

# THE UNDERCOVER POLICING INQUIRY

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## TRANCHE 1 PHASE 3 OPENING STATEMENT OF THE METROPOLITAN POLICE SERVICE

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### Introduction

1. This is the third phase (P3) of the Inquiry's first tranche (T1), in which it will hear evidence from some of the Special Demonstration Squad's managers during the years 1968 to 1982. This period includes the establishment of the SDS on 30 July 1968 in response to the Grosvenor Square demonstration against the Vietnam War on 17 March 1968 and its evolution into a long-term secret MPS Special Branch (MPSB) unit for gathering intelligence on a wide range of public disorder, subversion, and interrelated issues.
2. This period also includes the first use of the identities of deceased children by undercover officers (UCOs) in the SDS, the first inappropriate sexual relationships by UCOs, and the first engagement of UCOs in criminal activity and the criminal justice system. The MPS has previously set out its position in respect of all of these issues, together with wider, generic, themes – 'What went wrong?' and 'What has changed?' – in its opening statements for T1P1 and T1P2.<sup>1</sup> It has also apologised to the women who were deceived into sexual relationships by undercover police officers<sup>2</sup> and to families whose children's identities were used by the SDS.<sup>3</sup> Those apologies are affirmed again now.
3. The focus of the MPS's opening statement for this phase is not, however, on the substantive issues that arise within T1. Rather, it is on the process and scope of the Inquiry's investigatory work.
4. **First**, for the Inquiry to fulfil its Terms of Reference 'to examine the motivation for... undercover police operations in practice', and to make findings in respect of the justification for the SDS's work, it must obtain witness evidence from officers who served in the two bodies for whom the SDS primarily gathered intelligence: (1) A8 Uniform Branch, which was responsible for public order policing, and (2) the Security Service, which was responsible for protecting the UK from subversion. It should also obtain evidence from former officers who served in C Squad, the MPSB unit which was the principal conduit of SDS intelligence, and which directed the general focus of the SDS's work, collected and assessed its intelligence

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<sup>1</sup> [MPS opening statement for T1P1](#) dated 22 October 2020; [MPS opening statement for T1P2](#) dated 14 April 2021.

<sup>2</sup> [MPS opening statement for T1P1](#), §§18-20.

<sup>3</sup> [MPS opening statement for T1P1](#), §§21-22.

reports, and disseminated to A8 and the Security Service the intelligence which they required. Some of this work has begun,<sup>4</sup> but more is needed.

5. **Second**, as the MPS first made clear in its opening statement in 2020, it is essential that the Inquiry explores and understands the historical, political, and policing context of the work of the SDS as it evolved during the 1970s and thereafter.<sup>5</sup> As the MPS went on to say in its second opening statement in 2021, this understanding must be based on evidence, not submissions, and can best be achieved by calling independent, neutral, expert witnesses to give evidence at the public hearings.<sup>6</sup>
6. **Third**, the Inquiry should provide details of any relevant reading of open-source material that the Chairman has read during his appointment. Any such information, particularly background and contextual evidence, must be ventilated openly and (where necessary) tested publicly.<sup>7</sup>
7. **Finally**, the Inquiry should ensure that its investigation of the origins of the use of deceased children's identities is comprehensive and includes whether their use originated outside the SDS and predated its work.
8. The MPS has no wish to extend the duration or cost of the Inquiry unnecessarily. On the contrary, its preference would be to assist the Inquiry to complete its work in as short a time as possible. But this cannot be achieved at the expense of proper investigation and fairness to the MPS and its former officers. The MPS therefore formally requests that the evidence identified above is sought by the Inquiry. This should occur concurrently with the Inquiry's ongoing work on its remaining tranches. The MPS will continue to do everything it can to help the Inquiry with its work and is proactively seeking to identify potential witnesses from the policing units identified above.

### **The need for specific evidence relating to the relationship between the SDS, MPSB, A8 Uniform Branch, and the Security Service**

#### *The Inquiry's terms of reference and lists of issues*

9. The Inquiry's terms of reference direct it, in part, to:<sup>8</sup>

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<sup>4</sup> The MPS received a Rule 9 request on 13 April 2022 seeking information about the identities of officers in C Squad in this era, and copies of any surviving threat reports, or similar, provided by MPSB to A8, or produced by A8, in respect of specific demonstrations.

<sup>5</sup> [MPS opening statement for T1P1](#) dated 22 October 2020, §§81-83; [transcript 3 November 2020](#).

<sup>6</sup> [Transcript 21 April 2021](#), p112 line 25 to p114 line 18. The relevant passage is quoted in full at §42 below.

<sup>7</sup> The only exception is where that information is sensitive and has been made the subject of a restriction order or notice under sections 19 and 20 of the Inquiries Act 2005.

<sup>8</sup> UCPI [terms of reference](#).

- investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;
- examine the motivation for, and the scope of, undercover police operations in practice ...;
- ascertain the state of awareness of undercover police operations of Her Majesty's Government;
- identify and assess the adequacy of the ... justification, authorisation, operational governance and oversight of undercover policing;
- [investigate] whether and to what purpose, extent and effect undercover police operations have targeted political and social justice campaigners.

10. Module 1 of the Inquiry is the 'Examination of the deployment of undercover officers in the past, their conduct, and the impact of their activities on themselves and others.' The Inquiry's list of issues for the SDS in Module 1 includes the following generic questions:<sup>9</sup>

#### **Targeting and initial authorisation**

25. Who was responsible for selecting the groups or individuals to be targeted?
26. Who authorised such targeting?
27. On what ground or grounds was each targeted group or individual selected?
28. Was any aspect of targeting influenced by either conscious or subconscious racism?
29. Was any aspect of targeting influenced by either conscious or subconscious sexism?
30. Which groups and individuals were targeted?
31. What, if any, reasons were recorded for the targeting of each group and individual?
32. Did those reasons justify each deployment?
33. What was the true purpose of each deployment?
34. What conduct, if any, was each deployment intended to detect, disrupt or prevent?
35. What was the practical outcome of each deployment? Did it achieve its purpose?

#### **Reporting - general**

71. For what purpose did undercover officers report information gathered by them: intelligence, evidential or other purposes?
72. By what means and when did undercover officers report information to their managers?
73. By what means and when was information gathered by undercover officers disseminated to others?

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<sup>9</sup> [Module 1](#) Special Demonstration Squad Issues List.

- 74. To whom and for what purpose was it disseminated?
- 75. Were undercover officers tasked to gather particular information?
- 76. If so, by whom and for what purpose?

11. It also includes more focused questions relating to the justification and value of any UCO reporting on justice campaigns (Qs 77-85), the Stephen Lawrence campaign and Duwayne Brooks OBE (Qs 86-95), elected politicians, political organisations and activists (Qs 96-105), trade unions and trade union members (Qs 106-115), social and environmental activists (Qs 116-125).

12. Further questions address these issues in the context of crime and public disorder:

**The prevention and detection of crime**

- 126. Did the activities of the Special Demonstration Squad help the prevention, detection and prosecution of crime, in particular serious crime?
- 127. Did the activities of the Special Demonstration Squad facilitate the prevention and control of public disorder?
- 128. If so, and in any event, did that consequence justify the activities?

13. Module 2 of the Inquiry is the 'Examination of the management and oversight of undercover officers, including their selection, training, supervision, care after the end of an undercover deployment, and the legal and regulatory framework within which undercover policing was carried out.' The List of Issues for Module 2a,<sup>10</sup> which involves 'managers and administrators from within undercover policing units', also includes all the above questions, together with a further question relating to 'What if any processes were in place to review the ongoing justification for deployments?' (Q68) and a subsection of specific questions relating to the Security Service:<sup>11</sup>

**Interaction with the Security Service**

- 215. What contact did Special Demonstration Squad managers have with the Security Service and for what purpose/s?
- 216. Did the Special Demonstration Squad have a counter subversion role? If so, what was the role and how was it discharged?
- 217. Did the Special Demonstration Squad have any other role, formal or otherwise, connected, in any way, to the Security Service? If so, what was it and how was it discharged?
- 218. What influence, if any, did the Security Service have, either directly, or indirectly through the higher chain of command, on Special Demonstration Squad procedures, targeting, operations, tactics, techniques, and reporting methods?

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<sup>10</sup> [Module 2a](#) Special Demonstration Squad List of Issues.

<sup>11</sup> Targeting and authorisation (Qs 56-68), specific reporting (Qs 78-117), and the prevention and detection of crime (Qs 199-201).

14. Similar questions have been included in the Inquiry's draft list of issues for Module 2b, which was published for consultation purposes on 19 April 2022.<sup>12</sup>
15. The MPS recognises the importance of these issues. As it stated in its first opening statement, it also accepts that questions over whether specific deployments and actions – including the targeting of groups active in pursuing social, political, justice and environmental causes – occurred or were justified will depend on the facts in each case.<sup>13</sup> Therefore, as set out below, its concern is to ensure that these matters are properly investigated by the Inquiry, so that any resulting findings are reasonable and fair.

### *The responsibilities of MPSB*

16. During the 1970s, the work of MPSB, like that of all police Special Branches, was directed towards public order policing and the provision of specific assistance to the Security Service. These responsibilities were set out in the Terms of Reference prepared in collaboration with the Security Service, and other 'interested parties', and agreed with the Association of Chief Police Officers of England and Wales (ACPO) in 1970.<sup>14</sup> Under the heading 'Function', this stated:

Special Branch is responsible for acquiring security intelligence, both secret and overt (a) to assist the Chief Officer in the preservation of public order, and (b) as directed by the Chief Officer to assist the Security Service in its task of defending the realm from attempts at espionage and sabotage and from actions of persons and organisations which may be judged to be subversive of the security of the State.

17. The wording of the second of MPSB's responsibilities echoes that of the Security Service's then charter, the 1952 Maxwell Fyfe Directive:<sup>15</sup>

The Security Service is part of the Defence Forces of the country. Its task is the Defence of the Realm as a whole, from external and internal dangers arising from attempts of espionage and sabotage, or from actions of persons and organisations whether directed from within or without the country, which may be judged to be subversive of the state.

18. The 14 specific 'Tasks' of Special Branch include (at section 3):

- (a) To provide the Chief Officer with intelligence affecting public order; and, on behalf of the Chief Officer, the Security Service with intelligence affecting national security.

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<sup>12</sup> [Module 2b](#) Special Demonstration Squad Preliminary Draft Issues List.

<sup>13</sup> [MPS opening statement for T1P1](#) dated 22 October 2020, §30.

<sup>14</sup> [UCPI0000004459](#).

<sup>15</sup> First witness statement of [Witness Z](#), 22 March 2021, at §10; Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (Allen Lane 2009, republished with updated material in Penguin Books 2010), page 323.

- (d) In consultation with the Security Service to collect, process and record information about subversive or potentially subversive organisations and individuals.
- (f) To investigate any subversive background to [illegible] demonstrations and breaches of public order; and, in consultation with the Security Service, to certain industrial disputes.

19. The Terms of Reference go on to state:

It is important that Special Branches should have a clear idea of what constitutes “persons and organisations which may be judged to be subversive of the security of the State”. Broadly speaking these are any organisation or individual whose purpose is the undermining or overthrow of the established democratic order.

20. At this time, as now, the Security Service operated under the supervision and direction of the Home Secretary, who in turn was answerable to the Prime Minister and their Cabinet. However, like other agencies within Whitehall, its lines of reporting were complex and subject to change. In 1972, for example, it produced a report on ‘Subversion in the UK - 1972’<sup>16</sup> for the Cabinet Secretary (Burke Trend) at the behest of the Prime Minister (Edward Heath)<sup>17</sup> and later took part in the new Interdepartmental Group on Subversion in Public Life.<sup>18</sup> Notably, this was chaired by James Waddell, the Deputy Under-Secretary of State at the Home Office, who from 1968 to 1974 was also personally responsible for approving the SDS’s annual Home Office funding. The Group’s attendees included the Deputy Assistant Commissioner for MPSB and officials from the Security Service, the Cabinet Office, the Foreign and Commonwealth Office, the Scottish Office, and the Department of Employment.

21. Many of the Interdepartmental Group’s reports and minutes, together with associated correspondence and memoranda, have now been declassified and are publicly available at the National Archives in Kew. Other, classified, documents may be directly available to the Inquiry from the Cabinet Office or other Government departments. These documents are directly relevant to any understanding of the Government’s interest in, and monitoring of, subversion and potential subversion in the 1970s, including through the work of the SDS. The MPS therefore requests that they are sought by the Inquiry, together with documentation relating to the Government’s interest in public order issues throughout the T1 period.

*The SDS managers’ evidence in T1P3*

22. Thirteen former SDS managers from the 1968-1982 period have provided witness statements to the Inquiry, of whom seven are giving evidence at the public hearing in May 2022. Their evidence makes clear that the SDS worked in furtherance of

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<sup>16</sup> [UCPI0000034279](#)

<sup>17</sup> *The Defence of the Realm* (ibid), page 594.

<sup>18</sup> *The Defence of the Realm* (ibid), page 596.

MPSB's responsibilities<sup>19</sup> for its two primary intelligence customers: A8, the Uniform Branch of the MPS responsible for public order policing, and the Security Service.<sup>20</sup> The former, like the SDS, was set up specifically in response to the Grosvenor Square demonstration on 17 March 1968.<sup>21</sup>

23. For most of the 1970s, the MPSB unit with primary responsibility for meeting the intelligence requirements of A8 and the Security Service was C Squad, which specialised in intelligence on domestic extremism. The SDS was originally an independent unit within the MPSB, sitting outside the operational squads A, B, C, D, E, and P[orts]. However, from late 1972 or early 1973, it became part of C Squad; and from July 1974 it was part of the newly created S Squad, which was 'formed to co-ordinate the various technical and support functions performed by Special Branch'.<sup>22</sup>
24. A pertinent example of how MPSB served the requirements of A8, and in this case also the Home Office, may be found in *Special Branch A History: 1883–2006*, by Ray Wilson and Ian Adams.<sup>23</sup> Chapter 24, 'The Diversity of Special Branch Work', has a section on the Stop the Seventy Tour Campaign (STST), which was the focus of witness evidence during the T1P2 hearings in April and May 2021. It includes the following passage:<sup>24</sup>

A central factor in formulating police strategies to counter any breaches of the peace contemplated by the militants was intelligence supplied by Special Branch in the form of regular reports to A.8. Department (responsible for the preservation of public order) and to the Home Office. These reports were prepared by DI Gerry Donker, an officer with comprehensive knowledge of South African politics, and were based on information supplied by a source close to the leadership of the STST Committee, which was supplemented by Special Branch's coverage of STST's meetings and rallies and by surveillance.

25. C Squad officers also directly answered the Security Service's specific requests for information and disseminated hundreds of relevant SDS intelligence reports to them at 'Box 500'.<sup>25</sup> The magnitude and unremitting nature of C Squad's and the

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<sup>19</sup> Second statement of Barry Moss (MPS-0747797), 26 July 2021, §41; first statement of Angus McIntosh (MPS-0747578), 3 December 2020, §90.

<sup>20</sup> First statement of Angus McIntosh (MPS-0747578), 3 December 2020, §81; first witness statement of Richard Walker (MPS-0747527), 5 January 2021, §83; first statement of Trevor Butler (MPS-0747658), 22 January 2021, §§145-146; second statement of Christopher Skey (MPS-0747952), 8 December 2021, §§116-117.

<sup>21</sup> Supplementary evidence of Sir David McNee, MPS Commissioner, to the Home Affairs Select Committee of the House of Commons, *The Law Relating to Public Order*, HASC 5<sup>th</sup> report of 1979-80 (HC 756 August 1980), page 75 §30.

<sup>22</sup> SDS Annual Report for 1974 (MPS-0730906), Memorandum §1.

<sup>23</sup> Biteback Publishing 2015.

<sup>24</sup> *Ibid* p301.

<sup>25</sup> First witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §§35, 39, 40. Richard Scully recalls that the dissemination of intelligence reports was undertaken by MPSB S Squad (first statement (MPS-0747155), 29 September 2020, §35), but his recollection is unclear. It is important to

MPSB's work for the Security Service and A8 is illustrated by a memorandum written by Commander Rollo Watts following of a meeting between MPSB and the Service on 11 October 1976.<sup>26</sup> This states at paragraph 3 (emphasis added):

Chief Superintendent R. Wilson, then spoke about manpower difficulties on his [C] Squad – theoretically 60 officers usually reduced by other commitments to about 30 at any one given time. Despite this, however, between 250-300 enquiries were completed for Box 500 every month. He stated however, that he was bound by the primary objectives of the Police Service, to give priority to enquiries which related to matters of public order. Mr. Watts<sup>27</sup> emphasised this point by explaining that Special Branch were responsible for something in the region of 600 to 700 pre-demonstration assessments every year for the information of the Uniform Branch.

26. It is clear from the managers' evidence that the SDS did not set the intelligence requirements that drove the tasking of its undercover deployments.<sup>28</sup> Nor, for the most part, did it pass intelligence directly to its ultimate customers. This process was directed and mediated primarily by MPSB C Squad,<sup>29</sup> based on the requirements of A8 (public order), the Security Service (subversion), and MPSB B Squad (Irish nationalism). Within C Squad, detective inspectors occupied specific posts relating to the Security Service, the 'ultra-left', Special Demonstrations, and the Communist Party.<sup>30</sup>
27. The SDS also did not assess – in the formal sense of collate and analyse – the intelligence that its officers gathered.<sup>31</sup> Intelligence relating to public order was converted by C Squad into sanitised 'pre-demonstration assessments', also known as 'threat assessments', for the benefit of A8;<sup>32</sup> although urgent public order intelligence could be telephoned directly to A8 at a high level.<sup>33</sup> Intelligence

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establish the criteria that C and S Squads applied when deciding which reports should be sent to the Security Service and/or elsewhere.

<sup>26</sup> MPS-0735776, 15 October 1976.

<sup>27</sup> Commander Watts, who was chairing the meeting, had previously been the Chief Superintendent in charge of C Squad.

<sup>28</sup> First statement of Angus McIntosh (MPS-0747578), 3 December 2020, §39; first witness statement of Richard Walker (MPS-0747527), 5 January 2021, §§129-130; first witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §§27, 69.

<sup>29</sup> Second statement of Barry Moss (MPS-0747797), 26 July 2021, §§44, 45, 107, 109; first statement of Trevor Butler (MPS-0747658), 22 January 2021, §§42, 44, 90-92, 134; first witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §§27, 35.

<sup>30</sup> MPS-0737401, C Squad structure July 1973.

<sup>31</sup> First statement of Angus McIntosh (MPS-0747578), 3 December 2020, §50; first statement of Derek Brice (MPS-0747802), 15 September 2021, §41.

<sup>32</sup> MPS-0735776; second statement of Barry Moss (MPS-0747797), 26 July 2021, §23.n; first witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §38. As a Detective Sergeant, Christopher Skey performed the role of liaison officer between MPSB and A8 for a short period after his time in the SDS. See his second statement (MPS-0747952), 8 December 2021, §§8, 127.

<sup>33</sup> Second statement of Barry Moss (MPS-0747797), 26 July 2021, §109; first statement of Angus McIntosh (MPS-0747578), dated 3 December 2020, §49.



relating to subversion was passed by C Squad in its original, un-sanitised, form directly to the Security Service.<sup>34</sup>

### *Additional witness evidence*

28. The MPS's understanding – based on the Inquiry's terms of reference, its lists of issues, and the questions it has already asked of the SDS UCOs and their managers, and the Security Service – is that the Inquiry is interested in, and in due course will make findings in respect of, three essential questions:

(1) Whose requirements directed the SDS's work?

(2) Was that work justified?

(3) Was it valuable?

29. The first question is straightforward and factual. It requires the Inquiry to look carefully at the interrelationships between the SDS, MPSB (including C and S Squads), A8 Uniform Branch, and the Security Service. This necessarily requires witness evidence from officers who served in each of those bodies at the time – not just the SDS. It also requires examination of the available documentary evidence showing how SDS intelligence was disseminated and used, including in reports which were produced by the Security Service for the Government. Otherwise, the evidential picture will be incomplete and such witness evidence as there is, i.e. the evidence of SDS undercover officers and managers, will be vulnerable to accusations of insufficiency and bias.

30. The second two questions are more complex and require more careful evaluation. As the following examples illustrate, the answers in each specific case may not necessarily be the same. Intelligence work may be justified because it was *valuable at the time*, e.g. because it produced information which thwarted an imminent threat of disorder. It may be justified because, although of limited or no value at the time, it *subsequently became valuable*, e.g. information which led to the identification of a person responsible for a terrorist attack. Finally, it may be justified because the intelligence had *potential value*, but this value never materialised at a later date, e.g. details of a plan to create public disorder which did not occur, or the name of an individual who was associated with a dangerous anarchist group, but then left and was never heard of again.

31. Assessing this latter category is an especially nuanced and difficult task. It requires a detailed understanding of the historical concerns of the public, the Government, and the state's agencies. It also requires care not to apply retrospective knowledge of subsequent events to the subjective concerns of the relevant people and

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<sup>34</sup> Second statement of Barry Moss (MPS-0747797), 26 July 2021, §§23.q, 105.c; first witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §40.

organisations at the time. For example, it is now known that none of the groups who advocated the end of capitalism or democratic society came close to succeeding in their aims; and so governmental and police interest in them at the time may now appear alarmist, anti-democratic, or quaint. But that does not mean that that interest was unjustified, given the socio-political circumstances prevailing in the 1960s and 1970s and judged by the legal and professional policing standards of the time – both of which must be established by independent expert evidence.<sup>35</sup>

32. In respect of the specific intelligence work undertaken by the SDS between 1968 and 1982, the task of producing a comprehensive, objective assessment of its justification and value on a granular level – deployment by deployment, report by report – is impossible. The exercise of asking the undercover officers and their managers to do so, 40 to 50 years after the index events, is inherently problematic and unfair. The events are too long ago, and the causative pathways and counterfactual scenarios are too obscure and too complex.
33. If the Inquiry does intend, however, to make findings about the justification and value of SDS deployments into specific groups, or its reporting on specific individuals, during in the T1 period, then this can only be done fairly by asking former officers of MPSB C Squad, A8 Uniform Branch, and the Security Service, directly to explain the justification for seeking intelligence on those groups and individuals, and what value the resulting intelligence had to their work. They should also explain why intelligence needed to be sought using undercover deployments, rather than by some other means – for example, open sources such as public meetings and publications, or alternative closed sources such as informants and surveillance.
34. Those critical questions cannot be answered definitively and fairly by the SDS's former managers, as they themselves have said,<sup>36</sup> and to rely on their opinion evidence alone, alongside the available documents, would lead the Inquiry into error. That is particularly so given that highly relevant contemporaneous documentary evidence – specifically, SDS reporting on public order that was not passed to the Security Service<sup>37</sup> and pre-demonstration reports or threat assessments produced by MPSB for the benefit of A8 – have not been located.<sup>38</sup>

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<sup>35</sup> See, for example, the comments made by Trevor Butler in his first statement (MPS-0747658), 22 January 2021, §§129-132.

<sup>36</sup> For example, first witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §152; and the second statement of Barry Moss (MPS-0747797), 26 July 2021, §104.

<sup>37</sup> Most of the SDS reporting published by the Inquiry emanates from Security Service Records: Counsel to the Inquiry's [T1 Disclosure Note](#), §21.

<sup>38</sup> Many former SDS officers have commented on the incompleteness of the records. See: first witness statement of Trevor Butler (MPS-0747658), 17 March 2021, §32; first witness statement of HN80 (UCPI0000033626), 1 April 2021, §33; first witness statement of HN299/342 (MPS-0745773), 12 December 2019, §75; first witness statement of HN304 (MPS-0742282), 11 October 2019, §45; first witness statement of HN343 as supplemented (MPS-0739804), 29 May 2019, §67; first witness statement of HN353 (MPS-0740413), 12 July 2019, §§19-21; transcript of the summary of HN301's evidence to the

35. It is understood that the Inquiry is now intending to obtain witness evidence from former managers in MPSB C Squad.<sup>39</sup> This is welcome. The MPS will do everything it can to facilitate the provision of this evidence to the Inquiry and has already identified some potential witnesses. The evidence will be of limited value, however, if the Inquiry does not at the same time seek and obtain evidence from those on whose behalf C Squad gave overall direction to the focus of SDS infiltrations,<sup>40</sup> and collected, assessed, and distributed the intelligence it gathered. Evidence points to the fact that C Squad was a conduit between the SDS and its ultimate customers, and that it deliberately kept the SDS in the dark – for the sake of protecting its UCOs – about intelligence it received from other sources,<sup>41</sup> including from the Security Service.<sup>42</sup>
36. In the case of the Security Service, more is needed than a composite corporate statement from Witness Z, who has no direct experience of any of the events in question.<sup>43</sup> Unsurprisingly, such a witness is of limited value. Instead, statements are needed from contemporaneous officers who requested intelligence from MPSB on subversion or security-related matters, assessed the resulting product, and reported directly to the Government. The Government, through the Home Office and the Security Service, required the MPSB and the SDS to obtain intelligence on particular groups, movements, issues, and individuals. This should be made clear in witness evidence, so that the Inquiry and the public have a proper understanding of the justification for the SDS's work and its resulting value.
37. If the Inquiry intends to find that the specific aspects of the SDS's work were not justified or valuable, then these criticisms must be put to those people and bodies who requested, relied on, and/or funded the SDS's work – not simply former SDS officers. The Inquiry will no doubt wish to consider carefully to whom it must in due course give the opportunity to respond to such criticisms during the warning letter process for its interim or final reports.<sup>44</sup>
38. The work of the Security Service, insofar as it intersected directly with that of MPSB and the SDS during the index period, is clearly within the Inquiry's terms of reference, as the Chairman has stated.<sup>45</sup> It is not understood that the Service

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Inquiry, Day 9 T1P2, 4 May 2021 at page 10, lines 4 to 15; transcript of HN200's evidence to the Inquiry, Day 10 T1P2, 5 May 2021 at page 173, lines 15 to 20; gist of T1 witness statements received by the UCPI from officers who have real and cover name restriction (UCPI0000034307/5), §24(a) and (b); transcript of HN21's evidence to the Inquiry, MPS-0748062/18; transcript of HN109's evidence to the Inquiry, MPS-0748064/5.

<sup>39</sup> Letter from the Inquiry to the MPS dated 31 March 2022; Rule 9 request 136 dated 13 April 2022.

<sup>40</sup> First witness statement of Geoffrey Craft (MPS-0747446), 7 December 2020, §§27, 69; second statement of Barry Moss (MPS-0747797), 26 July 2021, §§44, 45, 107, 109.

<sup>41</sup> First witness statement of Trevor Butler (MPS-0747658), 17 March 2021, §34.

<sup>42</sup> [UCPI0000030903](#) §8.

<sup>43</sup> First witness statement of [Witness Z](#), 22 March 2021.

<sup>44</sup> Rule 14(3) of the [Inquiry Rules 2006](#) states that 'The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless – (a) the chairman has sent that person a warning letter; and (b) the person has been given a reasonable opportunity to respond to the warning letter.'

<sup>45</sup> [Transcript 6 November 2020](#), p1 line 21 to p2 line 11.

itself has sought to argue otherwise. The investigatory requirement for proper witness evidence, which the MPS first identified in its opening statement for T1P1,<sup>46</sup> is therefore obvious and unanswerable. Further, there are no procedural reasons why such statements should not be sought. Former Security Service officers are former servants of the state and so no different from former undercover police officers and their managers. If their evidence is relevant and necessary then it should be obtained, without fear or favour.

### **The need for expert evidence relating to the historical, political, and policing context of the SDS's work**

39. The Inquiry must contextualise the work of the SDS by reference to the historical, political, legal, and policing circumstances of the time. Only by doing so can the reasons for the Government's and the Commissioner's interest in public disorder, industrial unrest, and subversion be properly understood – together with the MPS's and the Security Service's resulting requirements for intelligence relating to those matters, and the decision to use undercover deployments to obtain that intelligence.
40. None of the witnesses called during Tranche 1, including the former SDS managers about to be called in this phase, have been able to provide independent, impartial, or comprehensive accounts of the wider, national, or metropolitan, context in which their actions and experiences occurred. Nor could they have been expected to do so. They were personally involved in the specific events under scrutiny – either as SDS officers or as civilians who featured in SDS reporting. This has meant that obvious but important questions, which are relevant to any assessment of the SDS's work, have not yet been independently answered.
41. Such questions include:
  - (1) During the period 1968 to 1982, what public disorder was occurring in London and elsewhere in the UK?
  - (2) What was its cause?
  - (3) Which groups/movements/issues were involved?
  - (4) Which groups/movements were seeking to cause public disorder?
  - (5) Which groups/movements were seeking to undermine the security of state?

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<sup>46</sup> [MPS opening statement for T1P1](#) dated 22 October 2020, §§85, 88.

(6) Did the Government, and other state institutions, including the police, judge those groups, or people associated with them, to present a threat to public order or the security of the state?

42. In the MPS's oral opening statement for the T1P2 hearing on 21 April 2021, it urged the Inquiry to contextualise the events under scrutiny using written and oral evidence from a suitable academic historian:<sup>47</sup>

Sir, it is vitally important that the Inquiry has a proper understanding of these events, and that they are articulated and explained, in public, during its hearings. Otherwise, there is a real danger that it will reach judgments that are unfair or misplaced, either because they are based on incomplete or subjective accounts, or because they are based on information which has been gleaned from outside the Inquiry process and so is not known by its participants and has not, as necessary, been tested by them.

Such an understanding, we submit, must be based on evidence and not submissions. Submissions may be informative but when made by participants they are vulnerable to accusations of selectivity and bias. And even when made by Counsel to the Inquiry they still do not have the status of authoritative evidence and cannot by definition be elaborated or challenged.

What the MPS respectfully submits is needed, Sir, is evidence from an expert historian, which provides the Inquiry and its participants with a clear, comprehensive and independent overview of the various periods under scrutiny. Such evidence would be in the form of one or more reports or witness statements which would be supplemented by oral evidence, coupled with the introduction of contemporaneous documents at the start of the hearings for each tranche or phase.

To avoid controversy or impropriety, the evidence would need to be scrupulously neutral and factual, without expressions of opinion on any matters that are historically contentious or on issues that are for the Inquiry alone to determine.

As the Designated Lawyer Officer Group note in their written submissions for this hearing, this type of evidence was given by eminent historians, Professor Robert Service and Professor Thomas Hennessey, in the Litvinenko Inquiry and the Birmingham Bombings Inquest. And in both cases, it was a highly effective and proportionate means of summarising the complex historical period in which the events in question occurred. It would, the MPS submits, be of even greater value to this Inquiry – which is looking at an unprecedentedly long period of UK history.”

43. During the Bloody Sunday Inquiry, the tribunal commissioned expert reports from two historians of Irish and Northern Irish history, Professor Paul Arthur and Professor Paul Bew.<sup>48</sup> Their evidence, together with open-source material read (and disclosed) by the tribunal, formed the basis for the detailed, neutral, historical narrative with which the inquiry contextualised the events on 30 January 1972 in

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<sup>47</sup> [Transcript 21 April 2021](#), p112 line 25 to p114 line 18.

<sup>48</sup> The 'Historical Background' reports of [Professor Arthur](#) (University of Ulster) and [Professor Bew](#) (Queen's University Belfast) are available on the National Archives website.

its report.<sup>49</sup> Such evidence was obviously important to an inquiry in which, as in this case, national history was itself relevant and under scrutiny.

44. One of the primary tasks of an expert witness would be to adduce, at the public hearings, relevant evidence about which none of the existing factual witnesses can speak with authority or independence. This would include introducing the objectives and activities of the various groups and factions that were involved in demonstrations in London, or, were judged to present a threat to the security of the state during the 1970s, such as the International Socialists / Socialist Workers' Party (SWP) and the International Marxist Group (IMG). This could be done by reference to contemporaneous material not, as yet, considered openly by the Inquiry, such as the *Socialist Worker* newspaper which, as one historian noted at the time, had a section entitled 'Where we stand', in which the SWP set out its 'calls for mass action by the workers to seize control of the wealth created by them under capitalism and to destroy the system.'<sup>50</sup>
45. Another important task of an expert witness would be to identify the scope of the MPS's responsibilities and to explain (1) how public order policing was undertaken at the time and (2) how intelligence work was conducted in the 1960s and 1970s – including how operations were planned and how intelligence was collected, assessed, shared, and filed. Such evidence is essential for a fair assessment of the lawfulness, necessity, and proportionality of the SDS's work, as other inquiries have recognised. Most recently, the Brook House Inquiry has commissioned and heard evidence from three expert witnesses during its investigation of the mistreatment of individuals detained at the Brook House Immigration Removal Centre.<sup>51</sup> This includes evidence on the legislative and policy context of the use of force in detention centres, its governance and oversight, and the professional standards applicable at the time of the index events.<sup>52</sup>
46. One of the tasks of an expert would also be to introduce evidence for which there are no surviving factual witnesses from the time. An example of this is an article on public order policing in the July 1975 edition of the *Police Journal* by the then Commissioner, Sir Robert Mark, 'The Metropolitan Police and Political Demonstrations'.<sup>53</sup> This opens with the following passage:

The maintenance of order during political demonstrations has always been the most sensitive problem for the Metropolitan Police. The need to control the London mob without recourse to the Army was, in fact, one of the strongest reasons for the creation of the force in 1829. Though each decade has produced its succession of problems we have never departed from the basic doctrine of minimal force, although improved

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<sup>49</sup> Report of the Bloody Sunday Inquiry (HC29-1, The Stationary Office 2010), [Volume I](#), 'The Background to Bloody Sunday', Chapters 6 and 7; [Volume X, Bibliography](#).

<sup>50</sup> Richard Clutterbuck, *Britain in Agony: The Growth of Political Violence* (Faber and Faber 1978, revised and republished in Penguin Books 1980), page 249.

<sup>51</sup> The experts' background is summarised on the inquiry's [website](#).

<sup>52</sup> Evidence of [Jonathan Collier](#), of the National Incident Management Unit of HM Prison and Probation Service.

<sup>53</sup> This article is also referred to in *Britain in Agony*, pages 159 and 311.

communications have made possible more sophisticated and flexible methods of control and containment. It is surprising that political demonstrations throughout almost a century and a half have resulted in few serious casualties. The gathering of crowds to give violent expression to their views, a common feature of late eighteenth and most of the nineteenth century, has given way to a now well-established tradition of comparatively orderly demonstrations marred only occasionally by violence, even then usually initiated by, and confined, to minority groups.

47. Sir Robert Mark's article provides a high-level commentary on the complex task of policing political demonstrations in London in 1975; and includes statistics relating to the preceding three years.<sup>54</sup> It was first published as Appendix 8 to the Commissioner's 1975 Annual Report, which covered the MPS's work in 1974.
48. All the Commissioner's Annual Reports for the period 1968 to 1982, together MPSB's Annual Reports, have been provided to the Inquiry.<sup>55</sup> They are a valuable source of information and evidence about the MPS's work throughout Tranche 1, against which the work of the SDS and MPSB can be understood. It is all the more important that such documents are introduced into evidence, given that Sir Robert Mark and both his predecessor and successor from this period, Sir John Waldron (1968-1972) and Sir David McNee (1977-1982), are dead. So too are the officers at the rank of Commander and above who directly oversaw the work of the SDS during this period. None of them can now be witnesses in this Inquiry.
49. The MPS is not seeking to nominate specific experts to provide evidence. That is a matter for the Inquiry, assisted by the submissions of the Core Participants. However, several potential witnesses exist. One is Christopher Andrew,<sup>56</sup> who is the author of several books on the history of intelligence gathering in the UK, including *The Defence of the Realm: The Authorized History of MI5*.<sup>57</sup> Other potential candidates are Richard J Aldrich<sup>58</sup> or Rory Cormac,<sup>59</sup> who are the co-authors of *The Black Door: Spies, Secrets Intelligence and British Prime Ministers*.<sup>60</sup> Both of these publications contain meticulously researched accounts of the Government's concerns about left-wing subversion, and the associated issue of unrest, throughout the 1970s, and its resulting efforts to monitor the threats these were thought to present at the time.<sup>61</sup>
50. The MPS urges the Inquiry to reconsider the appointment of one or more historical and professional experts. It would be most unfortunate if an inquiry of this breadth

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<sup>54</sup> At Appendix A it records that 'In 1972, 1973 and 1974 there were respectively 470, 445, and 406 major events requiring special police arrangements, making a total of 1,321 during the three year period.'

<sup>55</sup> Letter from the MPS to the Inquiry dated 30 September 2021.

<sup>56</sup> Emeritus Professor of Modern and Contemporary History at the University of Cambridge.

<sup>57</sup> *Ibid.*

<sup>58</sup> Professor of International Security at the University of Warwick.

<sup>59</sup> Professor of International Relations at the University of Nottingham.

<sup>60</sup> William Collins 2016.

<sup>61</sup> See, for example, *The Defence of the Realm* at Section E Chapter 2 'The Heath Government and Subversion', Chapter 6 'The Callaghan Government and Subversion', and Chapter 7 'The Thatcher Government and Subversion'.

and importance did not ensure that the scope of its public work included proper contextual evidence.

### The Chairman's reading

51. It is clear that the Chairman has read open-source material which provides information that is relevant to the events he is investigating. These include some or all of *The Defence of the Realm* and *In the Office of Chief Constable*,<sup>62</sup> the autobiography of Sir Robert Mark, who was Commissioner from 1972 to 1977. It may also include *The Black Door*, discussed above, and publications on the history of Trotskyism.<sup>63</sup> The very fact that this reading has been necessary supports the MPS's position, set out above, that this Inquiry requires contextual evidence – albeit that such evidence should be adduced publicly not privately.
52. The MPS (CL) and the Designated Lawyers (DL) have asked the Inquiry what background reading the Chairman has undertaken in respect of issues which may bear upon the Inquiry's terms of reference.<sup>64</sup> The Inquiry has not provided an answer to this question. This is unfortunate because the issue is important. Section 18 of the Inquiries Act 2005 provides that:

Subject to any restrictions imposed by a notice or order under section 19, the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able –

(a) ...

(b) to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel.

53. If the Chairman has read books, scholarly articles (not media reporting or comment pieces about the Inquiry and its work), or contemporaneous documents that provide information about the issues that are within the Inquiry's terms of reference, then this should be disclosed to the Inquiry's core participants and to the public. The relevant material should also be identified and where possible published, so that it can be referred to, as necessary, in witness questioning, submissions, opening/closing statements, and, in due course, responses to warning letters (made pursuant to rule 13 of the Inquiry Rules 2006). This applies

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<sup>62</sup> Collins 1978. An extract from the book has been included in the bundle for the T1P3 hearing.

<sup>63</sup> The Chairman's interest in, and knowledge of, the history of Trotskyism was demonstrated during the exchange with Tariq Ali on the first day of the T1P1 hearing, [transcript 11 November 2020](#), p162 line 23 to p166 line 9.

<sup>64</sup> Letter from the MPS to the Inquiry dated 28 August 2020; email from the MPS to the Inquiry dated 18 April 2021 (resending the letter); DL written opening statement for T1 P2 redated 20 April 2021, paragraphs 4.2-4.3; email from the MPS to the Inquiry dated 16 June 2021; letter from the DL to the Inquiry dated 14 October 2021; letter from the MPS dated 24 March 2022.



to all relevant material that has been considered, not just material upon which the Inquiry intends to rely in its reports.<sup>65</sup>

54. If the Inquiry does not publish the Chairman's reading, this will impede the core participants' understanding of, and engagement with the Inquiry's investigatory work. They will remain ignorant of information that may elucidate matters under investigation directly or by way of general context. As importantly, there is a real risk that the Inquiry's conclusions will be informed by and based on factual assertions and viewpoints that are unknown, untested, controversial, or wrong. This would undermine public confidence in the Inquiry and the fairness of its findings.
55. For these reasons, the MPS respectfully repeats its request that the Inquiry clarifies these matters.

### **The origins of the use of deceased children's identities**

56. The MPS has apologised for the hurt caused by the use by the SDS of the identities of deceased children and maintains that apology. The 'Module 1 Special Demonstrations Squad Issues List' includes the following questions about the origins of the practice of using deceased children's identities.<sup>66</sup>

#### **Legend building**

19. When and why did the practice of using deceased children's identities begin?
20. Who devised and/or authorised the practice?
57. The answers to these questions are important to the MPS and its former officers. They are also important to the Inquiry's other core participants, including those in Category F,<sup>67</sup> and the public, given national media coverage of the issue<sup>68</sup> and the findings of the Home Affairs Select Committee in 2013.<sup>69</sup> They should therefore be important to the Inquiry.
58. If the practice of using deceased children's identities was first used in the UK by the SDS in the early 1970s, then that fact should be made clear. If it was first used by other state bodies, such as the Security Service, and thereafter adopted by the SDS, then that fact too is significant and should be made clear. It is of obvious relevance to any assessment of whether its use by the SDS was standard in undercover work and/or reasonable. If the origins of the practice cannot be

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<sup>65</sup> In a recent letter from to the MPS, dated 31 March 2022, the Inquiry has indicated that 'any reading that the Chair *relies on* will be put into evidence so that it can be scrutinised' (emphasis added). The MPS's position is that more than this is required, for the reasons given.

<sup>66</sup> Identical questions are included the List of Issues for Module 2a as Questions 52 and 53.

<sup>67</sup> [Opening statement of the Category F core participants for T1P1](#) dated 6 November 2020, page 20 §8.

<sup>68</sup> For example, articles in [The Guardian](#) and [The Independent](#).

<sup>69</sup> Home Affairs Select Committee Thirteenth Report - [Undercover Policing: Interim Report](#) (26 February 2013).

determined at this remove, then that is also significant and should be made clear. Fairness to the SDS and its officers and managers requires that these matters are clarified by this Inquiry as a matter of public record.

59. The Designated Lawyer (DL), which represents most of the former SDS officers, wrote to the Inquiry about this issue on 14 October 2021, stating:

... it has been suggested that other agencies, e.g. MI5 and the KGB, used information about deceased individuals in the creation of cover / fictitious identities and that this may have informed or inspired the SDS. *Operation Herne Report 1 - Use of Covert Identities* (July 2013), part 4 also refers to *Operation Mincemeat, The Man Who Never Was* and *The Day of the Jackal*. Please could you confirm if the Inquiry has followed these suggestions up with MI5 or any other agency, i.e. in order to discover if the practice was more widely used and, if so, when, where, how and by whom? If the Inquiry has done this, what information was provided? If not, please could the Inquiry make enquiries along these lines?

60. It is understood that the Inquiry subsequently confirmed to the DL, by email dated 18 November 2021, that it does not intend to investigate the origins of the use of deceased children's identities other than by asking former SDS officers about the practice. More recently, the Inquiry has indicated to the MPS that it is 'clear from the issues list [that] the Inquiry's investigation is confined to the use of the practice by the SDS'.<sup>70</sup>

61. For the reasons given, the MPS requests that the Inquiry reconsider its position and investigate this issue fully. There can be no good reason for not asking the Security Service whether the practice was used by its officers or agents prior to its use by the SDS. Much of the work of the Security Service, and its past methodologies, is now in the public domain, most obviously in the authorised history by Christopher Andrew.<sup>71</sup> Even if the Inquiry's investigations are unwelcome or the answers to them embarrassing or sensitive, which is unlikely given their generic nature, that does not mean that enquiries should not be made.

## Conclusion

62. The MPS has been informed that the Inquiry will produce an interim report concerning Tranche 1, but that decisions on scope have not yet been finalised. The MPS would welcome urgent clarification of the proposed timetable for the production of an interim report and a clear indication of the issues that the Inquiry intends to address in the report (i.e. its scope).

63. The MPS's position is that it would not be appropriate or fair for the interim report to include findings about the justification and value of the SDS's work in the T1 period, or the provenance of the use of DCIs, unless and until the Inquiry has

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<sup>70</sup> Letter from the Inquiry to the MPS dated 31 March 2022.

<sup>71</sup> *The Defence of the Realm* (ibid).

completed its Module 2B and 2C investigations and obtained the specific and contextual evidence identified in this statement, including testing it in live hearings. If this is not the Inquiry's position, the MPS would be grateful for confirmation that there will be an opportunity to make submissions on those matters.

64. The MPS submits that it is essential that the Inquiry obtains and hears witness evidence in public from the SDS's two intelligence customers, A8 Uniform Branch and the Security Service, and the operational squad most directly concerned with its work, MPSB C Squad.<sup>72</sup> It also repeats its request that the Inquiry call expert evidence which places the SDS's work in its proper historical, political, and professional policing context.
65. Finally, the MPS would also be grateful for clarification by the Inquiry of the *test* or *standards* that it intends to apply when assessing the justification and value of the SDS's work in the period 1968 to 1982. Understanding the types of finding that the Inquiry intends to make in respect of the SDS's work, and its proposals as to when those findings will be made (whether in the interim or final reports), will enable the MPS to best assist the Inquiry by way of further evidence and submissions.

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**5 Paper Buildings**

**25 April 2022**

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<sup>72</sup> Some SDS officers worked for these squads before or after their SDS postings, e.g. Derek Brice, Trevor Butler, Roy Creamer, and David Smith. Their evidence is relevant but limited. They are not able to provide definitive, independent, evidence on the justification for the SDS's work and its value to its customers.