

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

BEFORE SIR JOHN MITTING

**OPENING STATEMENT ON BEHALF OF TARIQ ALI,
ERNIE TATE & PIERS CORBYN FOR TRANCHE 1, PHASE 3**

1. This Opening Statement for Tranche 1, Phase 3 (“T1P3”) is provided in advance of the evidence to be given by Special Demonstration Squad (“SDS”) managers covering the period from 1968 to 1982. It is made on behalf of Tariq Ali, Ernie Tate and Piers Corbyn, and should be read in conjunction with our two earlier Opening Statements dated 25th October 2020 and 16th April 2021.
2. Tariq Ali gave evidence during Tranche 1, Phase 1 (“T1P1”), the first non-state core participant (“NSCP”) who was spied on by the police to do so, and Piers Corbyn gave evidence during Tranche 1, Phase 2 (“T1P2”). Ernie Tate was unable to give evidence in person for reasons of ill-health, and his statement was read into evidence during T1P1. Sadly, Mr Tate passed away in February 2021.
3. We have tried to avoid, as much as possible, repeating herein the same points that we have previously made. For the avoidance of doubt, we remain deeply concerned about excessive delay and secrecy. We adopt the submissions made about these and other general matters by the Co-Operating Group of NSCPs.
4. As none of the NSCPs who we represent are giving evidence during T1P3, we limit our remarks herein to the following topics:
 - a) Tranche 1, Phase 4 (“T1P4”) closed hearings;
 - b) T1P3 evidence;

- c) Disclosure and redactions;
- d) SDS and MI5;
- e) SDS in the 1970s;
- f) Future of the Inquiry.

T1P4 closed hearings

5. There is something fundamentally wrong and unfair about a public Inquiry into undercover policing departing from the principle of open justice and conducting closed hearings during which former undercover officers (“UCOs”), whose real names, cover names and witness statements have all been withheld pursuant to restriction orders, give evidence, with police lawyers present, but the NSCPs, their lawyers and the public excluded. This is precisely what happened in the autumn of 2021 when five UCOs (HN21, HN41, HN109, HN302 and HN341) were questioned by Counsel to the Inquiry (“CTI”) in what are being called the T1P4 closed hearings.
6. In the T1P3 hearing bundle, the Inquiry has disclosed the redacted transcripts of the evidence in closed session of the five UCOs¹ and a 70-page document entitled “Unattributable Excerpts from Closed Officer Evidence.”² According to paragraph 11 of CTI’s *Second Addendum Disclosure Note Regarding Tranche 1* dated 14th April 2022, around half of the total evidence received from the five UCOs has been published in the redacted transcripts and unattributable excerpts (which obviously means that around half of the total evidence has not been published and will remain secret forever).
7. We have no idea why around half of what the five UCOs had to say in evidence during the closed hearings is being withheld, other than the Inquiry asserting in its *Disclosure Note* that the evidence is “subject to redaction for reasons of public interest.” What does this mean? What public interest? Whose public interest? Certainly not the public interest of those who were spied upon learning the truth about the full nature and extent of the secret, political policing of which they were victims.

¹ MPS-0748062, MPS-0748063, MPS-0748064, MPS-0748065 and MPS-0748066

² MPS-0748061

8. Furthermore, we are completely in the dark as to why the evidence in the unattributable excerpts, some of which is clearly relevant and significant, cannot be attributed. How are the NSCPs supposed to participate effectively and equally in the Inquiry in circumstances when the witness statements are withheld, the opportunity to ask questions is denied and some of the evidence has not been attributed?
9. On any sensible view, closed hearings should have no place in a public Inquiry into secret, political policing, particularly when the evidence concerns events that took place 40 or more years ago. Furthermore, all evidence in a public Inquiry should be attributed. Nothing less will do. How else can there be any semblance of accountability? How else can the evidence be put into context by the NSCPs and understood in relation to the overall evidential picture?
10. Turning to the closed officer evidence itself, we find it incredible that HN21, an officer who was perfectly willing 20 years ago to speak openly about his undercover role in the BBC documentary *True Spies*, is unable to give evidence in open session to a public Inquiry. HN21 was a married officer who became a local organiser in the Socialist Workers Party (“SWP”). He admits to a sexual relationship with a woman who he met in a Marxist study class, a woman who he disingenuously characterises as “a-political”³ as if to distance himself from the clear suggestion that he was sleeping with a political target. What is the relevance of the woman being “a-political”? Does HN21 believe that the woman being “a-political” somehow renders his violation of her more palatable? HN21 was never asked these questions. He should have been.
11. HN21 makes an interesting observation about the use of deceased children’s identities, namely that to his knowledge “this was the way the Security Service did things in Northern Ireland.”⁴
12. HN21 also observes the following: “From the SWP side, it was mostly shouting. From the Far Right thing, it was mostly physical violence.”⁵ Yet we will learn during the T1P3 evidential hearings that there was apparently a high level policy decision not to use SDS

³ MPS-0748062/8

⁴ MPS-0748062/7

⁵ MPS-0748062/17

to infiltrate the far right. Given HN21's cogent observation, why did SDS target the left and not the right? We hope this can be explored in more depth during the live evidence.

13. HN41 was an SDS officer in the 1970s and 1980s. He is of great importance to what happened at Southall on 23rd April 1979 when Blair Peach was killed by a police officer, and Tariq Ali and many others were severely beaten by police officers. HN41 says that he was warned by senior Special Branch officers not to go to Southall with his target group "because the uniform police were going to clamp down on the demonstrations" and "management considered the dangers were more than normal."⁶
14. Two important points arise. Firstly, in the transcript of HN41's evidence in closed session, all the names of the target groups that he infiltrated have been redacted. Why? Why are the names of groups which were infiltrated some 43 years ago so sensitive that they cannot be publicly revealed even now? This is obsessive secrecy and contrary to the public's right to know.
15. Secondly, this is the first time we have had a police witness acknowledge the true nature of public order pre-planning by the uniformed A8 branch, the special operational unit that had been set up after the Vietnam Solidarity Campaign ("VSC") demonstration against the Vietnam War in March 1968. Given HN41's evidence and given what we now know about the violence meted out by the uniformed police on 23rd April 1979 against anti-fascists demonstrating against the National Front marching through Southall, can there really be any doubt that the uniformed police (particularly the notorious Special Patrol Group ("SPG"), a mobile unit under the direct control of the Metropolitan Police Commissioner, Sir David McNee) were under secret orders to use violence against anti-fascist demonstrators?
16. Far from SDS providing intelligence to A8 to allow the latter to plan and steward a peaceful demonstration, the effect of the intelligence reports emanating from SDS was merely to heighten the view within the police that all anti-fascist demonstrators were subversives and fair game for police truncheons. This explains HN41's plaintive comment that A8 "weren't perhaps as receptive to some of our ideas as we thought they

⁶ MPS-0748063/6

might have been.”⁷ While HN41 rightly castigates A8 for their “disastrous mistake”⁸ to shut down a part of Southall, he still to this day fails to understand the mentality of the senior police hierarchy who saw left-wing protestors as the enemy, as subversives. Indeed, as HN41 himself says, the Security Service saw left-wing protestors as “potential Fifth Columnists”⁹, echoing the language of World War 2. This is the proper context in which the killing of Blair Peach, the severe beating of Tariq Ali and many others by police officers, and the subsequent institutional cover-up by the police must be considered. It is no surprise that the Special Branch report into the killing of Blair Peach has mysteriously gone missing, despite Special Branch having its own archives. It has obviously been destroyed.

17. There are questions that we would have wanted to ask HN41 on behalf of Tariq Ali, given the 11-page redacted transcript of his evidence in closed session that has been disclosed, questions that were never asked by CTI. This leaves a lingering sense of injustice about an opportunity wasted and represents the inevitable cost of having closed hearings from which the NSCPs and their lawyers are excluded.

18. Before we leave the topic of the T1P4 closed hearings, we want to add one other point that was highlighted by HN109, a UCO in the 1970s and a SDS manager in the 1980s. He says that the Metropolitan Police Commissioner visited the SDS safe house annually,¹⁰ as did other senior officers. Additionally, he mentions SDS receiving congratulations on more than one occasion from 10 Downing Street for its supposed “success in combating public disorder”¹¹, commenting that he “was stunned that somebody at that level would have an awareness”¹² of this secret unit. As we said in our first Opening Statement, SDS was a unit that was thoroughly integrated into the security apparatus of the British state and was known to all leading state actors from the Prime Minister to the Cabinet to the Home Office and down through the chain of command within the Security Service and the Metropolitan Police Service (“MPS”).

⁷ MPS-0748063/6

⁸ MPS-0748063/4

⁹ MPS-0748063/8

¹⁰ MPS-0748064/6

¹¹ MPS-0748064/8

¹² MPS-0748064/9

19. In respect of the supposed success of SDS in combating public disorder and its provision of useful intelligence to A8 (all of which happens to have gone missing), we say nothing could be further than the truth, unless success is being measured by the degree of chaos caused by the police on the streets of London.

20. Let us run through the list, starting with the October 1968 VSC demonstration against the Vietnam War. This was a peaceful demonstration because it was well-stewarded by the VSC. The small breakaway demonstration was entirely foreseeable from routine intelligence and was effectively policed by uniformed officers using a thick static cordon. Undercover policing did not make a blind bit of difference to the absence of any serious violence on the day. The Special Operations Squad (“SOS”), as the SDS was then called, should have been shut down after the demonstration.

21. At many of the big demonstrations of the 1970s, the police invariably failed to keep the peace, notwithstanding SDS intelligence. We suspect this was because the left-wing and anarchist groups being spied on and infiltrated by UCOs posed little real public order threat. SDS should have been focused, but were not, on the far right who were the real public order threat. Furthermore, there is abundant evidence in the public domain that the uniformed police were at times looking for confrontation, and not just junior officers but those more senior too. In June 1974, whilst the police were protecting a National Front meeting in Red Lion Square, Kevin Gately, an anti-fascist student, was killed. In June 1977, the police used violence against striking Grunwick workers and their supporters at a mass picket. In August 1977, the Home Secretary and the Metropolitan Police Commissioner allowed the National Front to march through Lewisham, a multi-racial community, with their racist banners and slogans. When confronted by an anti-fascist counter-protest, the police brought out riot shields for the first time on the British mainland, and baton charges and mounted police were used against the crowd. The Battle of Lewisham, as it came to be called, ended in chaos. And we have already highlighted the police killing of Blair Peach and the police attack on many other anti-fascists in Southall in April 1979 who were peacefully demonstrating against another provocative National Front march through a multi-racial community. Are Red Lion Square, Grunwick, Lewisham and Southall supposed to be police “successes”? If so, perhaps this gives the measure of what the police were trying to achieve at the time.

T1P3 evidence

22. Turning now to the live evidence to be given in T1P3 by former SDS managers or administrators, namely Barry Moss (HN218), David Smith (HN103), Roy Creamer (HN3093), Derek Brice (HN3378), Geoffrey Craft (HN34), Angus McIntosh (HN244) and Trevor Butler (HN307). We also have witness statements from seven other officers and documents relating to a further ten officers.
23. Other NSCPs have already highlighted the contradiction between senior officers on the one hand claiming that they robustly managed rank-and-file UCOs and on the other hand professing ignorance about abhorrent practices that occurred on their watch. We trust this will be fully explored during the evidential hearings, and that the senior officers will be held accountable for their managerial failings.
24. On a separate note, we are pleased that the Inquiry has decided to call DI Roy Creamer, an SDS officer who was described by Stuart Christie, perhaps Britain's best-known anarchist who sadly passed away in 2020, as "the Yard's dialectician of dissent." DI Creamer was one of the first in the queue at Collet's book shop in Charing Cross Road to buy a copy of Stuart Christie and Albert Meltzer's book, *The Floodgates of Anarchy*, when it was first published in 1970 and was, in Stuart Christie's words, "the acknowledged Special Branch expert on anarchists and anarchism" who was "called in to brief everyone from the Home Secretary and the Police Commissioner downwards." DI Creamer, said Stuart Christie, did not dislike anarchists but was curious as to what made them tick. He was the epitome of what we might call the 'direct approach', as opposed to the 'oblique approach' developed by DCI Conrad Dixon and SDS. He tried to establish friendly and sympathetic relationships with people targeted by Special Branch, and to this end would regularly pop in unannounced to an antiques shop in Camden High Street to play chess with the old Hungarian anarchist, John Rety. DI Creamer would visit Stuart Christie and, over a pint, chat about forthcoming events or visits, effectively marking his card with a gentle warning as to the fact that Special Branch had him under surveillance.
25. We suggest that the 'direct approach' as exemplified by DI Creamer was a proportionate approach to the gathering of intelligence; by contrast, the 'oblique approach' – to sweep

wide, using DCI Dixon's parlance – was replete with obvious dangers. In any event, the gathering of intelligence for public order purposes could largely be done from open-source intelligence, monitoring the left wing and anarchist press, attending public meetings, and speaking to people.

Disclosure and redactions

26. We return to the vexed topic of disclosure and redactions. In June 2021, we took the lead and made detailed submissions on the unfairness of the Inquiry's *Protocol* dated 22nd July 2020 for challenging the Inquiry's redactions. We addressed the open grounds for restriction and asked the Chairman to reconsider several hundred redactions in the SDS annual reports from 1969 to 1984. We highlighted the very real and chilling effect of continuing to keep secret the names of so many groups who were spied on and infiltrated by the SDS some 40 or more years ago. We called for greater openness and transparency given the machinations of the secret state. We met with only minimal success. The Chairman unredacted the names of about ten groups that were spied on and infiltrated by the SDS.
27. We ask that at least once a year, for the duration of the Inquiry, there is a fresh review of all SDS annual report redactions, and that before the Inquiry comes to an end, there is a final review. Most restrictions have clearly been made to protect the anonymity of former UCOs. It may well be that some or all these restrictions may no longer be necessary in the future. It is hoped that before the Inquiry papers go into the National Archives, the names of all groups spied on and infiltrated by SDS can be disclosed.
28. We also ask for a similar approach to be taken in respect of the Special Branch annual reports from 1970 to 1983 which have been disclosed in the T1P3 hearing bundle.
29. Finally, we still await the Security Service annual threat assessments. Why are these not being disclosed? They are plainly relevant to the Inquiry's terms of reference.

SDS and MI5

30. We turn now to a theme that is developing as we learn more from the evidence disclosed, namely the relationship between SDS and MI5.
31. Several Special Branch detectives, who were involved in what was called SOS in 1968, expected the squad to be wound up after the October 1968 VSC demonstration against the Vietnam War, the job having been done. But the senior MPS hierarchy, and more importantly MI5, wanted the squad to become permanent. The police, with a brief to 'keep the peace' could only justify the continued existence of the squad on one ground, namely success in the field of public order intelligence. However, MI5 immediately recognised the value of the squad as a long-term intelligence gathering operation against all those it deemed 'subversive'. Given their wide interpretation of the term 'subversive', MI5 could apply it to hundreds of thousands, even millions, of British citizens, all of whom would then become subject to MI5 vetting procedures.
32. In 1968 with the rise of 'New Left' groups, the operations of MI5 and Special Branch which targeted the trade unions and the Communist Party of Great Britain appeared somewhat outdated. There was a realisation that they had not paid sufficient attention to these new groups. MI5 were overjoyed when DCI Dixon came up with the idea of a squad of Special Branch officers spying on and infiltrating these groups. They could hardly contain their enthusiasm for the squad continuing, so long as the product of the UCOs was provided to them as a matter of routine. Consequently, for MI5, SDS served only one purpose, to gather intelligence on the 'New Left' and anarchists. They had no interest in public order, except insofar as it was a fig leaf to cover up the obvious role of SDS as intelligence gatherers for MI5. It is hardly surprising, therefore, that the purse strings were firmly in the hands of the Home Office. It is significant that SDS were not funded within the MPS budget. It should be noted that Sir James Waddell, who received the SDS annual reports, was the Cabinet Secretary responsible for liaison with MI5.
33. In our view, MI5 were the organ grinders, and SDS were the monkeys. Only the monkeys did not know to whose tune they were really dancing. Even Geoffrey Craft (HN34), who became Chief Superintendent of S Squad in about 1981, with responsibility for SDS, says that "the Branch were the legs of the Security Service..."

SDS was only a development of that.”¹³ Trevor Butler (HN307) says that there were frequent meetings between MI5 (F6 counter-subversion joint co-ordination) and Special Branch senior management.¹⁴

34. Interestingly, many of the SDS managers deny any involvement in tasking and say this came from higher up. It did. It came from MI5 through to the Special Branch Commander of Operations or Chief Superintendent and was then filtered down. The SDS DCI and his immediate subordinates of DI rank in the office would then look at their current deployments and move UCOs around or deploy new UCOs. That is why it was useful for UCOs to float around a little and ‘sweep wide’, as this allowed them to be more effectively moved, if need be. That is also why so many UCOs were deployed to infiltrate the SWP. The SWP was a relatively large organisation, simple to join, with no security procedures in place, and could easily be used as a springboard for entry into other groups.
35. As MI5 were interested in individuals and not groups, their requests of SDS were specific. Geoffrey Craft (HN34) says that SDS gave MI5 “a huge base of information for their vetting activity.”¹⁵ It is interesting that Special Branch had their own security concerns about MI5 knowing the names of SDS officers, because they were worried that MI5 informers in the same groups could discover their identities and compromise them!

SDS in the 1970s

36. In 1972, the year that DCI Conrad Dixon became Chief Superintendent of C Squad, the MPS changed the name of the Special Operations Squad (“SOS”) to the Special Demonstration Squad (“SDS”) to give further cover to the idea that the squad was about demonstrations and public order. Once again this was plausible deniability to cover up what the SDS really was, an intelligence gathering operation. We have no C Squad weekly reports to A8 throughout this whole period dealing with public order threats. We will see if they are forthcoming for future years. David Smith (HN103) says that he

¹³ MPS-0747446/31

¹⁴ MPS-0747658/16

¹⁵ MPS-0747446/58

does “not recall A8 ever saying thank you”¹⁶ and that they largely ignored any intelligence supplied. We suggest this is entirely accurate.

37. In around 1979, David Smith wrote a 12-page essay on policing, crowd control and public disorder.¹⁷ In his opinion, the risk of violence on demonstrations is greatest some five to seven days after an emotive, initiating event.¹⁸ He says that, “Only rarely do the extremists formulate their plans in total secrecy and normally, albeit grudgingly, they will supply to police the broad outline of their intentions.”¹⁹ He suggests that large demonstrations tended to be more moderate and peaceful as there was a dilution of more militant elements, while small protests could be handled by the uniformed branch relatively easily. The problem often arose with militant protests of about 2,000 demonstrators turning violent. The successor to A8, now MO6, would likely agree with this assessment. What use was SDS then in combatting public disorder? Ultimately, even David Smith cannot detach himself from the mantra that “UCOs profoundly influenced the MPS’s ability to maintain public order.”²⁰ We profoundly disagree.
38. Lastly, in relation to public order, we suggest that when the authorities allow a far right group of overt racists and fascists to march through an urban area with a large ethnic minority community, as they did in Lewisham in 1977 and Southall in 1979, and when the police then protect the fascists and deploy all their resources against the anti-fascist counter-demonstrators, it is fairly obvious there will be trouble. You do not need SDS to tell you that.
39. According to Angus McIntosh (HN244), who was posted to SDS between 1976 and 1979, although SDS were ready to infiltrate extreme right wing groups if needed, there was a high level policy decision during his time in SDS not to allow or order such infiltration.²¹ We know that E Squad was meant to monitor such groups, but the far right was never subject to anything resembling the degree of intrusive surveillance and infiltration to which left wing and anarchist groups were subject, despite the fact that

¹⁶ MPS-0747443/14

¹⁷ MPS-0747444

¹⁸ MPS-0747444/5

¹⁹ MPS-0747444/6

²⁰ MPS-0747443/28

²¹ MPS-0747578/31

racists and fascists were well-known for their violence. This further suggests that the primary focus of SDS was gathering intelligence on groups and individuals of a left wing or anarchist persuasion as opposed to preventing public disorder. The political persuasions of many senior police officers, many of an ex-service background, were very much on the right of the political spectrum, as is clear from many of their witness statements. For example, the comments of Geoffrey Craft (HN34) about “mob rule”, “lefties” and “scruffy, hairy so-and-so’s”²² speak for themselves. This is classic ‘Reds under the Bed’ stuff with a dose of McCarthyism thrown in for good measure.

40. The final justification by the MPS is that SDS infiltration could produce “negative reporting.” This is ludicrous. Simply put, it means that if SDS find a group poses no threat to public order, this is nevertheless of benefit to the police. But surely this begs the question as to why the group needed to be infiltrated in the first place? This is scraping the barrel of disingenuous ex post facto justification.

Future of the Inquiry

41. We understand that the Tranche 2 hearings covering the period from 1983 to 1992 are unlikely to commence before 2024. How many more former UCOs, NSCPs and other relevant witnesses will have passed away or become unavailable to participate in the Inquiry for reasons of ill-health by then is anybody’s guess. The legal maxim that justice delayed is justice denied is apposite. We appreciate that the material being processed by the Inquiry is voluminous, and that the state core participants are insisting that every word on every page is potentially subject to restriction and redaction. However, the Inquiry at present has no end in sight. This is understandably a matter of great concern to all NSCPs. On a more positive note, we welcome the recent indication given by the Inquiry that the Chairman wishes to produce an interim report and that all those who participated in Tranche 1 will be given the opportunity to make closing submissions. We hope that this can be timetabled as soon as possible.

²² MPS-0747446/28

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