee of the outer
5 East London district branch of the Socialist
6 Workers Party. He resigned from his position to
7 mark "the disorder and ineffectiveness" within
8 the branch. Resignation, combined with strong
9 criticism, is deliberately destabilising to
10 the organisation.

11 HN296, "Geoff Wallace", was elected as the Flame
12 organiser for the Socialist Workers Party (Hammersmith
13 and Kensington branch) and a Socialist Workers Party
14 organiser. He attended the London regional delegates
15 conference, and was one of the three organisers of
16 the Anti-Nazi League Carnival. We do not know what he
17 would have to say about any of this, because there is no
18 statement from him. Not because of death or ill-health,
19 but because the Inquiry has not got hold of him because
20 he's abroad. In the age of telecommunications, it seems
21 strange they have not been able to track him down in an
22 inquiry of this obvious importance.

23 HN351, "Jeff Slater", cannot remember being
24 the Socialist Worker newspaper organiser for the North
25 London district of the International Socialists.

1 HN356, "Bill Biggs", was the treasurer of the South
2 East London Socialist Workers Party, chaired meetings
3 and became the Socialist Worker organiser for
4 the branch. At an aggregate meeting for the south-east
5 district, he voted, as a delegate, on a proposal to
6 condemn a decision taken by the central committee. He
7 spoke as a guest speaker at another branch's meeting,
8 and was the branch treasurer for the Socialist Workers
9 Party (Brixton branch).

10 HN126, "Paul Gray", became Socialist Worker paper
11 organiser for Cricklewood branch and then for the whole
12 of the North West district. He was on the district
13 committee, which had control over all three of
14 the branches that the district covered. He was
15 re-elected in 1979 and 1980. He chaired meetings. He
16 was on the organising committee of the West Hampstead
17 Anti-Nazi League and the North West London
18 Anti-Nazi League coordinating committee. He was also
19 a delegate to the Camden Against Racism Committee.

20 He says he doesn't remember any of the last roles.
21 He says his role as Socialist Worker paper organiser was
22 collecting newspapers and dropping them off. Basically,
23 he was just a delivery boy with a van.

24 That is a major difference from the story he gave
25 when he was trying to secure his anonymity. Like

1 "Michael James" above, "Paul Gray's" risk assessment
2 plays up his role, and in his case states that he was
3 a key organiser in the Grunwick dispute, a strike with
4 national coverage and importance at the time. With his
5 anonymity secure, he has rowed back from that now. So
6 what is the truth?

7 Socialist Workers Party and political policing.

8 It is clear in respect of the Troops Out Movement,
9 both Clark and James reached the very top.

10 None of the officers in the Socialist Workers Party
11 have been very helpful about what their positions of
12 trust and responsibility involved. Of course, at the
13 time they made their statements, there were no
14 core participants or witnesses from the Socialist
15 Workers Party in this Inquiry. They could safely
16 describe their roles as they wanted, with no risk of
17 their credibility being undermined.

18 That position changed on 2 March 2021, when three
19 former central committee members of the Socialist
20 Workers Party secured core participant status. Between
21 them, Lindsey German, John Rees, Chris Nineham had four
22 decades of experience on the central committee, from
23 1979 to 2009.

24 Because they are latecomers and the disclosure from
25 the Inquiry has been woefully late, they will not be

1 able to be as involved as they need to be until Phase 3.
2 However, they can assist at this stage in respect of
3 the structure of the party and the roles that
4 the infiltrating officers obtained.

5 The last four officers that we have mentioned,
6 Wallace, Slater, Biggs and Gray, all had positions as
7 Socialist Worker organisers. Critically, they were
8 organisers, but they were more than that.

9 The Socialist Worker was the organisation's
10 newspaper. It was the scaffolding of the whole
11 organisation. The newspaper was a major source of
12 income for the organisation and key to recruiting new
13 members. It was the political mouthpiece of
14 the organisation, through which they communicated their
15 politics with the public. The sale of the paper was
16 also a regular flashpoint for public order, with sellers
17 regularly attacked by members of the National Front.
18 The Socialist Worker newspaper was understood by these
19 officers to be the central component of the organisation
20 as a whole. The role of organising that paper was
21 absolutely pivotal.

22 At branch level, the organiser was second only to
23 the branch secretary. At district level, the role was
24 even more critical. The district newspaper organiser,
25 along with the district secretary, would be the link

1 between the central committee and the members. These
2 two roles were responsible for setting the political
3 line within their district every single week: they
4 decided what the paper's sellers in the district would
5 speak to the public about. The Socialist Worker
6 newspaper organisers had responsibility, trust and
7 authority. They had a direct role in shaping
8 the progress of the party.

9 These officers knew that. "Paul Gray" even reported
10 to his superiors that he'd been spoken to in public by
11 the national Socialist Worker organisation. He was told
12 that every:

13 "... every organiser should know exactly where each
14 paper was sold every week and that spot checks should be
15 made on members to see that paper sales were being
16 carried out."

17 Gray was given a list of selling techniques, and
18 told to visit all of the branch offices regularly and
19 "constantly remind them that to sell [the paper] is
20 the most important duty of [an] SWP member".

21 At that time, the state of the Socialist
22 Workers Party nationally was at an all time low.
23 Membership and paper sales were down, the North-West
24 London District, where "Gray" was second in command, was
25 characterised by "apathy". A year later, having done

1 the job for two years, he was replaced.

2 This is one clear example of an officer taking
3 a role of responsibility and trust and wilfully
4 undermining the organisation, by not doing the job
5 properly.

6 Three things stand out. First, from Clark onwards,
7 every officer in this phase took a position of trust.
8 The only exception was HN304 "Graham Coates". Was
9 unable to take a position in any hierarchy simply
10 because he infiltrated anarchist groups and they did not
11 have hierarchies.

12 In different ways, these officers all impacted on
13 the progress or direction of the organisations they
14 infiltrated. From taking a role that deprived a genuine
15 member of the chance to do a committed job, to
16 destabilising and even decapitating the organisations.

17 There is a distinct lack of honesty about the role
18 they played, or the extent to which their superiors were
19 aware.

20 Blacklisting: a direct effect of political policing.

21 The question of blacklisting: we have raised this in
22 Richard Chessum's statement and our first opening
23 statement. To date, there have been no answers. We
24 just have the bare fact of the correlation
25 between: Clark opening the file and passing

1 Richard Chessum's details to MI5 and; his subsequent
2 inability to secure any significant job.

3 Despite his education, decency, intelligence, lack
4 of criminality, the door was closed on teaching,
5 lecturing and research jobs, and even sorting mail.

6 What we have seen in this new phase of disclosure
7 are countless examples of civilians having the details
8 of their employment passed up the chain to MI5. Each
9 time, their political affiliation is included next to
10 the note of their employment. Union memberships are
11 also regularly noted. People targeted are those in
12 the public sector or public service jobs, such as
13 working for a local council, NHS doctors, hospital
14 workers, senior priest, post office workers, a job
15 applicant with HM Customs & Excise, a social worker and
16 a probation officer and numerous teachers. Reports on
17 a traffic warden and a public office clerk even include
18 details of their sexuality.

19 Many of the officers say that these were just little
20 details to "update files". Occasionally, there will be
21 an officer who gives a more realistic answer, equating
22 the undercover officer interest in employment with
23 preventing problems in workplaces; problems like
24 the democratic right to strike, people campaigning for
25 fair pay, health and safety conditions.

1 Both Special Branch and MI5 were specifically asking
2 for employment details on individuals. The SDS obliged.
3 We know that at least one member of the Socialist
4 Workers Party was sacked from a government body simply
5 because of her political opinion. Both her name and
6 the nature of the government body have been redacted by
7 the Inquiry. We also know that both MI5 and
8 Special Branch were confident that her sacking would not
9 be traced back to the undercover officer that had caused
10 it.

11 Attempts by officers to justify their deployment.

12 With information being freely and regularly passed
13 to the Metropolitan Police's SDS squad to MI5, this
14 brings us to our next point in this opening statement:
15 the question of justification.

16 There was no public order rationale for
17 the infiltration of the Troops Out Movement. There was
18 no rationale for the spying and reporting on
19 Richard Chessum and "Mary". There have been attempts by
20 officers to justify infiltrations of campaigning and
21 political organisations. Many of those justifications
22 relate to the Socialist Workers Party.

23 Because of time limitations, we will have to address
24 most of the detail at the beginning of Phase 3.
25 However, some aspects have to be raised now, so that

1 the Inquiry has them in mind for the future.

2 As far as "Graham Coates" was concerned,
3 the Socialist Workers Party were "very dull". These
4 deployments were not designed for officers'
5 entertainment. It is assumed he means "dull" from
6 a policing perspective.

7 "Michael James" said that the Socialist Workers
8 Party were not engaging in subversive activities, that
9 most members were "entirely peaceful", and there were
10 some elements that looked "to engage in violence at
11 events". But he accepted that these were involved in
12 a breakaway group.

13 The Socialist Workers Party did not promote
14 violence. The party had a rigorous policy of expelling
15 members who engaged in squadist confrontational
16 violence. "Michael James" knew that the breakaway
17 group, Red Action, had actually been expelled because he
18 had reported on it.

19 Generally, we accept these particular assertions of
20 these two officers. But where officers go beyond that,
21 for example as we set out below, we dispute their
22 evidence. We hope that it will be appropriately
23 challenged by Counsel to the Inquiry.

24 In respect of one particular officer we do make some
25 observations. "Paul Gray" has made a number of remarks

1 about the Socialist Workers Party, in particular about
2 levels of subversion and violence, that are plainly not
3 true.

4 First, of course, they are contradicted by a number
5 of his fellow officers. Secondly, they are entirely
6 unsupported by evidence.

7 He gives a grossly exaggerated account of
8 the demonstration in Grosvenor Square in 1968, when he
9 was a uniformed officer. He then asserts that he
10 experienced the same level of violence in the course of
11 his undercover deployment. He is clearly lying.

12 In the hundreds of pages of his reports, there is no
13 reference to him witnessing any violence.

14 "Paul Gray" claims that his lack of reported
15 violence is because the SDS only provided advanced
16 intelligence. He says they did not provide reports on
17 violence or disorder that they had witnessed, only on
18 violence or disorder that they were expecting. That is
19 a very convenient explanation for a total lack of such
20 evidence. It is simply a lie.

21 It is clear that SDS officers did give retrospective
22 intelligence about public order events: we can see that
23 from officers who did witness such events.

24 It is also clear that despite his denials, "Paul
25 Gray" did give retrospective intelligence. From

1 a policing perspective, it's common sense. It would be
2 valuable intelligence if targets were actually involved
3 in violence or disorder. The difficulty that "Paul
4 Gray" faces is that his retrospective reports show no
5 violence or disorder at all. One report shows a single
6 arrest for nothing more than obstructing a police
7 officer. There are no reports of violence witnessed,
8 nor of any expected violence either.

9 His allegations are post-event attempts at
10 justification. "Gray" is "extremely angry" that there
11 has been disclosure of how the SDS operated, and that
12 this has led to this inquiry. He says that his time
13 undercover had no impact whatsoever on his "welfare",
14 but that answering questions for this Inquiry is
15 impacting on his welfare. That is because he now has to
16 justify the fact that, in reality, he busied himself
17 with pointless and personally intrusive reporting.

18 In one report on a member of the Socialist
19 Workers Party, he spent two whole paragraphs detailing
20 private sexual behaviour. Another is solely dedicated
21 to reporting on a member who was employed as a tax
22 officer and, as he notes was, "believed to be
23 a homosexual".

24 For someone so interested on reporting
25 the sexual relationships of others, he is surprisingly

1 silent on the sexual relationships that his fellow
2 officers had with activists. He was in the Special
3 Demonstration Squad with "Vince Miller",
4 "Michael Hartley", "Alan Bond" and "Phil Cooper". He
5 emphatically denies any knowledge of their sexual
6 activity, and maintains that the conduct of his
7 contemporaries was "exemplary".

8 One of the features of this phase is the number of
9 reports on schoolchildren. "Gray" reported on more
10 children than any other officer, recording the minutiae
11 of their lives and sending them on to MI5. Almost all
12 of those reports have photographs of the children
13 attached. He reports on a 15-year old schoolgirl, 15
14 and 13-year old schoolgirls and their parents. In two
15 separate reports he describes the photographed
16 schoolboys as "effeminate". In one report he comments
17 on how much time a schoolboy spends at his girlfriend's
18 house.

19 The closest "Gray" has ever come to reporting on
20 violence is his note that a schoolboy had a fight with
21 his brother.

22 These children were either the children of
23 Socialist Workers Party members, or children who were
24 engaged enough with their society to be part of
25 the School Kids Against the Nazis. And to justify this,

1 he reverts to type, and suggests that these children
2 were either subversive or violent.

3 On behalf of Lindsey German and John Rees, who were
4 well aware of the actual activities of School Kids
5 Against the Nazis, we dispute that entirely.

6 In the course of "Paul Gray's" deployment, Column 88
7 was threatening to burn down the homes of SWP members.
8 The National Front were attacking Bengalis in Brick
9 Lane, smashing up reggae record shops and graffitiiing
10 mosques. They were burning down Indian restaurants and
11 killing young men, like Altab Ali and Ishaque Ali in
12 Whitechapel and Hackney. Whilst they were doing that,
13 "Gray" and his so-called "exemplary" SDS colleagues were
14 writing about what they refer to as "Jewish" finance of
15 the Anti-Nazi League, a "negress" activist, an activist
16 with a "large Jewish nose" and "coloured hooligans".
17 Such language and views that are beneath contempt.

18 Instead of investigating the racist firebombing that
19 killed 13 young black people in New Cross, the SDS were
20 reporting on schoolchildren and providing MI5 with
21 copies of Socialist Workers Party baby-sitting rotas.

22 The question of Government and Cabinet knowledge.

23 Several officers refer to visits to the SDS safe
24 house by the Commissioner of the Met police. One refers
25 to congratulatory messages straight from 10

1 Downing Street. Another, who himself went on to become
2 a detective chief inspector, was told
3 that "the continuation of the unit was one of the first
4 decisions that a new Home Secretary had to make".

5 That anecdotal evidence is supported by the 1976
6 authorisation for the Special Demonstration Squad's
7 continued existence. It was signed off by
8 Robert Armstrong, later Baron Armstrong of Ilminster.
9 He was cabinet secretary and head of the Home Civil
10 Service. But in 1970 and 1975, he had been
11 the principal private secretary to two prime ministers,
12 Ted Heath and Harold Wilson. It's difficult to imagine
13 a more highly-placed civil servant.

14 In a statement provided to Phase 2 of the Inquiry by
15 Witness Z, the Security Services themselves confirmed:

16 "The pressure to investigate these organisations
17 often came from the Prime Minister and Whitehall."

18 So, there can be no doubt now that the existence and
19 functioning of the SDS was known of and authorised at
20 the very top. It is interesting that every annual
21 application for funding refers to the officers fully
22 recognising "the political sensitivity" of the unit's
23 existence, accompanied by assurances that all necessary
24 steps had been taken to ensure security.

25 Authorisation is only ever granted "in view of

1 the assurances [given] about security". In other words:
2 as long as you can promise us we will not get caught,
3 you can carry on.

4 This fixation on security is important. First,
5 successive governments were well aware of the need to
6 keep the extent to which they were spying on law-abiding
7 civilians absolutely secret.

8 Secondly, governments were repeatedly told that
9 a significant part of the "security" effort involved
10 the creation of watertight cover stories and false
11 identities. From at least 1975, every officer is clear
12 that the use of a dead child's identity was the only
13 authorised way to create a viable back story. There is
14 no realistic way that government could not have known
15 that this method had been comprehensively adopted.

16 The conclusion of that aspect of this Inquiry must
17 be that the government endorsed the use of deceased
18 children's identities and the Metropolitan used them
19 specifically to ensure that government was protected.
20 That is a damning enough conclusion in itself.

21 But the inevitable consequence from that is
22 critical. The Metropolitan Police Service were
23 protecting the government from what they referred to in
24 the 1977 Annual Report as "embarrassment". There is
25 nothing embarrassing for a government about spying to

1 prevent crime. But the destabilising of democratic
2 movements, the wholesale and widespread intrusion on
3 law-abiding civilians, and their exploitation for
4 political advantage, that is worth keeping secret.

5 This Inquiry has been set a challenge: to get to
6 the truth. This means asking difficult questions again
7 and again, to uncover the truth.

8 Ordinary people had been involved in campaigns for
9 a better society, for social equality, anti-racism,
10 anti-fascism, against apartheid and for trade union
11 rights. The best of reasons and the best of traditions.

12 We hope the Inquiry is ready, willing and equipped
13 to meet that challenge. The Inquiry must be fearless
14 and unflinching in the pursuit of the truth. The people
15 of this country expect nothing less.

16 THE CHAIRMAN: Thank you, Mr Scobie. We will now have
17 a break of a quarter of an hour, which by my timing
18 takes us until just after half past the hour. Then we
19 will hear from Mr Menon.

20 MR FERNANDES: We will now take a 15-minute break. The time
21 is now 12.20, so we shall reconvene at 12.35.

22 (12.16 pm)

23 (A short break)

24 (12.35 pm)

25 MR FERNANDES: Welcome back, everyone. I shall now hand

1 over to the Chairman to continue proceedings.

2 Chairman.

3 THE CHAIRMAN: Thank you very much.

4 Mr Menon.

5 MR MENON: Thank you, Sir. Can I just check that you can
6 see and here me?

7 THE CHAIRMAN: I can indeed.

8 MR MENON: Thank you.

9 Can I also apologise in advance if whilst I'm
10 speaking there's the odd tannoy message that can be
11 heard in the background. I'm in a room in court, and
12 there's nothing I can do to disengage the tannoy system,
13 unfortunately.

14 THE CHAIRMAN: Please don't worry yourself. But for
15 the fact that I can mute myself, you might hear some
16 agricultural noises offstage.

17 Opening statement by MR MENON QC

18 MR MENON: Thank you, Sir. Good afternoon.

19 From the outset of the Undercover Policing Inquiry,
20 the Non-State Core Participants have been raising
21 concerns about the state's obsession with secrecy and
22 anonymity, about the importance of openness and
23 transparency, about the inability of
24 the Non-State Core Participants to participate
25 effectively, about the Inquiry's approach to restriction

1 orders, witness selection and documentary redaction, and
2 the absence of any meaningful right of appeal against
3 its decisions about these matters, and about late
4 disclosure that does not afford nearly enough time to
5 prepare properly for opening statements and evidential
6 hearings.

7 For the avoidance of doubt, we recognise
8 the enormity of the many tasks facing the Inquiry team,
9 the difficulties caused by the pandemic, and
10 the undoubted obstacles being placed in the Inquiry
11 team's path by others.

12 We note, for example, the recent challenge of
13 the Designated Lawyer Officers group in
14 the Administrative Court by way of judicial review, to
15 an unknown decision by the Inquiry chairman.

16 The Non-State Core Participants remain completely in
17 the dark as to the nature of this challenge, or
18 the legal or factual basis for the court's decision in
19 allowing the challenge, as the court's two-paragraph
20 open judgment is devoid of detail.

21 This is yet another stark example of how so much of
22 the business of what is supposed to be a public inquiry
23 happens behind closed doors, with the Non-State
24 Core Participants having no seat at the table.

25 We reiterate what many of the Non-State

1 Core Participants keep repeating, namely that an inquiry
2 into undercover policing without the effective
3 participation of those targeted, spied on and
4 infiltrated by the secret state is an inquiry not worth
5 having.

6 Nevertheless, we remain ready and willing to try and
7 assist as best we can, by raising what we believe are
8 the fundamental issues that arise from the Tranche 1
9 Phase 2 disclosure, and proposing what we believe are
10 the necessary questions that should be asked of those
11 witnesses who are due to give evidence.

12 Last November, we made an opening statement on
13 behalf of numerous individual and organisational
14 Non-State Core Participants. During the Tranche 1
15 Phase 1 evidential hearings that followed, the Inquiry
16 heard evidence from two Non-State Core Participants,
17 both of whom we represent. Tariq Ali was the only
18 Non-State Core Participants to give oral evidence.

19 Ernie Tate could not attend for reasons of
20 ill-health, but his statement was read into evidence.
21 Sadly, Ernie, who was one of the founding members of
22 the Vietnam Solidarity Campaign in 1966 passed away in
23 February. There are many moving tributes to him on
24 the internet.

25 Just to give one example, the Canadian historian

1 Bryan Palmer said:

2 "Ernie Tate was a literate and cultured man, able to
3 reflect engagingly on art and literature, film and
4 music. He could build a cottage and renovate a house,
5 organise a demonstration, engage a crowd, and convince
6 others of the need to use their particular talents to
7 fight for a better world."

8 We remain in contact with Ernie's widow,
9 Jess MacKenzie, who hopes that this Inquiry will do
10 justice to Ernie's memory.

11 In tranche 1 Phase 2 of the Inquiry I, together with
12 Russell Fraser of counsel and Richard Parry of Saunders
13 solicitors, represent Piers Corbyn.

14 Now 74 years old, his recent notoriety as a speaker
15 at anti-lockdown protests up and down the country shows
16 he has not given up his activism and still retains
17 the energy of his youth. He was one of the original
18 applicants for core participant status, and was
19 designated by the Inquiry as long ago as October 2015.
20 He will be giving evidence on 28 April, some
21 five-and-a-half years after having been granted
22 core participant status.

23 Before we address you, Sir, on the secret state's
24 particular interest in Piers Corbyn, we would like to
25 make seven general points about the material disclosed

1 in the Tranche 1 Phase 2 hearing bundle, and
2 the Inquiry's approach to witnesses, redactions and
3 disclosure.

4 Point number 1. What literally screams out from
5 the pages of the current hearing bundle is the fact that
6 the primary focus of the Special Demonstration Squad,
7 hereafter referred to as "SDS", was never the protection
8 of parliamentary democracy or the prevention of public
9 order. Whatever the undercover officers on the ground
10 who were deployed by the SDS may have been told by their
11 superior officers, and may have genuinely believed,
12 the primary focus of the SDS was to spy on individuals
13 and organisations because of their ideas and their
14 politics.

15 It was their ideas and their politics that were
16 deemed "subversive" to the British state and a threat to
17 the British establishment. It was their ideas and their
18 politics that led to political support and financial
19 backing for the SDS being authorised by the very highest
20 echelons of both the police and the government.

21 The limited public disorder during street protests,
22 for example during the odd skirmish with
23 the National Front, that some of the undercover officers
24 who were spying on socialists and anarchists describe in
25 their witness statements, was largely minor and low

1 level. It certainly did not justify the spying on an
2 industrial scale that was unleashed on the British
3 public in the 1970s, or the consequent cost to
4 the public purse.

5 Furthermore, it is fanciful to suggest that any of
6 the relatively small political groups that were
7 infiltrated by SDS officers, directly or indirectly,
8 posed a threat to parliamentary democracy. We are still
9 waiting for MI5's annual threat assessments to be made
10 public. These could make interesting reading.

11 Just to give two examples of SDS intelligence
12 reports that demonstrate the real priorities, we submit,
13 of Special Branch and MI5, a 21-page report on an
14 International Marxist Group and Spartacus League
15 conference in May 1972, and a 55-page report on
16 the national IMG conference in August 1976. We've
17 provided the references in our written opening
18 statement.

19 These reports detail the different currents and
20 tendencies within the IMG, summarise the many debates
21 that took place at the conferences, and provide
22 the names and registry file references of those in
23 attendance. What the reports singularly lack is
24 anything touching upon the protection of parliamentary
25 democracy or the prevention of public disorder.

1 In short, as we said in November in our opening
2 statement then, the SDS was engaged in secret political
3 policing and pure intelligence-gathering against
4 the left, at times Orwellian, at times more
5 Monty Python.

6 Insofar as it is suggested that the police,
7 particularly in the 1970s and 1980s, were politically
8 neutral, that is palpable nonsense. What minimal SDS
9 spying there may have been against fascist groups was
10 very much an afterthought, despite right wing extremism
11 and widespread racist violence being serious social
12 problems that plagued our communities throughout
13 the 1970s and 1980s in the wake of Enoch Powell's
14 infamous "Rivers of Blood" speech in 1968.

15 This is not the propagation of a partisan
16 anti-police narrative, this is fact. We should never
17 lose sight of the fact that the British secret state's
18 addiction to harvesting and retaining massive amounts of
19 personal information on its targets was on par with
20 anything practised by more notorious secret states
21 internationally. This is reflected in many of
22 the witness statements of SDS officers, in which they
23 admit gathering as much information as possible, however
24 personal, however trivial, because it was for others
25 higher up the chain of command to decide what was

1 relevant.

2 Point number 2.

3 The most significant document in the Tranche 1
4 Phase 2 hearing bundle, we believe, is the statement of
5 Witness Z, on behalf of the Security Service, MI5, that
6 confirms what we asserted in our opening statement last
7 November, namely that the SDS has always, from the very
8 beginning, been subordinate to MI5.

9 This corporate statement merits careful reading and
10 through scrutiny, even if at times it paints a distorted
11 picture. A glaring example of this is the assertion
12 that Special Branch's role is limited to issues of law
13 and order, whereas Special Branch, whatever its
14 guidelines might say, has in fact, throughout its
15 history, been primarily focused on the policing of
16 ideas.

17 Astonishingly, Witness Z is not being called to give
18 evidence. We cannot understand why. What a wasted
19 opportunity.

20 There is so much that Witness Z could have been
21 asked about the respective roles of Special Branch and
22 MI5 within the apparatus of the secret state, about the
23 minutiae of their relationship; about MI5's 1972
24 definition of subversion as "activities threatening
25 the safety or wellbeing of the state and intended to

1 undermine or overthrow Parliamentary democracy by
2 political, industrial or violent means"; about how most,
3 if not all, of those spied on by the SDS could not
4 possibly be described as "subversive" according to that
5 definition; about how a group who wants a road closed as
6 a play street for kids, or a group who wants to keep
7 public transport cheap, or group to wants to stop
8 abortion rights being undermined, could present a public
9 order threat, even obliquely, let alone a threat to
10 parliamentary democracy; about how the secret state
11 itself undermines the very fabric of our democratic
12 institutions.

13 Point number 3, Sir.

14 Although there are, on our count, 18 SDS officers
15 who were deployed during this relevant period whose
16 cover names have been disclosed and who are alive,
17 the Inquiry's only calling eight of them to give
18 evidence. That is said to be sufficient for the purpose
19 of discharging the Inquiry's terms of reference, an
20 exhaustive investigation being neither necessary nor
21 proportionate for that purpose. Of the remaining ten
22 officers, the evidence of seven will be summarised.
23 The attendance of all 10 has been excused either at your
24 direction, Sir, and/or for reasons of ill-health, and/or
25 because the witnesses live outside the jurisdiction and

1 are therefore not compellable.

2 The 1970s was a critical period in the history of
3 the SDS. The Inquiry, we submit, would be assisted by
4 as much evidence as possible from as many SDS officers
5 as possible. We do not agree, with respect, that it
6 would be unnecessary or disproportionate to adduce
7 a greater breadth of evidence. As was apparent during
8 Tranche 1 Phase 1, witnesses, when questioned by counsel
9 about matters that took place decades ago, sometimes
10 remember unexpected details that do not feature in their
11 witness statements. In the circumstances, it's
12 unfortunate that the Inquiry's not hearing from more
13 SDS officers during this tranche and phase.

14 Point number 4.

15 We are dismayed by the Inquiry's change of approach
16 to fully anonymous SDS officers whose real names and
17 cover names have been restricted. Unlike Tranche 1
18 Phase 1, when the redacted witness statements of two
19 fully anonymous SDS officers were disclosed, the open
20 evidence of seven fully anonymous SDS officers in
21 Tranche 1 Phase 2 has been redacted to an eight-page
22 group gist. We are told that some, but not all, of
23 these officers will be called later this year to give
24 evidence in closed session.

25 As others have observed, the group gist that has

1 been disclosed is, in our opinion, unsatisfactory in
2 many respects. It is so brief and thematic that it is
3 difficult to glean anything meaningful from it as to
4 the true nature and extent of the spying by
5 the individual officers, or who precisely they each
6 targeted and what precisely they each did during their
7 deployments.

8 We do not understand how the Inquiry can suggest
9 that a group gist like this enables the publication of
10 more evidence than would otherwise be possible by
11 divorcing the evidence from specific association with
12 identifiable officers. The logic of this escapes us.
13 We are being asked to accept that the more that is
14 hidden from us, the more that we are being told.

15 In any event, why change the approach adopted during
16 Tranche 1 Phase 1 by introducing something even more
17 restrictive? Was it to reduce the purported risk of
18 mosaic identification? And if so, at whose behest? We
19 trust that during future tranches and phases the Inquiry
20 will revert to its earlier approach and disclose
21 redacted witness statements from fully anonymous
22 witnesses, as opposed to relying on another
23 unsatisfactory group gist like this.

24 Point number 5.

25 What is immediately apparent from the disclosed

1 witness statements of the SDS officers is that many, if
2 not most, of their original intelligence reports are not
3 in the hearing bundle. We had assumed that this was
4 because the records of SDS reporting provided to
5 the Inquiry by the Metropolitan Police Service were
6 incomplete as indicated in Counsel to the Inquiry's
7 addendum disclosure note regarding Tranche 1, dated
8 25 March this year.

9 However, the written opening statement of
10 the Designated Lawyer Officers Group paints a different
11 picture, alleging that it is the Inquiry that is only
12 releasing a small selective fraction of a fraction, as
13 they put it, of the SDS intelligence reports that it has
14 been provided.

15 So what is the truth? Are the records of SDS
16 reporting provided to the Inquiry by the Metropolitan
17 Police Service incomplete because these records have
18 been destroyed and shredded over the years? Or is
19 the Inquiry withholding most of the SDS records that it
20 has been provided, and hence so much is missing from
21 the hearing bundle? Or is it both? We would welcome
22 some clarification.

23 Additionally, we are told that many of the SDS
24 records that have survived and have been provided,
25 labelled "UCPI" as opposed to "MPS" by the Inquiry in

1 the hearing bundle, are only in existence because copies
2 had been retained by MI5. This suggests that not just
3 the SDS, which shut down in 2008, but the Special Branch
4 registry itself has been getting rid of its files. That
5 is worrying, for obvious reasons.

6 Interestingly, whilst MI5 is apparently happy to
7 disclose copies of police documents, they are rather
8 more circumspect in disclosing any of their own
9 documents, that might reveal the nature and extent of
10 their own spying operations on political activists and
11 others.

12 Point number 6: redactions.

13 What has been apparent ever since we started
14 receiving disclosure from the Inquiry last year is
15 the sheer extent of documentary redaction, particularly
16 on grounds of national security. Most frustrating --
17 and we have raised this on several occasions already, to
18 no avail -- is the redaction of the names of many groups
19 spied on and infiltrated by the SDS between 1969 and
20 1984. These names should be as a matter of public
21 record, surely? None of them should be redacted. How
22 can it be justifiable for an inquiry into
23 undercover policing to withhold the names of groups
24 spied on and infiltrated by the secret state more than
25 35 years ago?

1 In 2013, the government began to release its records
2 to the National Archives that were at least 20 years
3 old. So why can we not know all the names of the groups
4 spied on and infiltrated by the SDS, at least up until
5 the year 2000? What is the state hiding? What is
6 the Inquiry hiding? Surely the public interest in full
7 and frank disclosure outweighs any other potential
8 interest, given the Inquiry can protect the right to
9 privacy of any police spies by restricting disclosure of
10 their real names?

11 By hiding the names of some of the targeted groups,
12 the Inquiry is effectively preventing members and
13 supporters of those groups from coming forward and
14 telling their stories. What effect does this have on
15 the confidence of Non-State Core Participants and
16 the public at large in the Inquiry's work?

17 In the SDS annual reports between 1969 and 1984,
18 some 133 group names have been redacted. While some of
19 the same groups undoubtedly feature on multiple
20 occasions, there are, on any view, a huge number of
21 groups who were spied on and infiltrated during this
22 period whose names are apparently to remain secret
23 forever at the insistence of the very organisations who
24 were doing the spying and the infiltrating in the first
25 place.

1 This is madness. This is an abject failure of
2 openness in the name of national security. The worst
3 years were 1973, when the names of 19 groups have been
4 redacted, and 1979, when the names of 24 groups have
5 been redacted. Most of the redacted names appear to
6 belong to Maoist, anarchist and Irish groups. However,
7 there are others, too, including Trotskyist,
8 anti-fascist and anti-nuclear groups.

9 Such voluminous redaction is driving a coach and
10 horses through the Inquiry's primary objective of
11 getting to the truth. We call for all these names to be
12 unredacted, as it is in the public interest to know
13 the names of all the groups who were spied on and
14 infiltrated by the SDS more than 35 years ago. There is
15 simply no justification for such secrecy.

16 Point number 7, Sir: late disclosure.

17 We appreciate that this has been raised over and
18 over again by us and others, but I think it's important
19 enough that it needs to be raised again.

20 We are simply not being given enough time to read
21 and digest the disclosed material before having to make
22 opening statements and prepare for evidential hearings.
23 We were supposed to receive the entirety of the current
24 hearing bundle by the middle of March. On 1 April, over
25 1,000 pages of documents were added; and on 9 April,

1 nearly 1,100 pages were added. We understand
2 the difficulties; we are genuinely sympathetic.
3 However, this is unfair to all core participants, but
4 particularly to the Non-State Core Participants, given
5 the bulk of the material being disclosed consists of
6 police documents never seen previously by
7 the Non-State Core Participants or their lawyers. We
8 can only hope that this problem is not repeated in
9 future tranches and phases.

10 Turning then, Sir, to Piers Corbyn.

11 Back in 2015, when he was granted core participant
12 status, he had no idea about the extent of the spying on
13 him. Even in April last year, when he made his 79-page
14 inquiry witness statement, he had only been provided
15 with 53 Special Branch intelligence reports, most
16 of which were relatively unrevealing, and no witness
17 statements from any of the undercover police officers
18 who had spied on him, and still less any photographs of
19 those officers to help him recollect events that took
20 place between 40 and 50 years ago.

21 Piers Corbyn's witness statement will become
22 publicly available on the day he gives evidence. He
23 would like to attend the Inquiry venue in person to
24 answer questions, but that has not been allowed because
25 of the pandemic, and so he will give evidence virtually,

1 video-streamed and video-recorded for posterity.

2 Like most other Non-State Core Participants,
3 Mr Corbyn has always been open and upfront about his
4 politics, and has nothing to hide, in contrast with
5 the former undercover police officers who hide behind
6 anonymity and object to their evidence being
7 video-streamed and video-recorded.

8 It has been said many times before but bears
9 repeating, an audio stream is a poor substitute and
10 the failure to keep video recordings is a disservice to
11 the historical record. So why was Piers Corbyn of
12 interest to Special Branch and MI5?

13 It was over 50 years ago in 1969 that a registry
14 file was first opened on him, a file to which he has
15 never had access and never will be given access.
16 Mr Corbyn was president of the Imperial College Union at
17 the time. He was politically active. He attended
18 rallies against the Vietnam War.

19 In 1971, he joined the International Marxist Group,
20 and attended numerous meetings and demonstrations about
21 the burning issues of the day, including Ireland,
22 anti-facism, anti-racism and trade union struggles for
23 better pay and conditions.

24 In 1972, he was instrumental in setting up
25 the Squatters Action Council and the London Squatters

1 Union, and he played a key role in the victory of
2 the Elgin Avenue squatters, all of whom were rehoused by
3 the Greater London Council. Squatting was a response to
4 the lack of affordable housing in London, especially for
5 young people, but was also a way of trying to establish
6 a new type of community in the form of communal living.

7 In 1982, Piers left the IMG and joined
8 the Labour Party, the year before his brother Jeremy was
9 elected as a Member of Parliament for Islington North.

10 In the 1980s, he was active in the Fair Fight
11 Campaign, to keep down the cost of public transport. In
12 1986, he became a Labour councillor in Southwark for
13 four years.

14 What has Piers Corbyn learnt from the current
15 hearing bundle about the spying on him by the SDS that
16 he did not know previously? Unfortunately, Sir, almost
17 nothing.

18 Firstly, none of the eight SDS officers due to give
19 oral evidence mention Mr Corbyn in their witness
20 statements. Although, one of them, namely HN298, who
21 used the cover name "Michael Scott", mentions Mr Corbyn
22 in one intelligence report as having been present at
23 a meeting about Ireland in 1974 that he attended.

24 Secondly, the two SDS officers who do mention
25 Mr Corbyn in their witness statements, albeit only in

1 passing, namely HN299/342, who used the cover name
2 "Dave Hughes", and HN353, who used the cover name
3 "Gary Roberts", are not giving oral evidence. Their
4 evidence is being summarised.

5 Thirdly, although the Inquiry gave Mr Corbyn
6 photographs to view from the 1970s of three
7 SDS officers, none of these officers had spied on
8 Mr Corbyn, so unfortunately this was a pointless
9 exercise. By contrast, the Inquiry has not given
10 Mr Corbyn photos to view from the 1970s of any of
11 the SDS officers who actually did spy on him. In
12 particular, the Inquiry has not given Mr Corbyn a photo
13 to view from the 1970s of HN338, an SDS officer who
14 attended three small political meetings at Mr Corbyn's
15 actual home in January, March and June 1972. And we've
16 provided the references of those intelligence reports in
17 our written opening statement.

18 HN338 is deceased. His real name is restricted and
19 his cover name is apparently not known.

20 Fourthly, although Mr Corbyn was granted
21 core participant status by the Inquiry, on the basis
22 that he was one of the main organisers of squatting
23 groups in London between 1972 and 1982, inexplicably,
24 his squatting activism barely features in
25 the intelligence reports in which Mr Corbyn is named.

1 In short, what has been revealed by the disclosure,
2 unfortunately, is a damp squib. What would tell us far
3 more about the secret state's interest in Piers Corbyn
4 is obviously his registry file. And that's what
5 Mr Corbyn wants to see. But nobody ever gets to see
6 their registry file, not even during a public inquiry
7 into undercover policing.

8 Unlike his friends in Germany, who were given access
9 to their STASI files in the 1990s after the collapse of
10 communism in the former East Germany, Mr Corbyn will
11 sadly remain none the wiser about the full nature and
12 extent of the British secret state's interest in him.

13 Why will the British state not release
14 Piers Corbyn's registry file, even after decades have
15 passed, if only to Mr Corbyn himself and no one else?

16 Why is the Inquiry unable to compel the state to do
17 so notwithstanding its broad powers? Is it because most
18 spying is in fact so tedious and so routine and so
19 unnecessary that any sensible citizen might question why
20 so much taxpayers' money is being wasted? Or is
21 the state afraid of something else?

22 We will never know, because I'm afraid the Inquiry
23 is never truly going to be allowed to penetrate
24 the edifice of secrecy at the heart of our surveillance
25 society. While secrecy continues to trump openness,

1 the Inquiry will only scratch the surface, however
2 interesting and revealing some of the redacted documents
3 it is disclosing undoubtedly are.

4 In conclusion, Sir, there are two further points we
5 wish to make in light of recent developments.

6 Firstly, the Designated Lawyers Officers' group in
7 its written opening statement expresses concern about
8 what Tariq Ali said in evidence about the killing of
9 Blair Peach, and Piers Corbyn said -- I'll just repeat
10 that sentence, sir.

11 Firstly, the Designated Lawyer Officers' group in
12 its written opening statement expresses concern about
13 what Tariq Ali said in evidence about the killing of
14 Blair Peach and Piers Corbyn said in his witness
15 statements about the killing of Kevin Gately.
16 The Inquiry's function, it is submitted by
17 the Designated Lawyer Officers' group, is to generate
18 light not heat, and that we should all guard against
19 the making of inflammatory allegations, however emotive
20 or sensitive the subject, however tragic what happened,
21 however appalling the lack of police accountability.

22 Let's go back to basics. Blair Peach was killed by
23 a police officer. Mr Ryder of counsel said it yesterday
24 and I repeat it today. That is the truth. There is
25 nothing inflammatory or contentious about saying that.

1 On the contrary, to pretend otherwise, to describe
2 the blow that killed Blair Peach without acknowledging
3 that it was a police officer who struck that blow makes
4 a mockery of history, as does denying the subsequent
5 cover-up by the police, the coroner and the Home Office.

6 As Tariq Ali told you in November, Sir, when he gave
7 evidence, he, too, was on the receiving end of police
8 violence in Southall on 23 April 1979. He was hit on
9 the head with a police truncheon and knocked
10 unconscious. He described that as "like a leaf taken
11 out of a colonial police manual in India during the days
12 of the British Raj".

13 As far as the events in Red Lion Square on
14 15 June 1974 are concerned, whether you believe that
15 Lord Scarman's exoneration of the police was just
16 another establishment whitewash or not, there is nothing
17 inflammatory or contentious about saying that
18 Kevin Gately died from a head injury likely caused by
19 a blunt hard object. That was the pathological
20 evidence. There is nothing inflammatory or contentious
21 about saying that mounted police officers were striking
22 at the heads of anti-fascist protesters in
23 Red Lion Square with their truncheons. There are
24 photographs in the public domain that show exactly that
25 happening; and there were other protesters present in

1 Red Lion Square with the injuries to prove it.

2 Consequently, it is hardly surprising, you may
3 think, Sir, that many, including Piers Corbyn, believe
4 that Kevin Gately was struck on the head with a police
5 truncheon, as opposed to any of the less likely
6 alternative explanations posited over the years.

7 Finally, the latest delay of Tranche 1 Phase 3 until
8 2022 and Tranche 2 until 2023.

9 As I'm sure you appreciate, Sir, there is universal
10 dismay and anger amongst the Non-State Core Participants
11 about this latest setback, which, on any view, plays
12 straight into the hands of those who benefit from delay,
13 namely those who want to preserve the secret state at
14 all costs. It's obvious, the longer the delay,
15 the longer that most Non-State Core Participants will
16 have to wait for disclosure, the more evidence that will
17 be lost, the more witnesses who will die, the more
18 witnesses who will become too ill to participate,
19 the more difficult it will be for the Inquiry, Sir, to
20 get to the truth.

21 As one Non-State Core Participant described it, this
22 is yet another slap in the face.

23 When are those who were spied on in the 1980s and
24 subsequently going to receive disclosure? When is
25 the Inquiry going to finish? When is there going to be

1 Opening statement by MS HEAVEN

2 MS HEAVEN: Thank you, Sir, and good afternoon.

3 This opening statement is made on behalf of all
4 the Cooperating Non-Police Non-State Core Participants,
5 which I will call the "Non-State Cooperating Group". It
6 supplements the statements that have been made directly
7 on behalf of individuals and groups by their instructing
8 lawyers and the first opening statement made by
9 the Non-State Cooperating Group at the start of
10 the evidence in Tranche 1, Phase 1.

11 At the outset, the Non-State Cooperating Group wish
12 to express their deep anger and upset in response to
13 the announcement on Tuesday that the next stage of this
14 public inquiry, that was due to be heard at the start of
15 October 2021, is to be delayed until some point in
16 the first six months of 2022.

17 This means --

18 THE CHAIRMAN: Can I interrupt you as to that.

19 The basic reason is because I had, and welcomed, an
20 application from somebody who had been in a very senior
21 position in the SWP in this period. I wish to obtain
22 a statement from her, so that she could be heard in
23 Phase 3. But to do that, it is necessary that
24 the Inquiry should go back over reams of documents, so
25 as to be able to give them to her, so that she can see

1 what is relevant in as substantially unredacted form as
2 possible.

3 That's the basic and principal reason why things
4 have been delayed.

5 MS HEAVEN: Yes, sir, thank you.

6 We also learnt for the first time, in the opening
7 statement from Counsel to the Inquiry, Mr Barr QC, that
8 the Tranche 2 hearings will not be heard in 2022. This
9 means tranche 2 could well take place in over two years'
10 time.

11 For the Non-State Cooperating Group, this is an
12 entirely unacceptable state of affairs. It is
13 deplorable that Non-State Core Participants are having
14 to face yet more delay before discovering the truth of
15 why it was that they were unlawfully spied upon by
16 the state. Let's not forget that when
17 Lord Justice Pitchford opened this Inquiry on
18 28 July 2015, his hope was that he would deliver his
19 report to the Home Secretary within three years.

20 This public inquiry is tasked with unearthing
21 the truth behind undercover policing from as far back at
22 1968. However, as time passes, the possibility for
23 the Inquiry to do this is fast reducing.

24 The undercover police officers and witnesses are of
25 advancing age, and even during the course of this

1 tranche, extremely significant witnesses have become too
2 ill to give their evidence to the Inquiry. This
3 situation will only worsen with this further delay,
4 meaning yet more crucial evidence will be lost.

5 We have already heard from Ms Kaufmann QC yesterday
6 about the failure to obtain witness evidence from
7 the vitally important witness HN67, cover name "Alan
8 Bond", with the result that he is now apparently too ill
9 to give evidence. It is therefore essential that
10 the Inquiry take urgent steps to prioritise the taking
11 of witness statements from all undercover officers and
12 managers, and that the Non-State Cooperating Group are
13 provided with a complete list of all managers due to
14 give evidence in Phase 3, and regular updates on their
15 state of health.

16 Evidence preservation must be a central priority.

17 The Non-State Cooperating Group are concerned that
18 the real cause of the delay is the overly secretive
19 stance of the police, and other state bodies, and their
20 excessive demands for redaction of documents.
21 The Non-State Cooperating Group urge these bodies and
22 the Inquiry to consider their approach to where
23 the public interest lies, and specifically to reconsider
24 the balance between state secrecy and justice for those
25 who were spied upon. We ask the Inquiry to urgently

1 provide specific dates for the next phase and for
2 Tranche 2.

3 Before looking at what is revealed in the T1 P2
4 disclosure, I first want to make two short points.

5 First, the Non-State Cooperating Group do welcome
6 the disclosure that has been provided in this tranche.
7 However, the disclosure process has once again not been
8 without difficulties, which I will touch upon later.

9 Second, the Non-State Cooperation Group remain
10 concerned that those unable to attend the venue without
11 putting themselves or others at risk are prevented from
12 seeing live screening of the undercover officers'
13 evidence.

14 The Non-State Cooperating Group reiterate their
15 concern that a proper investigation and interpretation
16 of the evidence in a way that ensures justice is done
17 requires the Non-State Cooperating Group to be able to
18 see as well as hear the evidence. However,
19 the provision of an audio feed is recognised as
20 a gesture and a small step towards improving
21 the opportunities for participation and engagement
22 during the current difficulties.

23 It is hoped that the provision of a live audio feed
24 can continue into the next phase, and that more
25 consideration will be given to a visual feed. It is

1 also hoped that the Chair will consider providing audio
2 streaming to individual Non-State Core Participants who
3 are located outside England and Wales, to ensure they
4 can meaningfully participate in this Inquiry.

5 I now want to turn to the evidence.

6 As the Inquiry moves into Phase 2, the period 1973
7 to 1982, as we have already heard, it will continue to
8 focus on the activities of the undercover officers of
9 the Special Demonstration Squad; "SDS" for short. What
10 the Non-State Cooperation Group have found in
11 the disclosure will be both shocking and revealing to
12 the general public. It is shocking because it shows
13 quite how far the tentacles of the secret state had
14 spread even by the 1970s, and how many individuals and
15 groups exercising their right to participate in
16 campaigning activities were being routinely targeted and
17 spied upon. Revealing, because what the overwhelming
18 majority of the documents confirm is what the Non-State
19 Cooperation Group have always asserted, which is that
20 undercover policing in this era was, without doubt,
21 political policing.

22 What will become clear from the evidence is the way
23 in which this practice of political policing became
24 embedded during this period. This resulted in
25 widespread and illegitimate infiltration of groups and

1 individuals perceived to be largely on the political
2 left wing. It is now that we see the abhorrent
3 practices, such as the targeting of justice campaigns
4 and defence campaigns, reporting on lawyers, and even
5 advice from a solicitor protected by
6 legal professional privilege.

7 We see undercover officers engaging in criminality
8 and potential miscarriages of justice. There is
9 extensive use of photographic surveillance and early
10 spotter cards, widespread and indiscriminate data
11 collection, often at the behest or request of
12 the Security Service, MI5; and there is extensive
13 surveillance on young people, teachers and students.

14 There is reporting touching on trade union affairs
15 and on members of mainstream political parties. We even
16 find intelligence of the SDS being potentially used to
17 block the career of an activist.

18 As we have heard today, there is the use by
19 undercover officers of deceased children's identities
20 and undercover officers forming intimate and
21 sexual relationships with women who were spied upon.

22 Last, but certainly not least, the disclosure begins
23 to reveal the deep collaboration between
24 the Security Service and the SDS.

25 The controversial police practice first introduced

1 by DCI Conrad Dixon in 1968 which became known as
2 the "oblique approach" was fully operational by the SDS
3 by the early 1970s.

4 The attempt to minimise the approach with an anodyne
5 tag should not obscure what we see in the documents.
6 This approach was unashamedly described by Dixon himself
7 as the infiltration of "relatively innocuous
8 organisation(s)" as a way of developing cover and
9 allegedly gaining access to more significant
10 organisations. In other words, it was a practice that
11 led to large numbers of individuals and groups suddenly
12 becoming fair game for routine spying by the SDS, with
13 their data being frequently copied to Box 500.

14 As the Inquiry will recall, this is the reference
15 that we see stamped or written on many documents to case
16 that reporting had been sent by the SDS to
17 the Security Service.

18 There are many examples of the impact of the oblique
19 approach. To name a couple in Tranche 1: the Inquiry
20 heard about the targeting and widespread reporting on
21 the Women's Liberation Movement over a two-year period.
22 This included reporting on a child's Christmas party and
23 jumble sales.

24 In Phase 2 the Inquiry will hear about
25 the infiltration of the youth wing of the Liberal Party.

1 This was specifically targeted by the undercover officer
2 HN298, cover name, "Michael Scott", to gain access to
3 the core participant Peter Hain. By its own admission,
4 in the SDS annual report for 1972:

5 "Most of the current team of officers have been
6 through several organisations which has not only
7 established their identity firmly but has increased
8 coverage of the extremist field."

9 The Non-State Cooperation Group suggest that in
10 fact, the cynical targeting of so-called "innocuous
11 organisations" as a means of providing cover to
12 undercover officers is direct evidence of the contempt
13 for civil society displayed by the SDS. They should not
14 be characterised as accidental or collateral intrusion.

15 I now want to go on, Sir, to deal with the annual
16 reports.

17 The Designated Lawyer Core Participant Group who
18 represent the majority of the SDS, in their first
19 opening statement for Tranche 1 Phase 1, placed great
20 emphasis on the content of the Metropolitan Police
21 Commissioner's annual reports, as well as the SDS annual
22 reports, to highlight what they say is the increasing
23 public disorder in the 1970s and need for public order
24 policing. These Metropolitan Police annual reports have
25 not been disclosed to the Non-State Cooperation Group.

1 In any event, the content of annual reports must be
2 treated with great caution by this Inquiry. Annual
3 reports were documents designed to ensure a continuation
4 of funding to the Metropolitan Police Special Branch,
5 SDS, from the Home Office.

6 What is notable is that the SDS annual reports
7 simply do not reflect the sentiments expressed by many
8 of the undercover officers in their witness statements
9 for this Phase 2. Many of these undercover officers
10 frequently realised, at an early stage, that the groups
11 they were infiltrating did not have the ability or
12 intention to be truly subversive or extremist and they
13 rarely witnessed public order.

14 One short example includes an admission of Chief
15 Inspector HN294, who was in charge the SDS in the early
16 1970s. In 1973, he is recorded as commenting to
17 the Security Service that when infiltrating the
18 International Marxist Group and International
19 Socialists, the SDS "often found that when they had
20 penetrated a branch which they thought would be more
21 interesting, they were disappointed".

22 What is also conspicuously absent from
23 the disclosure, including in the annual reports, are
24 regular and thorough risk and threat assessments as
25 regards subversion and public order. How could the SDS

1 be satisfied that their targeting of hundreds of members
2 of the public and innocuous organisations was legitimate
3 and justified? We simply cannot find these assessments
4 in the disclosure.

5 We do, however, get an insight into
6 the Security Service's understanding of risk and threat;
7 and this is in the context of subversion in the early
8 1970s. This is from the witness statement of Witness Z,
9 made on behalf of the Security Service. At
10 paragraph 56, it states:

11 "... counter-subversion, whilst a main priority for
12 the Security Service through 1968-1983, was just one
13 priority alongside others, including counter-espionage,
14 protective security and counter-terrorism. It appears
15 from the 1972 Guide that the Security Service did not
16 consider that subversive organisations posed
17 a particularly high threat, and the pressure to
18 investigate these organisations often came from
19 the Prime Minister and Whitehall."

20 The Non-State Cooperating Group welcome
21 the admission by Witness Z that the targeting of
22 subversive organisations was, certainly at this time,
23 often politically directed from the highest levels.

24 The Non-State Cooperation Group therefore urge
25 the Inquiry to take this evidence on board and to make

1 sure that it leaves no stone unturned in its
2 investigation of political influence on
3 undercover policing operations.

4 On the theme of threat assessments, paragraph 57 of
5 the statement of Witness Z goes on to state as follows:

6 "I am unable to comment on the 1994 Guide to
7 Subversion, save to observe that I understand that it
8 provided, at the time, a reference point for
9 the Security Service in respect of every organisation
10 that was suspected of some involvement in subversive
11 activity. The Guide does not contain assessments of
12 the threats the organisations posed and it appears
13 simply to have been a point of reference, providing
14 basic information about the relevant groups."

15 It is telling that an important document such as
16 the Security Service 1984 Guide to Subversion did not
17 contain any assessment of the threat posed by the groups
18 being targeted. This is a document which in all
19 likelihood advocated the targeting of and spying on many
20 of the groups involved in this public inquiry. We await
21 disclosure of the 1984 Guide.

22 Finally, whether or not there was an adequate
23 process of risk and threat assessment underpinning all
24 the decisions made on targeting by the SDS is something
25 that will clearly need to be explored by the Inquiry,

1 including in Tranche 6.

2 I now want to move on to other common themes, if
3 I may, in Tranche 1 Phase 2.

4 We begin to see in this tranche the alarming
5 continuation of reporting on lawyers and material
6 potentially subject to legal professional privilege,
7 often provided in the context of defence and justice
8 campaigns and involving alleged police misconduct.

9 For example, in 1971, HN347, cover name
10 "Alex Sloan", reports on the justice campaign arising
11 from the death of Stephen McCarthy, who was a 19-year
12 old boy who died in 1971, a number of days after being
13 allegedly assaulted by the police in the course of an
14 arrest.

15 The reporting included reference to legal advice
16 contemplated against a senior police officer. This is
17 an example, and it's an early example, of SDS reporting
18 on a justice campaign.

19 The same undercover officer also reports on a visit
20 to a female asylum seeker, detained in Holloway Prison
21 and awaiting her appeal from the Home Office. Why
22 was it that this was of interest to the SDS, we ask?
23 Such reporting can only be seen as a gross and
24 unjustifiable invasion of privacy by the state.

25 We also see increased policing interest in justice

1 campaigns and campaigners. The following groups and
2 individuals are just a selection of some of the names we
3 have found in the disclosure. They are included here
4 either because they have a Metropolitan Police
5 Special Branch registry file, or their name simply
6 appears in the latest disclosure.

7 They include: the Shrewsbury Two Defence Committee;
8 the Roach Family Support Committee; Stoke Newington and
9 Hackney Defence Campaign; Persons Unknown Defence
10 Campaign; Murray Defence Campaign; Deptford Action
11 Massacre Committee; Friends of Blair Peach Committee,
12 Celia Stubbs, partner of Blair Peach and
13 a core participant in this Inquiry; Graham Smith,
14 a core participant in this Inquiry; Justice for David
15 Ewin Campaign, July 1995; and Deborah Coles, Director of
16 INQUEST, which was a group set up to monitor deaths in
17 police custody and campaign on behalf of bereaved
18 families.

19 Many of these groups' meetings were directly
20 targeted, contrary to what has been previously asserted
21 by the Designated Lawyers who represent many of the SDS.
22 The examples of direct targeting of justice campaigns
23 are overwhelming. See, for example, the private meeting
24 of the Free Desmond Trotter Campaign, which was directly
25 targeted by an undercover officer, and where standard

1 campaigning activity, such as fundraising,
2 awareness-raising and a demonstration, were all reported
3 on.

4 Another theme that we see emerging during this phase
5 is that the children of activists and groups comprised
6 of young activists become subject to direct reporting
7 and targeting by the undercover officers. This is an
8 example of intrusive and unjustified general reporting
9 which must be of relevance to this Inquiry.

10 For example, we see a report signed off by a chief
11 inspector and chief superintendent and sent to Box 500,
12 the Security Services, consisting of references to an
13 individual's brother and wife, and the fact that
14 "the couple have a mongol child".

15 The Inquiry will hear, in particular, from HN216,
16 cover name "Paul Gray", who reported on many young
17 activists and teachers. And you have already heard
18 today, Sir, in the opening statement for Richard Chessum
19 and "Mary", the intrusive nature of some of this
20 officer's reporting.

21 The Non-State Cooperation Group note with dismay
22 the suggestion by the Designated Lawyers in their latest
23 published opening statement, which states that there was
24 no reason to refrain from reporting on such children as
25 it "did not cause any harm". The Non-State Cooperation

1 Group question how, by any standards, including those of
2 the 1980s, such a gross invasion of privacy and family,
3 involving the targeting of children, could be seen as
4 legitimate and justified and not harmful to society.

5 A particular focus for HN126, cover name "Paul
6 Gray", was a group called School Kids Against the Nazis,
7 "SKAN" for short. For example, he reported on a 14-year
8 old boy because he had come to notice by attending
9 a meeting of the North-West London district of
10 the Socialist Workers Party, and he was also a member
11 of SKAN. The undercover officer provided this child's
12 year of birth, height, details of other personal
13 characteristics, and attached a photograph of the boy to
14 his report, all of which was copied again to Box 500.

15 There are many, many more examples of HN126's
16 reporting on children, particularly those who are
17 involved in SKAN.

18 These former child campaigners are not here to have
19 their voices heard. We do not know if the Inquiry has
20 attempted to contact any of the members of SKAN who were
21 targeted. Consequently, the Non-State Cooperation Group
22 feel it is important for the Inquiry to hear directly
23 from some of the SKAN children themselves.

24 So here are the Hackney School Kids Against Nazis
25 from 1978, and could we please play DOC044. {DOC/44/1}.

1 (Video footage played to the Inquiry)

2 Sir, I think -- I can't obviously see the screen.

3 Is there an issue with the footage, Sir?

4 THE CHAIRMAN: I can see the screen, but there is no sound.

5 MS HEAVEN: Well, Sir, I'll wait for your indication. If

6 there's no progress, then maybe I can continue.

7 THE CHAIRMAN: Do you intend to play it with sound?

8 MS HEAVEN: I think it really does need sound, yes. I'll

9 just give it another minute and we'll see.

10 (Video footage played to the Inquiry)

11 THE CHAIRMAN: It has finished now.

12 MS HEAVEN: Thank you, Sir.

13 THE CHAIRMAN: Despite the difficulties, I think I certainly

14 got the impression that you seek to convey from it.

15 I got a very clear impression of what School Kids

16 Against the Nazis was doing publicly, as shown in

17 the film.

18 MS HEAVEN: Thank you, Sir. I'll carry on.

19 As already noted, the names of many of the groups

20 that were spied upon have had their names redacted. In

21 other words, they've been deleted from the documents so

22 that we cannot know who they are.

23 However, what is now becoming evident is the extent

24 to which groups were being monitored and/or were of

25 interest to the Metropolitan Police Special Branch and

1 the SDS during the 1970s and early 1980s.

2 The following are a very small selection of groups
3 of interest to the Metropolitan Police Special Branch
4 with registry files. And this has been taken, Sir, from
5 SDS reporting.

6 Christian Aid; Fellowship Party -- No Violence No
7 Racism Say Yes to Fellowship; Mainstream political
8 parties, such as the Hornsey Labour Party, Tottenham
9 Labour Party, Dulwich Labour Party Young Socialists, St
10 Pancras South Labour Party, Harlow Labour Party, Erith
11 and Crayford Labour Party, Southgate Labour Party,
12 Norwood Labour Party, Vauxhall Labour Party, Epping
13 Labour Party and the Orpington Young Liberals.

14 We see various trade councils: Southwark, Lewisham &
15 Deptford, Hackney, Haringey and Croydon.

16 We see the Amalgamated Union of Engineering Workers
17 London North District, the TGWU Legal Workers Branch.

18 We see the Defend the Health Service ASTMS Central
19 London Medical Branch.

20 We see the Lewisham Humanists, the National Union of
21 Students, the National Union of School Students and
22 the National Union of Teachers.

23 These are just a few examples.

24 Women's groups continued to be reported on during
25 this period, including: Women's Voice, Greenham Common

1 Women's Support Group, Spare Rib Collective,
2 Women in Ireland, Women Workers League, Brixton Black
3 Women's Group.

4 By the early 1980s, we also see that
5 the Security Service are taking a keen interest in
6 women's groups, and appear to be seeking information
7 from the SDS on groups including: the Greenham Common
8 Women Support Group, Lambeth Women for Peace at
9 the Melting Pot Foundation, Women for Life on Earth,
10 Women versus Cruise.

11 There are many, many more examples of the intrusive
12 targeting of women. To name a few, we see reporting on
13 an unnamed woman, including her photograph, simply
14 because she had resigned from the Socialist
15 Workers Party but maintained an interest in
16 Women's Voice and the Anti-Nazi League. Of note,
17 the photograph was taken by an undercover officer at
18 the funeral of Blair Peach.

19 A particularly invasive, deeply offensive and
20 unjustified report on a woman can be found in reporting
21 attributed to HN106, cover name "Barry Tompkins",
22 although he denies this. It records a female activist
23 having an abortion, with speculation in the reporting
24 about the "putative father". Once again, the Non-State
25 Cooperation Group query how any person could ever

1 consider that such a gross invasion of privacy was
2 legitimate and justified.

3 When considering the list of targeted groups, which
4 represents a mere fraction of those targeted,
5 the Non-State Cooperation Group reflect on what could
6 possibly justify such widespread undercover policing.

7 As the Designated Lawyers point out in their first
8 opening statement to Tranche 1 Phase 1, political
9 neutrality meant avoiding any more or less favourable
10 treatment of particular groups, and that is what
11 the police are required to do.

12 However, what is evident from the documents from
13 this period of time is that this is not what happened.
14 The simple fact is that the SDS and the Security
15 Services targeted hundreds of individuals and groups
16 perceived to be on the political left wing. They
17 appeared, however, to be far less interested in
18 the obvious threats posed by the rise of the far right
19 and the National Front and their desire to provoke
20 conflict at demonstrations and engage in violent
21 criminality and create fear in communities.

22 The SDS in their annual reports, year after year,
23 stated that the far right was simply not of interest and
24 did not warrant coverage.

25 The National Front was first reported as having been

1 infiltrated by the SDS in the 1975 Annual Report.
2 However, this was not on the official instructions of
3 SDS management, but rather action taken by an
4 undercover officer of the SDS in his cover identity,
5 after being tasked to infiltrate the National Front by
6 the Workers Revolutionary Party. This led inadvertently
7 to the discovery by the SDS of the so-called more
8 hard-line fascists, the League of St George, a group
9 which the SDS noted as one that "could well pose future
10 public order problems".

11 During the 1970s, why were the far right not
12 infiltrated and reported on by the SDS in the way that
13 left-wing groups were?

14 The Designated Lawyers, in their first opening
15 statement, claim that the National Front tended to
16 cooperate with the Metropolitan Police Special Branch in
17 connection with demonstrations and marches. Any such
18 evidence needs to be seen by the Inquiry and
19 the Non-State Cooperation Group, if it exists, to ensure
20 there's a complete picture.

21 The Non-State Cooperation Group do look for
22 reassurance that the Inquiry is requiring disclosure of
23 this evidence, and not simply accepting at face value
24 what is stated in the annual report and other
25 Metropolitan Police Special Branch and SDS

1 documentation.

2 The Inquiry will also want to consider whether it is
3 in fact credible for the Metropolitan Police
4 Special Branch to suggest they did have coverage that
5 was good of the far right.

6 The National Front, for example, were actively
7 engaged in this era in instigating public disorder, and
8 involved in violent and criminal acts against members of
9 the public. Much of this was simply not preempted, or
10 not prevented by the police.

11 The attention paid to the National Front by the SDS
12 during this period appears to be in stark contrast to
13 the extreme lengths the SDS went to, to target left wing
14 groups.

15 By way of example, HN33, cover name "Gary Roberts",
16 who mainly infiltrated the International Marxist Group,
17 became a student at Thames Polytechnic and studied for
18 a degree in BA political economy in his cover identity.
19 He even attended classes for four days a week for
20 a number of years. He became vice president of
21 the local NUS, and attended the national conference.
22 This was all apparently paid for by the Metropolitan
23 Police Special Branch.

24 Other important issues can be found in
25 the disclosure in this phase.

1 Racist attitudes are evident. See, for example,
2 the following reporting on the events at Lewisham on
3 13 August 1977:

4 "Young blacks, the vast majority of whom have little
5 time for the ultra-left, turned out at Lewisham with
6 the sole intention of attacking the police. It must be
7 realised that the hatred of these people for authority
8 has no bounds and the most insignificant of incidents
9 involving them could spark off major public disorder."

10 I now want to turn, Sir, to the issue of
11 the targeting of trade unions and blacklisting.

12 The Non-State Cooperation Group were surprised when
13 the Designated Lawyer Group told the Inquiry in their
14 first opening statement that "SDS personnel did not
15 infiltrate or target ... trade unions and were not
16 involved in trade union blacklisting". The SDS annual
17 report for 1972 clearly records intelligence on
18 the miners, dockers and building workers' strike.
19 The Shrewsbury Two defence campaign, set up by union
20 workers, was directly targeted in this tranche.

21 The documents also clearly reveal that
22 the undercover officer 299/342, cover name
23 "Dave Hughes", joined the Transport and General Workers'
24 Union in his cover identity, and would go along to "big
25 meetings", which he claims he did not cover, as they

1 were being covered by "an ordinary Special Branch
2 officer".

3 Unfortunately, the Inquiry is unable to fully test
4 this officer's account and probe why it is that so much
5 of his reporting is missing, including all that on
6 the Claimant's Union, as it was considered that
7 the Inquiry did not need to hear from him.

8 In terms of blacklisting, the blacklisting support
9 group, who are core participants in this Inquiry, were
10 frankly outraged by the choice of language used by
11 Mr Skelton QC when he gave the opening statement on
12 behalf of the Metropolitan Police, when he referred
13 to "so-called blacklisting organisations".

14 Sir, there is no doubt that blacklisting occurred.
15 And any attempt to belittle that fact is deeply
16 offensive to those individuals and their families who
17 have suffered so extensively as a result of
18 blacklisting.

19 May I remind this Inquiry that it was
20 the Metropolitan Police's own investigation, Operation
21 Reuben, that made the finding that the police had
22 contributed to The Consulting Association's blacklist.
23 I quote the finding as recorded by Operation Herne.
24 Sir, this is paragraph 4.2:

25 "Police, including Special Branches and

1 the Security Services, supplied information to
2 the blacklist funded by the country's major construction
3 firm, The Consulting Association, and other agencies."

4 I now want to move on, Sir, and just say a few words
5 about the disclosure from the Security Services.

6 After many decades of secrecy and obfuscation about
7 the role of the secret state in political policing,
8 the disclosure from the Security Services is welcomed.
9 However, more is required.

10 It is clear that there was deep collaboration
11 between the Security Services and the SDS. The latest
12 disclosure barely touches the surface. A few examples
13 include the SDS at times pursued the interests and
14 agenda of the Security Services; the SDS displayed
15 a willingness to infiltrate a group recognised as posing
16 no threat to law and order in response to
17 the Security Services' interests, and to develop SDS
18 cover; the SDS may have talent-spotted for
19 the Security Services, and they certainly complied with
20 many Security Service requests to data-mine infiltrated
21 groups, and this included membership lists, photographs,
22 bank account details and phone numbers.

23 Now, the Inquiry is tasked with investigating
24 the motivation and justification for undercover
25 policing. The Designated Lawyers suggest on the one

1 hand that the SDS were "neither a servant nor an agent
2 of MI5", but on the other hand that the SDS could
3 not "realistically have challenged or gainsaid
4 the latter's assessment of national security matters".
5 Which is it, we ask? Those representing the majority of
6 the SDS undercover officers can't have it both ways.

7 In order for the Inquiry to properly understand
8 the motivation and justification for undercover
9 policing, and get to the truth of who really controlled
10 the SDS, the Inquiry must answer a number of questions.

11 Number 1: was undercover policing taking place
12 either at the request of the Security Services and/or in
13 order to serve the requirements of
14 the Security Services?

15 If yes, was it, or should it have been,
16 the responsibility of the SDS to take steps to
17 understand the assessments by the Security Services, so
18 that it could satisfy itself that any such targeting
19 requests from the Security Services were legitimate and
20 justified?

21 Where did responsibility lie for assessing what
22 constituted an extremist or a subversive group?

23 The Non-State Cooperation Group do note that some
24 assistance is provided by the official guidance and
25 terms of reference given to the Metropolitan Police

1 Special Branch by the Home Office in 1967, 1970, and
2 then in 1984. However, these documents do not provide
3 a complete answer to the questions just posed. What is
4 beyond doubt in these documents is that the SDS's remit
5 clearly covered spying on so-called "subversives".

6 The Non-State Cooperation Group note that it appears
7 to be as late as 1984 when detailed guidance was first
8 given to the SDS on its relationship with
9 the Security Services. This includes, for example,
10 the SDS and Metropolitan Police Special Branch being
11 directed to exercise great caution and seek advice from
12 the Security Services before targeting any alleged
13 subversives.

14 It also contained the warning that Special Branch
15 must take particular care to avoid any suggestion that
16 they were either investigating matters involving
17 the legitimate expression of ideas, or interfering in
18 the exercise of political and civil liberties.

19 The Non-State Cooperation Group want the Inquiry to
20 scrutinise whether all the terms of reference and
21 the rules that governed the SDS relationship with
22 the Security Service were adequate and whether they were
23 complied with.

24 How far, for example, did the SDS go to serve
25 the Security Services? How much did the SDS really

1 question the Security Services when they were asked by
2 it to target so-called subversives? Was the SDS used by
3 the Security Service in their attempt to target and
4 undermine the legitimate expression of ideas?

5 I now want to move on to briefly deal with some
6 procedural matters. And I do this, Sir, in summary form
7 only, as the matters are set out more fully in
8 the published opening statement which is on
9 the Inquiry's website.

10 Under the topic of disclosure.

11 As the Inquiry are well aware, there were problems
12 in ensuring appropriate and timely disclosure
13 of documents prior to the Tranche 1 Phase 1 hearings and
14 problems with the rolling transcript. These factors
15 left the Non-State Cooperation Group feeling unable to
16 properly participate and, at times, excluded from
17 the hearings.

18 The Non-State Cooperation Group do welcome the steps
19 that are being taken by the Inquiry legal team to
20 improve channels of communication with Non-State
21 Cooperation Groups and their legal teams, and we hope
22 this can continue.

23 Unfortunately, disclosure in the runup to Tranche 1
24 Phase 2 has not significantly improved. The Non-State
25 Cooperation Group do acknowledge the impact that

1 the pandemic has had on these proceedings, and we also
2 understand that Counsel to the Inquiry was in a similar
3 position. However, the bare facts are that at the date
4 of initial disclosure on 5 March 2021, significant
5 numbers of documents referred to were missing.

6 On 6 April 2020, the page count on Opus was 5,226,
7 where the initial indication was that there would be
8 10,000 pages of material for Tranche 1 Phase 2.
9 The consequence of this approach is that it does create
10 an intolerable burden, and it simply reinforces
11 the inherent unfairness and inequality embedded in
12 the Inquiry.

13 As already stated, this Inquiry is tasked with
14 investigating the motivation and justification for
15 undercover policing. Those recognised as Non-State Core
16 Participants to this Inquiry in this tranche all appear
17 to be of interest to the Security Services. Given this,
18 and given the extremely close working relationship
19 between the SDS and the Security Services that we see in
20 the documents, the Non-State Cooperation Group repeat
21 their request that the Inquiry obtain and disclose all
22 Non-State Core Participant personnel files/organisation
23 subject files held by both the Security Services and
24 the SDS, Metropolitan Police Special Branch.

25 On the separate topic of Metropolitan Police

1 Special Branch registry file classifications, Sir,
2 HN126, cover name "Paul Gray", will briefly touch upon
3 this issue -- well, he does in his witness statement.
4 However, the Non-State Cooperation Group do request
5 the Inquiry to provide urgent clarification on
6 the classification system used for registry files and
7 related filing references, including, for example, those
8 of the secretive R Squad. This is essential to allow
9 the Non-State Cooperation Group to properly interpret
10 the unredacted references in the disclosure.

11 Finally, on the topic of disclosure, the Non-State
12 Cooperation Group also request full disclosure of
13 the Operation Herne material, including briefing
14 documents prepared based on meetings with
15 undercover officers. This is particularly important
16 given that certain undercover officers within this
17 tranche have been shown documents and dispute their
18 content.

19 For example, HN155, cover name "Phil Cooper",
20 disputes inaccuracies in the Operation Herne notes of
21 the meeting with him, including confirmation by him that
22 he used a deceased child's identity, something he now
23 claims not to recall.

24 I just want to make a few brief comments on
25 the topic of restricting public access.

1 The extent of those affected by undercover policing
2 during the Tranche 1 Phase 2 period is becoming clearer
3 in the latest disclosure. The Non-State Cooperation
4 Group urge the Inquiry to take steps to assist in
5 the identification and notification of subjects of
6 undercover policing. This must include proactively
7 encouraging members of the public to come forward by
8 publishing a list of all groups spied upon. It must
9 also include publishing photographs of each
10 undercover officer as they appeared whilst undercover,
11 and proactively and thoroughly attempting to contact all
12 significant non-state civilians revealed in
13 the disclosure.

14 I now move on to the issue of redaction and
15 restriction.

16 The Inquiry continues to refuse to unredact and
17 release the names of all groups that have been spied
18 upon. As a consequence, in the Tranche 1 Phase 2
19 disclosure, there is a worrying level of redaction of
20 certain listed groups in the SDS annual reports.
21 The Non-State Cooperation Group ask again that the names
22 of all groups reported on by undercover officers should
23 be disclosed in full. This will enable the true scale
24 and nature of the SDS operations to be seen in full. It
25 will also enable legal representatives to take targeted

1 instructions from those Non-State Cooperation Group and
2 civilians with the most relevant information to give.

3 On the restriction of cover names, of course, Sir,
4 you're aware that this remains of significant concern to
5 the Non-State Cooperation Group. This is an issue that
6 will become more prominent as the Inquiry enters later
7 tranches, particularly in relation to
8 the National Public Order Intelligence Unit.

9 The Non-State Cooperation Group do contend that
10 the approach to restriction orders in this context must
11 be reconsidered.

12 Closed hearings.

13 As we've heard, the Inquiry has disclosed an
14 undercover officer gist document summarising
15 the evidence of seven undercover officers who it is
16 proposing will give evidence in closed proceedings.
17 The gist document summarises the evidence by theme and
18 not by officer or time period.

19 The Non-State Cooperation Group echo the concerns
20 already raised yesterday by Ms Kaufmann QC, and today by
21 Mr Menon QC, about this gisted document.

22 We also ask: are closed hearings in fact required
23 for each of those undercover officers? In
24 the restriction order process, a number of these
25 officers were considered suitable by you, Sir, for open

1 proceedings with special measures; and some were also
2 considered to be low risk. It would appear that at
3 least one of the undercover officers appeared in
4 the documentary True Spies, whilst another may have
5 appeared. The Non-State Cooperation Group strongly
6 reiterate that there should only be departure from open
7 justice if the evidence is so sensitive that
8 the departure is strictly necessary to protect an
9 officer from identification. The Non-State Cooperation
10 Group can see no real justification for allowing closed
11 proceedings for any officer who has appeared on
12 television talking about undercover policing.

13 Finally, a protocol on the procedure for closed
14 hearings hasn't been published, as requested. This must
15 be done as a matter of urgency, with a timetable for
16 the closed hearings.

17 I'm now, Sir, moving on to a section entitled
18 "Managing the evidence".

19 It is of real concern that for Tranche 1 Phase 2,
20 out of a list of 18 undercover officers on the witness
21 list who are alive, the Inquiry will only hear evidence
22 from eight.

23 We note that there are three undercover officers who
24 are not being called to give live evidence, either
25 because the Chair has directed that they are not

1 required, Sir, that there are four who are unwell, and
2 three officers who are not being called because they are
3 outside the jurisdiction.

4 It is noted that Counsel to the Inquiry do state in
5 their opening statement -- their recent one -- that at
6 some point in the future a statement may be obtained
7 from one of these: HN296. We reiterate what we stated
8 at the start of this opening statement: evidence
9 preservation must be the number one priority, and so
10 this statement must be obtained as a matter of urgency.

11 It is understood that the Inquiry obtained witness
12 evidence from HN353, cover name "Gary Roberts", whilst
13 he was in the United Kingdom in 2019. However, he's
14 currently out of the jurisdiction, and as such his
15 evidence will now be summarised by
16 Counsel to the Inquiry.

17 This is an unsatisfactory state of affairs. HN353,
18 cover name "Gary Roberts", was present at
19 the demonstration in 1974 in Red Lion Square when
20 Kevin Gately was fatally wounded, and he was present and
21 potentially reported on the demonstration in Lewisham in
22 1977. His reports appear to be missing.

23 In the age of remote working, there does not appear
24 to be any reason why HN353 cannot give evidence
25 remotely, like some other non-state CPs.

1 In order to increase public confidence and trust in
2 this Inquiry, it will be important for the Inquiry to
3 investigate matters, such as missing reports, in order
4 to understand the extent to which the police may have
5 sought to cover-up their involvement in certain
6 prominent incidents.

7 HN299/342, cover name "Dave Hughes", who I mentioned
8 earlier, is not being called at the discretion of
9 the Inquiry.

10 There are important questions that he needs to be
11 asked about his reporting on the Claimant's Union,
12 the majority of which is missing from the bundle.
13 Further, this undercover officer was reporting on
14 the IMG, but any mention or reports on
15 the Red Lion Square demonstrations are missing. This is
16 an emerging theme with all the relevant
17 undercover officers in this tranche.

18 Also of note is that Mr Barr QC, Counsel to
19 the Inquiry, in the opening statement on Wednesday,
20 referred to a report from HN299/342. It was
21 characterised as follows:

22 "In terms of subversive aims, it is the most
23 disturbing document that we have found."

24 Sir, you will recall that this was the document
25 referring to the liquidation of 2 million people,

1 amongst other things, when the socialist revolution took
2 place. However, the interpretation placed on this
3 document by Counsel to the Inquiry is a matter on which
4 we would wish to submit questions.

5 Unfortunately, we cannot do this. On a close
6 reading of this document, it would appear that
7 the individual making the statements in question merely
8 attended a Marxist class and started interrupting and
9 expounding his individual views, nothing more. In
10 considering whether there is any genuine evidence of
11 disturbing subversion in the disclosure, it will be
12 important for the Inquiry to identify what is obviously
13 rhetoric and overstatement, rather than evidence of
14 actual subversion.

15 HN301, cover name "Bob Stubbs", is also not being
16 called to give evidence at the discretion of
17 the Inquiry.

18 HN301 was at Red Lion Square when Kevin Gately was
19 fatally wounded, and punched in the face by a police
20 officer. At the hearing on 26 January 2021, the paucity
21 of core participant evidence in relation to this event
22 was noted.

23 This undercover officer's witness statement is
24 extremely limited on the violence he suffered at
25 the hands of the police, and whether other activists

1 suffered the same fate. It is of concern that this
2 undercover officer's reporting does not include
3 reporting and intelligence leading up to the events at
4 Red Lion Square: the events on the day itself and
5 the debriefing and reporting following the event,
6 including the impact on undercover policing. These are
7 important matters upon which the Non-State Cooperation
8 Group would wish to submit questions.

9 HN106's cover name, "Barry Tompkins", who is not
10 being called for reasons of ill-health, denies having
11 engaged in inappropriate sexual relationships with women
12 during his time undercover. There is evidence, as
13 you've heard, in the material in the Security Services
14 to suggest, in their words, that he may have "bedded"
15 a woman whilst undercover.

16 Whilst it is noted that for some undercover officers
17 a gist of the medical evidence is provided about their
18 ill-health, this is not always the case. As far as we
19 understand, no evidence has been provided in relation to
20 HN106's state of health. We have searched
21 the undercover policing website extensively, but we
22 cannot locate it. HN106 is a vitally important witness
23 on many of the central issues to be considered by this
24 Inquiry, not least the women deceived into relationships
25 with undercover officers.

1 Separately, in the words of Counsel to the Inquiry:

2 "There are similarities between HN106's deployment
3 and that of HN81, who reported on
4 the Stephen Lawrence Campaign."

5 HN106's widespread targeting of justice campaigns is
6 a sign of what is to follow, we suggest. The Non-State
7 Cooperation Group urge the Inquiry to adopt a more
8 transparent approach to the disclosure of medical
9 evidence relied upon, where possible, and where
10 a witness is not being called for reasons of ill-health.

11 So turning to the conclusion, Sir.

12 This public inquiry must be committed to
13 establishing the truth about why it was that large
14 sections of the left and social justice campaigns were
15 subjected to wide-scale and sustained police spying and
16 interference. It is clear from what has already been
17 revealed that there was widespread and systematic
18 contempt for the rights of many perceived by the SDS and
19 the Security Services to be on the left of the political
20 spectrum.

21 The undercover policing of these groups and
22 individuals was clearly not in accordance with their
23 common law rights, or their rights enshrined in Articles
24 8, 9, 10 and 11 of the European Convention on Human
25 Rights 1950. The UK Government cannot claim to have

1 been unaware of these rights.

2 In light of the clear disregard for these rights
3 over a sustained period of time, any assurances by
4 the SDS and the Security Services should not be taken at
5 face value. It is therefore of paramount importance
6 that the Inquiry provides the disclosure set out in this
7 opening statement to all Non-State Cooperation Group
8 members, to enable those spied upon to have
9 the opportunity to correct false information and advise
10 the Inquiry of other significant breaches. The full
11 extent of all the human rights abuses that have been
12 committed must be examined, not least so that lessons
13 can be learned to prevent such actions happening again.
14 This is the whole purpose of this Inquiry.

15 The sheer scale of the spying operation, the volume
16 of people and groups spied upon, the apparent lack of
17 accountability, the exaggeration of risk and the obvious
18 imbalance in targeting by the SDS between the left and
19 the right all suggests, in the submission of
20 the Non-State Cooperation Group, that undercover
21 policing during this tranche was, from its inception,
22 unjustified and illegitimate. It was an unlawful
23 enterprise, conducted for political purposes and
24 motivated by a desire to protect the establishment,
25 rather than the wider public interest.

1 The Non-State Cooperation Group urge the Inquiry to
2 investigate all the questions that are raised in this
3 opening statement, and reiterate the demands that were
4 made in the opening statement for Tranche 1 Phase 1,
5 which I will repeat again, Sir.

6 Number 1: facilitate proper core participant and
7 public access to the proceedings, if necessary by
8 audio-visual live streaming;

9 Ensuring equality of arms between all
10 core participants, including through legal
11 representation;

12 Enable Non-State Core Participants to participate
13 meaningfully and effectively, including by giving them
14 disclosure of their personnel files and disclosure in
15 advance, with reasonable time to prepare, so they can
16 assist the Inquiry with themes and questions;

17 Publish the full list of groups spied on;

18 Publish photographs as well as cover names of
19 undercover officers, so that members of the public can
20 know if they were affected, and make all efforts to
21 contact significant non-state witnesses;

22 Ensure fuller disclosure is obtained from
23 the Security Services and;

24 Expand the panel to include diversity of experience,
25 perspectives and expertise as soon as reasonably

1 practicable.

2 And, finally, Sir, we ask that you list the next
3 phases and tranches of the hearing without unnecessary
4 delay.

5 Thank you, Sir, and sorry for the overrunning.

6 THE CHAIRMAN: Don't worry about it at all; these things
7 happen. Thank you.

8 Now I think Mr Morris is next. Do the shorthand
9 writers require a break before he begins?

10 THE SHORTHAND WRITER: Yes, please, Sir.

11 THE CHAIRMAN: Then we will have a ten-minute break for
12 the shorthand writers to recuperate. We will resume at
13 3.35.

14 (3.23 pm)

15 (A short break)

16 (3.35 pm)

17 MR FERNANDES: Good afternoon, everyone. We are just
18 waiting for the Chairman to return. We shall be back
19 shortly. Thank you.

20 THE CHAIRMAN: I am here.

21 MR FERNANDES: Your camera needs to be turned on, please.

22 There you are, Chairman.

23 Welcome back, everyone. I will now hand over to
24 the Chairman to continue proceedings.

25 Chairman.

1 THE CHAIRMAN: Thank you.

2 Sorry about the hiccup.

3 Mr Morris, would you like to make your second
4 opening statement?

5 Opening statement by MR MORRIS

6 MR MORRIS: I make this second core participant opening
7 statement following the recent disclosure to me of
8 a substantial volume of material showing the targeting
9 of myself personally by undercover officer
10 "Graham Coates", ie his witness statement and related
11 material that the police have had for years and which
12 I have just recently been able to read. I hope to
13 respond briefly to some of the strategic issues raised,
14 and explain a bit about being an activist.

15 I welcome the opening statement given by
16 Kirsten Heaven on behalf of the Non-State Core
17 Participants. I don't intend to repeat its points here,
18 except for its conclusion -- which I agree with -- that:

19 "... undercover policing during this Tranche was
20 from its inception unjustified and illegitimate. It was
21 an unlawful enterprise conducted for political purposes
22 and motivated by the desire to protect the establishment
23 rather than ... the wider public interest".

24 I also reaffirm my previous witness statement from
25 March 2020, and my opening statement of November last

1 year, paragraphs 6 to 22 of which were formally endorsed
2 by 90 of the Non-State Core Participants.

3 About myself.

4 As outlined during my previous statements, I have
5 been involved since 1974 in a range of groups and
6 campaigns trying to encourage people to support one
7 another and to make the world a better place. Such
8 groups include ones promoting libertarian socialist and
9 anarchist politics, workplace solidarity, environmental
10 campaigning -- including London Greenpeace -- opposition
11 to corporate power and exploitation -- including being
12 one of the two defendants in the "McLibel" case -- and
13 community groups promoting local mutual aid and
14 self-organisation speaking up for their needs as local
15 residents. I am currently secretary of the Haringey
16 Federation of Residents Associations and Chair of
17 the National Federation of Parks and Green Spaces.

18 The essence of my personal motivation and political
19 beliefs has remained consistent throughout the last
20 50 years or so -- the desire to tackle injustice, to
21 seek improvements in society in the public interest and
22 to encourage and empower people to have as much control
23 over their lives as possible.

24 I left school in 1972 at the age of 18 and then did
25 two years of full time voluntary work placements with

1 refugees and people with disabilities.

2 I then began my job as an Islington postal worker in
3 1974, and moved into that borough in London.

4 I first became aware of the existence of anarchist
5 groups through an October 1974 BBC "Open Door" programme
6 supportive of the movement. Why was I attracted to
7 anarchist ideas back in the 1970s? Anarchism is defined
8 as, by the Oxford English Dictionary, Lexico online:

9 "A political theory advocating the abolition of
10 hierarchical governments and the organisation of society
11 on a voluntary cooperative basis without recourse to
12 force or compulsion."

13 Anarchist ideas are about seeking a society based on
14 freedom and sharing rather than power and greed, etc,
15 and an inclusive and collective way of working without
16 hierarchical structures. These are traditional ideas
17 which, along with authoritarian ideas too, can be found
18 within the hearts of the majority of people within
19 the majority of all social and community groups and in
20 movements for a better society. There is also a need to
21 take personal responsibility for what's going on around
22 us. To care about others and to try to improve society
23 regarding, for example: people's rights to housing,
24 public services, a decent income for all, good working
25 conditions and human rights; some real control over

1 lives at work, and in neighbourhoods, and in people's
2 private lives; and to protect the natural environment.

3 In early 1975, I believe, I started attending
4 the Freedom newspaper collective meetings in
5 Whitechapel. A few weeks later, I got involved instead
6 in the Anarchy magazine collective as the nearest group
7 to me, meeting in someone's Islington home. Also
8 the group was good at discussing important everyday
9 issues of housing, poverty, exploitation, feminism,
10 parenting, industrial disputes, etc. It was a friendly,
11 sociable group based on meetings advertised in the paper
12 and also to all supporters.

13 I always tried to understand and appreciate a wide
14 range of points of view within the anarchist movement,
15 and indeed all the related campaigning activities.

16 I was active in the Union of Postal Workers, UPW, up
17 to 1980, encouraging a spirit of mutual support and
18 solidarity in the workplace and discussing and taking up
19 issues of concern to all measures relating to terms and
20 conditions of employment, wages and rights. I was
21 elected from my branch to attend the UPW annual
22 conference of 3,000 delegates and, a National Rank and
23 File Trade Union Movement conference of 1,100 delegates.
24 Eventually I was elected as the local UPW branch
25 secretary. My branch of course took part in a number of

1 local London and national postal disputes. I did my job
2 diligently and personally got on well with most managers
3 I came in contact with, see my appendix 1, Post Office
4 reference.

5 I never hid my views, nor did I try to force them on
6 anyone else.

7 Anarchy magazine gave a platform for a range of
8 views, some of which I disagreed with or was
9 uncomfortable with but were legitimate subjects of
10 information to impart and debate to be had, eg, the ones
11 that I was uncomfortable with included an anti-abortion
12 article -- I was concerned by a failure to put women's
13 rights to choose at the heart of the subject -- and an
14 anti-fascist news and strategy article -- concerned by
15 it being too dismissive of mass community-based
16 educational work needed -- and thirdly, an article about
17 guerilla groups abroad -- concerned this was too
18 militaristic and a substitute for grassroots movements
19 for change.

20 I was also opposed to the Soviet Union system and
21 empire, and keen to support dissidents. For example,
22 I took part in a pro-dissident picket outside
23 the Bulgarian tourist office in 1977, but was
24 unfortunately arrested for "obstruction" by the police
25 despite no obstruction occurring. I also visited Poland

1 three times in the 1980s to support Solidarnosc union
2 activists and young anarchists resisting Soviet-style
3 rule. I was pleased to be able to help establish direct
4 links between those interned in Poland and in
5 Northern Ireland, and tried to help establish direct
6 links between miners in eastern Poland and Yorkshire.

7 My increasing focus on the importance of grassroots
8 movements -- not just ideological groups or
9 newspapers -- and my increasing concern for the growing
10 threats to the environment, particularly the nuclear
11 power industry, led me to drift towards getting involved
12 in those movements towards the end of the 1970s, and
13 since then, being involved in community and
14 environmental groups and movements has been my main
15 focus.

16 Just a short note on my relations with other people.
17 Personally, I try to get on pretty much with everybody.
18 I value genuine friendships and honesty, especially
19 within activist and community groups. I don't like
20 violence between people, and I've never hit another
21 person in my life, as far as I can recall, even when
22 I have been physically attacked. However, I believe, as
23 do most people, and the law of the land, that people
24 have the right to defend themselves -- effectively but
25 proportionately -- when attacked or put under threat.

1 In terms of relations with governments, groups and
2 movements I am currently part of expect government
3 support and action for their cause. Hence I am happy to
4 work constructively alongside both local and national
5 government who have access to the resources and
6 decision-making powers that communities need to work for
7 them. On the local level I have been chair of my local
8 Friends of Lordship Recreation Ground -- the local
9 park -- for the last 20 years, in which we have been
10 successfully working in partnership with
11 Haringey Council Park Service to jointly manage
12 Tottenham's largest public park. It has been recognised
13 as an exemplary project with a national profile.

14 At the national level over the last three years
15 I have been on the sector/government liaison body --
16 that's the parks sector and government liaison body --
17 coordinating its Community Empowerment in Green Spaces
18 workstream -- see my appendix 2, letter to
19 the National Federation from Rishi Sunak MP when he was
20 Minister of Parks.

21 Moving on to the conclusions to be drawn from
22 the specific evidence of "Graham Coates",
23 the undercover officer who targeted me.

24 I have read the statement and related disclosure.

25 Looking back on the surveillance and infiltration of

1 groups I was involved with in the 1970s, and then later
2 in the 1980s and onwards, and how I was personally
3 targeted, I feel disgust at this cynical and blatant
4 breach of trust, not just for me but also for the other
5 victims I knew and know, such as the family with young
6 children whose home was where the Anarchy Collective
7 held meetings. Of course, I am outraged not just by
8 the tactics used but also by the very existence and
9 purpose of the whole spying operation. This STASI-like
10 behaviour is totally unacceptable.

11 All my activity which was being monitored was
12 traditional and legitimate political and campaigning
13 activity, albeit much of it was at the radical and
14 libertarian end of the left/right spectrum, for
15 example: producing magazines; exercising hard for rights
16 to freedom of speech and assembly; attending or helping
17 organise protests and social events, for example
18 demonstrations, public meetings, picnics; attending
19 trade union meetings and supported industrial disputes;
20 supporting defence campaigns for people arrested, and so
21 on. These rights, explicitly enshrined in international
22 conventions and laws, are supposed to be afforded
23 specific and the highest possible protection.

24 Secret political policing is not supposed to happen
25 in this country, only in totalitarian regimes who hate

1 any idea of human rights or effective opposition.

2 I and others I know who were targeted were friendly
3 and trusting people and not some sort of scary thugs
4 from Planet Zog, as implied by a few apologists for this
5 50-year operation. We were aiming to spread ideas which
6 seek to protect and improve society for virtually
7 everyone's benefit.

8 "Graham Coates", the undercover officer who targeted
9 myself, concludes:

10 "The anarchists I reported on posed a minimal
11 challenge to public order ... did not really discuss
12 activities that would be a public order threat ... I do
13 not think either the International Socialists or
14 the anarchist movement was subversive in terms of their
15 actions ... I do not believe any info I provided was
16 particularly significant. I do not think it would have
17 made any difference to public order if I had not worked
18 for the SDS."

19 A key question, therefore, is: was the infiltration
20 and the resulting breach of trust and human rights,
21 especially of protected human rights, for example to
22 participate in political activity, to assembly and to
23 exercise freedom of speech, justifiable at all, let
24 alone proven to be justified in the individual
25 circumstances of each operation?

1 The spying operation between myself and others
2 during the 1970s has not, on the face of it, been shown
3 to have had any reasonable basis whatsoever. In fact,
4 the opposite is true. The right to take part in
5 political, religious and trade union activity has
6 additional legal protection at the highest level. In my
7 own experience I have battled over those rights, as they
8 are fundamental to people's ability to challenge
9 injustice and oppression.

10 Here are three just very different examples that
11 I've been involved with.

12 First, being a litigant-in-person during
13 the "McLibel" trial throughout the 1990s, the longest
14 case in English legal history. The campaign around
15 the trial successfully used mass defiance to defeat
16 McDonald's' attempts to censor their critics. As
17 a result, it is thought that no corporation has since
18 taken a similar case to court. Helen Steel, my
19 co-defendant in that case, and I, as well as winning
20 many damning verdicts against McDonald's' core business
21 practices during the trial, also eventually secured
22 a historic legal victory at the European Court of Human
23 Rights in 2005. More details in my first opening
24 statement.

25 Second, in 2007, challenging the stop and search

1 military-style police road blocks in Kent aiming to
2 undermine and isolate a week-long "camp for climate
3 action" at the site of Kingsnorth Power Station. I took
4 part in a mass defiance effort which ensured
5 the suspension and change of that police operation at
6 the site. I was one of three people who took
7 a successful legal case against the police afterwards
8 which resulted in a declaration that mass stop and
9 search against such protesters was illegal.

10 Third, as a community activist in Haringey asserting
11 the right to be able to distribute campaign leaflets to
12 the public on the street. Council enforcement officers
13 had to recognise that political campaigners were exempt
14 from bans on handing out flyers -- commercial flyers
15 usually -- in high streets.

16 Of course, countless thousands of others throughout
17 the UK and throughout history have asserted their
18 political and human rights, and will continue to do so.

19 Some comments on the strength of the evidence
20 base in the documents disclosed to me.

21 "Graham Coates" states, in paragraph 38 of his
22 witness statement, that:

23 "I have considered the reports in the witness
24 bundle. I do not specifically recall the content of
25 any ..."

1 I underline "any":

2 "... of these reports, however I accept that I must
3 have provided information for a number ..."

4 I emphasise "a number":

5 "... of them."

6 It is important to note that information in
7 the relevant reports is not necessarily accurate. For
8 example, a key report about me personally, after a year
9 of being targeted, states:

10 "Morris was brought up in Hackney and
11 Stoke Newington ..."

12 It was actually Ealing and Finchley:

13 "... and gained GCE 'A' level passes in English ..."

14 Actually it was physics:

15 "... and mathematics at a local school ..."

16 Actually, it wasn't local, it was Ealing and
17 Finchley.

18 Some reports also seem to have been created up to
19 a month after the event they purport to describe --
20 I just vary my written text here -- and could have been,
21 at least partly, written by someone else who may or may
22 not have seen some undercover officer notes and who may
23 or may not have edited, embellished or created content
24 in any way they saw fit.

25 I now add an extra point that's not in my statement.

1 Document {UCPI/11648}, dated 6 January 1978, is said
2 to be based on "information received from a reliable
3 source" about a meeting of the Anarchy magazine
4 collective a month earlier, on 8 December 1977. But
5 "Graham Coates" is not listed as being present at that
6 meeting, unlike in the previous and following meetings'
7 reports disclosed to me.

8 It's come up. There you go.

9 So who provided the information is unclear. It
10 claims I stated at the meeting that the collective
11 should be involved in "fire-raising activities on
12 government buildings" in support of a long and bitter
13 national firefighters' strike, a suggestion, it is said,
14 that no one else agreed with. In fact, I recall that
15 the group decided that its support for the strike would
16 be to produce "support the firefighters strike" stickers
17 and join local picket lines. I dispute the accuracy of
18 the report given, although I recognise that people might
19 say all kinds of things in private in the heat of
20 the moment, or exaggerate, or probe an idea to see what
21 others think, or make a joke or whatever.

22 The wider context, and the real sources of violence
23 and subversion in our society.

24 In the relevant period there seemed to be an almost
25 pathological obsession with the left by those in charge

1 of the spying operations. They seem to cover the whole
2 left spectrum. That included the reformist left,
3 radical left, single issue left, left parties,
4 libertarian and anarchist left, left MPs and
5 left-leaning trade union activities. What unites all of
6 these left tendencies, whatever from their tactical
7 differences? The fact that they are all motivated by
8 seeking to protect and improve society and to encourage
9 people to organise and speak up for their needs. Such
10 political policing is only supposed to take place, as
11 I said before, under totalitarian regimes, who despise
12 human rights and any effective questioning and
13 opposition to those in power.

14 In the mid-1970s, someone decided I should be
15 targeted by the SDS and secret services. As
16 demonstrated elsewhere, it seems clear that extreme
17 right wing and pro-Nazi groups were virtually ignored,
18 and we all know the long term aims of fascist groups.

19 But if the SDS and MI5 had been genuinely worried
20 about serious and large scale criminality and subversion
21 in the 1970s and had carried out proper risk assessments
22 on the key existing and emerging threats to our society,
23 they would have been more likely to have targeted
24 the following organisations active around the same
25 period.

1 One, fossil fuel companies who, 50 years ago, were
2 secretly suppressing their own research findings of
3 their industry's cause in the global climate heating.
4 This now threatens the life of millions of people and
5 the collapse of the ecosystem on which our species
6 depends.

7 Tobacco companies and their subversion advertising
8 and propaganda, encouraging people to smoke leading to
9 widespread disease and death.

10 The development of tax havens, subverting the state
11 and society by hiving off billions of pounds of tax
12 revenue every year which could have gone to public
13 services.

14 Car companies and the rampant pollution, danger and
15 deaths caused by cars, and the related industrial-scale
16 criminality of breaching of laws on speeding, parking,
17 pollution, etc, all backed by subversion pro-car
18 advertising. Traffic pollution contributes to thousands
19 of premature deaths a year and has been at illegal
20 levels in urban areas for many years.

21 The military in Northern Ireland and
22 the Bloody Sunday massacre of demonstrators in 1972
23 calling for equal rights for all, followed by mass
24 internment without trial of thousands of people, showing
25 what the British Government is prepared to do to its

1 citizens. This led to another 25 years of bitter war
2 and hundreds of deaths, only resolved by political
3 negotiations and solutions.

4 The police themselves, with the institutional racism
5 and racist use of "sus laws" in the 1970s, believed to
6 be the key cause of the 1981 uprisings and serious
7 public disorder in Brixton and across the country.

8 And finally, the major construction companies, who
9 bitterly opposed the 1971 national strike to improve
10 wages and conditions on building sites. Trade union
11 pickets, who became known as the Shrewsbury 24, were
12 framed and some jailed. After 50 years of campaigning
13 the Court of Appeal last month declared
14 a miscarriage of justice. During the appeal it was
15 revealed that a secret anti-communist unit within
16 the Foreign Office, backed by the Prime Minister
17 Edward Heath, had been involved. Meanwhile, the illegal
18 industrial-wide blacklist to deny jobs to construction
19 site union activists unionists and others -- including,
20 incidentally, myself and Helen Steel -- continued until
21 recently. Why didn't the SDS or MI5 target these
22 construction companies instead of union activists?
23 Trade unionists continue to campaign against shocking
24 safety conditions on building sites and can report that
25 the high rate of 240 recorded deaths a year in the early

1 1970s on building sites was down to 50 a year in
2 the early 1990s.

3 Specifically, the targeting of London Greenpeace
4 from the late 1970s onwards.

5 London Greenpeace begins to feature in the disclosed
6 material from around 1978 onwards, as far as I can tell.
7 I first came across the group in the late 1970s through
8 their work to expose the truth about the dangers of
9 nuclear power stations. I later got involved in
10 the group in 1982. The group is a core participant and
11 is due to be scheduled to appear in later hearings
12 covering the 1980s to 2000s, so I'm not contributing
13 a response at this stage to the disclosure so far,
14 although they had asked to be able to participate in
15 this tranche.

16 Throughout the 1970s, London Greenpeace campaigned
17 against militarism and nuclear weapons, nuclear weapons
18 which only exist to enable governments to threaten to
19 murder millions of innocent people. From 1981,
20 the group supported what became a massive movement to
21 oppose the siting of US cruise nuclear missiles on
22 British soil from 1981, with tens of thousands involved
23 in regular blockades of military sites, including at
24 Greenham Common. London Greenpeace proposed and helped
25 coordinate a day of action against the profits from

1 the arms trade in the City of London in 1983. In 1982,
2 the group had supported opposition to both sides in
3 the Falklands War, which notoriously included the deaths
4 of hundreds of soldiers on the sinking of an Argentine
5 ship, the Belgrano, outside an exclusion zone.

6 In the late 1970s, the group began to focus more on
7 the dangers of nuclear energy production for which
8 the group was targeted by undercover officers -- see
9 disclosed files. The group was also named in a secret
10 anti-terrorism report to the government in 1980,
11 obtained under the 30 years rule. It states:

12 "Anti-nuclear power groups have been active since
13 1977 in arranging demonstrations in various parts of
14 the country. In the past two years there has been
15 a marked increase in the number of small anarchist
16 dominated or influenced groups in the UK, the most
17 prominent being London Greenpeace; the latter plays
18 a major coordinating role in anti-nuclear affairs and is
19 responsible for many of the international links.

20 "The bulk of the anti-nuclear power lobby (including
21 most of the anarchist groups) in the UK is opposed to
22 the use of violence and there is no evidence of any
23 current terrorist threat from that quarter."

24 And I have disclosed that report, or the relevant
25 extracts, to the Inquiry.

1 But it was the industry itself that should have been
2 investigated, with the 1979 Three Mile Island power
3 plant meltdown in the USA a warning of the threat posed
4 to the public. In 1986 the Chernobyl nuclear meltdown
5 caused an estimated 9-16,000 deaths from air pollution
6 throughout Europe over the following 20 years.

7 I was later involved in the London Greenpeace
8 anti-McDonald's campaign. The McDonald's Corporation
9 opened their first UK burger store in 1974.
10 The campaign and subsequent "McLibel" trial successfully
11 exposed the corporation's subversion of society --
12 dubbed "the McDonaldisation of society" -- subversion of
13 the parent/child relationship via advertising to
14 children, daily industrial-scale breaches of laws
15 protecting workers' rights and animal welfare, and
16 the fast food industry's seeking to replace healthy
17 eating habits with the current unhealthy junk food
18 culture. These practices resulted in serious rulings
19 against the company at the end of the legal case, yes
20 why didn't the SDS or the Security Services want to
21 investigate and infiltrate this subversive company?
22 There will be more on this matter at a later stage in
23 the proceedings. This will particularly focus on
24 the three undercover officers who infiltrated
25 London Greenpeace during this period and the shocking

1 and disgusting tactics they employed.

2 So briefly to conclude, the spying operation against
3 myself and others during the 1970s has not, as I've said
4 before, on the face of it, been shown to have had any
5 reasonable basis at all. In fact, just the opposite: it
6 was unacceptable and unlawful. It was a gross breach of
7 people's trust and human rights, which maybe could have
8 raised an arguable case if targeting active gangs of
9 mass killers, but has no shred of legitimacy when it was
10 actually being used to protect those who controlled
11 society's wealth and power from the real needs of
12 the public.

13 Thank you very much.

14 THE CHAIRMAN: Thank you, Mr Morris.

15 Our next hearing, which will be of evidence, will
16 take place on Monday. It will, however, be a somewhat
17 unusual day. We will begin not at 10 o'clock as usual
18 but at 12 o'clock to accommodate Diane Langford, who
19 will be the first witness. Her evidence will be
20 completed by 4 o'clock in the afternoon. We will then
21 have a break until 4.30 when Dr Normal Temple will give
22 evidence from western Canada. There's a rather large
23 time difference, and so it will be very early in
24 the morning for him even though a little late for us.
25 His evidence, it is expected, will finish by 6.30.

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Until Monday.

MR FERNANDES: Thank you, everyone. The opening statements
have now concluded. We will resume at 12 pm on Monday
with evidential hearings. Thank you.

(4.12 pm)

(The hearing adjourned until 12.00 pm on Monday,

26 April 2021)

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