

Wednesday, 11 May 2022

(10.00 am)

THE CHAIRMAN: Mr Menon?

Mr Menon, good morning.

Opening statement by MR MENON

MR MENON: Thank you.

This opening statement for Tranche 1, Phase 3, is made on behalf of Tariq Ali, Ernie Tate and Piers Corbyn in advance of the evidence to be given by Special Demonstration Squad managers covering the period from 1968 to 1982. It should be read in conjunction with our two earlier opening statements dated 25 October 2020 and 16 April 2021.

Tariq Ali gave evidence during Tranche 1, Phase 1, the first Non-State Core Participant who was spied on by the police to do so; and Piers Corbyn gave evidence during Tranche 1, Phase 2. Ernie Tate was unable to give evidence in person for reasons of ill-health; and his statement was read into evidence during Tranche 1, Phase 1. Sadly, Mr Tate passed away in February 2021.

We have tried to avoid, Sir, as much as possible, any repetition today of the same points that we have previously made. For the avoidance of doubt, we remain deeply concerned, as I'm sure you'll appreciate, about excessive delay and secrecy. We adopt the submissions

1 made about these and other general matters by
2 the Co-operating Group of Non-State Core Participants
3 and other Non-State Core Participants.

4 As none of the Non-State Core Participants whom we
5 represent are giving evidence during this phase, we
6 limit our remarks today to the following
7 topics: the Tranche 1, phase 4 closed hearings;
8 the seven SDS managers giving live evidence in the next
9 few days; disclosure and redactions; the relationship
10 between SDS and MI5; the development of SDS in the 1970s
11 and; the future of the Inquiry.

12 Starting, then, with the closed hearings.

13 There is, in our submission, something fundamentally
14 wrong and unfair about a public inquiry into undercover
15 policing departing from the principle of open justice
16 and conducting closed hearings during which former
17 undercover officers whose real names, cover names and
18 witness statements have all been withheld pursuant to
19 restriction orders, give evidence with police lawyers
20 present but the Non-State Core Participants, their
21 lawyers and the public excluded.

22 This is precisely what happened some time in
23 the autumn of 2021, when five undercover officers, HN21,
24 41, 109, 302 and 341, were questioned by
25 Counsel to the Inquiry in what are being called the

1 "Tranche 1, Phase 4, Closed Hearings".

2 In the Tranche 1, Phase 3, hearing bundle,
3 the Inquiry has disclosed the redacted transcripts of
4 the evidence in closed session of the five
5 undercover officers and a 70-page document entitled
6 "Unattributable Excerpts from Closed Officer Evidence".
7 According to paragraph 11 of Counsel to the Inquiry's
8 Second Addendum Disclosure Note Regarding Tranche 1,
9 dated 14 April 2022, around half of the total evidence
10 received from these five officers has been published in
11 the redacted transcripts and unattributable excerpts;
12 which obviously means that around half of the total
13 evidence has not been published and will remain secret
14 forever.

15 We have no idea why around half of what these five
16 officers had to say in evidence during the closed
17 hearings is being withheld, other than the Inquiry
18 asserting in its disclosure note that the evidence is
19 subject to redaction for reasons of public interest.
20 What does this mean, we ask? What public interest?
21 Whose public interest? Certainly not the public
22 interest of those we represent, who were spied upon,
23 learning the truth about the full nature and extent of
24 the secret political policing of which they were
25 victims.

1 Furthermore, we're completely in the dark as to why
2 the evidence in the unattributable excerpts, some of
3 which is clearly relevant and significant and of
4 interest, cannot be attributed. How, in
5 the circumstances, are the Non-State Core Participants
6 supposed to participate effectively and equally in at
7 least this part of the Inquiry in circumstances where
8 the witness statements are withheld, the opportunity to
9 ask questions is denied and some of the evidence has not
10 been attributed?

11 On any sensible view, we submit, closed hearings
12 should have no place in a public inquiry into secret
13 political policing, particularly when the evidence
14 concerns events that took place 40 or more years ago.
15 Why are anonymity and screens not sufficient safeguards?

16 Furthermore, all evidence in a public inquiry should
17 be attributed. How else can there be any
18 accountability? How else can the evidence be put into
19 context by the Non-State Core Participants, and
20 understood in relation to the overall evidential
21 picture?

22 Turning, then, to the closed officer evidence
23 itself, we find it incredible that HN21, an officer who
24 was perfectly willing 20 years ago to speak openly about
25 his undercover role in the BBC documentary True Lies is

1 unable to give evidence in open session.

2 HN21 was a married officer who became a local
3 organiser in the Socialist Workers Party. He admits to
4 a sexual relationship with a woman who he met in
5 a Marxist study class, a woman who he disingenuously
6 categorises as "apolitical", as if to distance himself
7 from the inevitable accusation that he was sleeping with
8 a political target. What is the relevance of the woman
9 being apolitical? Does HN21 believe that the woman
10 being apolitical somehow renders his violation of her
11 more palatable?

12 HN21 also observes the following:

13 "From the SWP side, it was mostly shouting. From
14 the Far Right thing, it was mostly physical violence."

15 Yet we will learn during the Tranche 1, Phase 3
16 evidential hearings that there was apparently
17 a high-level policy decision not to use SDS to
18 infiltrate the far right. Now, given HN21's cogent
19 observation, why did SDS target the left and not
20 the right? We trust this will be explored in more depth
21 during the live evidence.

22 HN41, another of the five officers, was an
23 SDS officer in the 1970s and 1980s. He is of great
24 importance to what happened at Southall on
25 23 April 1979, when Blair Peach was killed by a police

1 officer and Tariq Ali and many others were severely
2 beaten by police officers. HN41 says that he was warned
3 by senior Special Branch officers not to go to Southall
4 with his target group because the uniformed police were
5 going to clamp down on the demonstrations and management
6 considered the dangers were more than normal.

7 Two important points arise. Firstly, in
8 the transcript of HN41's evidence in closed session, all
9 the names of the target groups that he infiltrated have
10 been redacted. Why? Why are the names of groups which
11 were infiltrated by him some 43 years ago so sensitive
12 that they cannot be publicly revealed even now?

13 Secondly -- and this is particularly important --
14 this is the first time we've heard a police witness
15 acknowledge openly the true nature of public order
16 pre-planning by the uniformed A8 branch, the special
17 operational unit that had been set up after the Vietnam
18 Solidarity Campaign demonstration against
19 the Vietnam War in March 1968.

20 Given HN41's evidence, and given what we now know
21 about the violence meted out by the uniformed police on
22 23 April 1979 against anti-fascists demonstrating
23 against the National Front marching through Southall,
24 can there really be any doubt that the uniformed police,
25 particularly the notorious Special Patrol Group,

1 a mobile unit under the direct control of
2 the Metropolitan Police Commissioner, Sir David McNee,
3 were under secret orders to use violence against
4 anti-fascist demonstrators?

5 Far from SDS providing intelligence to A8 to allow
6 the latter to plan and steward a peaceful demonstration,
7 the effect of the SDS intelligence reports was merely to
8 heighten the view within the police as a whole that all
9 anti-fascist demonstrators were subversives and fair
10 game for police truncheons. This explains HN41's
11 plaintiff comment that A8 "weren't perhaps as receptive
12 to some of our ideas as we thought they might have
13 been".

14 While HN41 rightly castigates A8 for their
15 disastrous mistake to shut down a part of Southall. He
16 still, to this day, fails to understand the mentality of
17 the senior police hierarchy who saw left-wing protesters
18 as subversives, as the enemy within.

19 Indeed, as HN41 himself says, the Security Service
20 saw left wing protesters as "potential Fifth
21 Columnists", echoing the language of the Second World
22 War. This is, we submit, the proper context in which
23 the killing of Blair Peach, the severe beating of
24 Tariq Ali and many others by police officers and the
25 subsequent institutional cover-up by the police must be

1 considered. It is no surprise that the Special Branch
2 report into the killing of Blair Peach has mysteriously
3 gone missing, despite Special Branch having its own
4 archives. It has either been buried or destroyed.

5 There are questions that we would have wanted to ask
6 HN41 on behalf of Tariq Ali, given the 11-page redacted
7 transcript of his evidence in closed session that has
8 been disclosed. This leaves a lingering sense of
9 injustice about an opportunity wasted, and represents
10 the inevitable cost of having closed hearings from which
11 the Non-State Core Participants and their lawyers are
12 excluded.

13 Now, before we leave the topic of the closed
14 hearings, we want to add one other point that was
15 highlighted by another officer, HN109, who was
16 undercover in the 1970s and a manager in the 1980s.

17 He says that the Metropolitan Police
18 Commissioner visited the SDS safe house annually, as did
19 other senior officers. Additionally, he mentions SDS
20 receiving congratulations on more than one occasion from
21 10 Downing Street for its supposed "success in combating
22 public disorder", commenting that he "was stunned that
23 somebody at that level would have an awareness" of this
24 secret unit.

25 As we said in our first opening statement, Sir, SDS

1 was a unit that was thoroughly integrated into
2 the security apparatus of the British state, and was
3 known to all leading state actors, from the Prime
4 Minister, to the Cabinet, to the Home Office, and down
5 the chain of command within the Security Service and the
6 Metropolitan Police Service.

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

13 Starting with the October 1968 VSC demonstration
14 against the Vietnam War, this was a peaceful
15 demonstration not because of any intelligence from SDS,
16 but because it was well stewarded by the Vietnam
17 Solidarity Campaign. The small breakaway demonstration
18 was entirely foreseeable from routine intelligence, and
19 was effectively policed by uniformed officers using
20 a thick static cordon. Undercover policing did not make
21 a blind bit of difference to the absence of any serious
22 violence on the day. The Special Operations Squad, as
23 SDS was then called, should have been shut down after
24 this demonstration, but it wasn't.

25 At many of the large demonstrations of the 1970s,

1 the police invariably failed to keep the peace
2 notwithstanding SDS intelligence. We suspect this was
3 because the left wing and anarchist groups being spied
4 on and infiltrated by the undercover officers posed
5 little real public order threat. SDS should have been
6 focused, but were not, on the far right, who were
7 the real public order threat.

8 Furthermore, there is abundant evidence in
9 the public domain that the uniformed police were at
10 times looking for confrontation, and not just
11 the uniformed officers but those more senior, too.

12 In June 1974, whilst the police were protecting
13 a National Front meeting in Red Lion Square,
14 Kevin Gately, an anti-fascist student, was killed.

15 In June 1977, the police used violence against
16 striking Grunwick workers and their supporters at a mass
17 picket.

18 In August 1977, the Home Secretary and the
19 Metropolitan Police Commissioner allowed
20 the National Front to march through Lewisham,
21 a multi-racial community, with their racist banners and
22 slogans. When confronted by an anti-fascist counter
23 protest, the police brought out riot shields for
24 the first time on the British mainland, and baton
25 charges and mounted police were used against the crowd.

1 The Battle of Lewisham, as it came to be called, ended
2 in chaos.

3 And we've already highlighted the police killing of
4 Blair Peach and the police attack on many other
5 anti-fascists in Southall in April 1979, who were
6 peacefully demonstrating against another provocative
7 National Front march through a multi-racial community.

8 Are Red Lion Square, Grunwick, Lewisham and Southall
9 supposed to be police successes? If so, perhaps this
10 gives the measure of what the police were trying to
11 achieve at the time.

12 I turn now to the evidence that you're about to hear
13 in the next few days, live evidence to be given by
14 former SDS managers or administrators, namely
15 Barry Moss, David Smith, Roy Creamer, Derek Brice,
16 Geoffrey Craft, Angus McIntosh and Trevor Butler.

17 Other Non-State Core Participants --

18 THE CHAIRMAN: It appears to have gone slightly wrong with
19 the transmission. Let's pause while it's put right.

20 MR MENON: Yes, I think somebody's not muted.

21 THE CHAIRMAN: Try again, and if we get the same
22 interruption, then by all means pause.

23 MR MENON: Thank you.

24 I just identified the seven witnesses who are going
25 to be giving evidence in the hearings to follow

1 the opening statements.

2 Other Non-State Core Participants have already
3 highlighted the contradiction between senior officers on
4 the one hand claiming that they robustly managed rank
5 and file undercover officers and on the other hand
6 professing ignorance about abhorrent practices that
7 occurred on their watch. We trust that this will be
8 fully explored during the evidential hearings, and that
9 the senior officers will be held to account for their
10 managerial failings.

11 On a separate note, we are pleased that the Inquiry
12 has decided to call former Detective Inspector
13 Roy Creamer, an SDS officers who was described by
14 Stuart Christie, perhaps Britain's best known anarchist,
15 who sadly passed away in 2020, as "the Yard's
16 dialectician of dissent".

17 Detective Inspector Creamer was one of the first in
18 the queue at Collet's bookshop in Charing Cross Road to
19 buy a copy of Stuart Christie and Albert Meltzer's
20 seminal book, *The Floodgates of Anarchy*, when it was
21 first published in 1970; and was, in Stuart Christie's
22 words, "the acknowledged Special Branch expert on
23 anarchists and anarchism", who was "called in to brief
24 everyone from the Home Secretary and the Police
25 Commissioner downwards".

1 Detective Inspector Creamer said Stuart Christie did
2 not dislike anarchists, but was curious as to what make
3 them trick. He was what we might call the "direct
4 approach", as opposed to the "oblique approach"
5 developed by Detective Chief Inspector Conrad Dixon and
6 the Special Demonstration Squad. Detective Inspector
7 Creamer tried to establish friendly and sympathetic
8 relationships with people targeted by Special Branch,
9 and to this end would regularly pop in unannounced to an
10 antiques shop in Camden High Street to play chess with
11 the old Hungarian anarchist John Rety. Detective
12 Inspector Creamer would visit Stuart Christie, and over
13 a pint chat about forthcoming events or visits,
14 effectively marking his card with a gentle warning as to
15 the fact Special Branch had him under surveillance.

16 We suggest that the direct approach, as exemplified
17 by Detective Inspector Creamer, was a proportionate
18 approach to the gathering of intelligence. By contrast,
19 the oblique approach -- to sweep wide, using Detective
20 Chief Inspector Dixon's parlance -- was replete with
21 obvious dangers.

22 In any event, the gathering of intelligence for
23 public order purposes could largely be done from
24 open-source intelligence, monitoring the left wing and
25 anarchist press, attending public meetings and speaking

1 to people.

2 I return now, Sir, to the vexed topic of disclosure
3 and redactions that has plagued the Inquiry from
4 the outset.

5 In June 2021, you will recall, we took the lead and
6 made detailed submissions on what we submitted was
7 the unfairness the Inquiry's protocol dated 22 July 2020
8 for challenging the Inquiry's redactions. We addressed
9 the open grounds for restriction and asked you to
10 reconsider several hundred redactions in the SDS annual
11 reports from 1969 to 1984. We highlighted the very real
12 and chilling effect of continuing to keep secret
13 the names of so many groups who were spied on and
14 infiltrated by the SDS some 40 or more years ago. We
15 called for greater openness and transparency given
16 the machinations of the secret state. And we met with
17 some, but sadly only minimal, success. You unredacted
18 the names of about ten groups that were spied on and
19 infiltrated by the SDS but not the full list that we
20 requested.

21 We ask, with respect, that at least once a year for
22 the duration of this Inquiry, there is a further fresh
23 review of all SDS annual report redactions, and that
24 before the Inquiry eventually comes to an end, there is
25 a final review. Most restrictions have clearly been

1 made to protect the anonymity of former
2 undercover officers. It may well be that some or all of
3 these restrictions may no longer be applicable or
4 necessary in the future. It is hoped that before
5 the Inquiry papers go into the National Archives,
6 the names of all groups spied on and infiltrated by SDS
7 can be disclosed to the general public.

8 We ask for a similar approach to be taken in respect
9 of the Special Branch annual reports from 1970 to 1983,
10 and any further reports in future tranches which have
11 been disclosed during this hearing bundle.

12 Finally, we still await the Security Service annual
13 threat assessments. It's a point we keep on raising.
14 We submit they're plainly relevant to the Inquiry's
15 terms of reference.

16 I turn now to the relationship between SDS and MI5.

17 This is a key issue that continues to develop as we
18 learn more and more from the evidence about
19 the relationship.

20 Several Special Branch detectives who were involved
21 in what was called the "Special Operations Squad" in
22 1968 expected the squad to be wound up after the October
23 1968 Vietnam Solidarity Campaign demonstration, the job
24 having been done, so to speak. But the senior
25 Metropolitan Police hierarchy and, more importantly,

1 MI5, wanted the squad to become permanent. The police,
2 with a brief to keep the peace, could only justify
3 the continued existence of the squad on one ground,
4 namely success in the field of public order
5 intelligence. However, MI5 immediately recognised
6 the value of this squad as a long-term intelligence
7 gathering operation against all those it deemed
8 subversive. Given MI5's wide interpretation of
9 the term "subversive", it could literally apply to
10 hundreds of thousands, if not millions, of British
11 citizens, all of whom would then become subject to MI5
12 vetting procedures.

13 In 1968, with the rise of what has come to be
14 called the "New Left", the operations of MI5 and
15 Special Branch, which targeted the trade unions and the
16 Communist Party of Great Britain primarily, appeared
17 somewhat outdated. There was a realisation that
18 the secret state had not paid sufficient attention to
19 these new groups. MI5 were overjoyed when Detective
20 Chief Inspector Dixon came up with the idea of a squad
21 of Special Branch officers spying on and infiltrating
22 these groups. They could hardly contain their
23 enthusiasm for the squad continuing, so long as
24 the product of the undercover officers was provided to
25 them as a matter of routine.

1 Consequently, for MI5, SDS served only one
2 purpose: to gather intelligence on the New Left and
3 anarchists. They had no interest in public order,
4 except insofar as it was a fig leaf to cover-up
5 the obvious role of SDS as intelligence gatherers for
6 MI5.

7 It is hardly surprising, therefore, that the purse
8 strings were firmly in the hands of the Home Office and
9 the Treasury. It is significant that SDS were not
10 funded within the MPS, Metropolitan Police, budget. It
11 should be noted that Sir James Waddell, who received
12 the SDS annual reports, was cabinet secretary
13 responsible for liaison with MI5.

14 In our view, MI5 were the organ grinders and SDS
15 were the monkeys. Only the monkeys did not know to
16 whose tune they were really dancing. Even
17 Geoffrey Craft, who became chief superintendent of
18 F squad in about 1981, with responsibility for SDS, says
19 that "the branch were the legs of the Security Service
20 ... SDS was only a development of that". Trevor Butler
21 says that there were frequent meetings between MI5 and
22 Special Branch senior management.

23 Interestingly -- and I'm sure you have noted this
24 already, Sir -- many of the SDS managers deny any
25 involvement in tasking, and say this came from higher

1 up. It did, it came from MI5, through to
2 the Special Branch commander of operations or chief
3 superintendent, and was then filtered down.
4 The detective chief inspectors and detective inspectors
5 in the office would then look at their current
6 deployments and move undercover officers around or
7 deploy new undercover officers. That is why it was
8 useful for undercover officers to float around a little
9 and "sweep wide", as this allowed them to be more
10 effectively moved, if need be.

11 As MI5 were interested in individuals and not
12 groups, their requests of SDS were specific.
13 Geoffrey Craft says that SDS gave MI5 a huge base of
14 information for their vetting activity. It's
15 interesting that Special Branch had their own security
16 concerns about MI5 knowing the names of SDS officers,
17 because they were worried, understandably perhaps, that
18 MI5 informers in the same groups could discover their
19 identities and compromise them.

20 We ask the Inquiry, once again, to revisit its
21 decision only to consider MI5 in respect of its
22 interaction with SDS as revealed by the documents.
23 Allowing MI5 largely to escape scrutiny will inevitably
24 result, Sir, in, at best, a partial picture of secret
25 political policing in Britain.

1 I turn next to the development of SDS in the 1970s.

2 It was in 1972, the year that Conrad Dixon became
3 chief superintendent of C Squad, that
4 the Metropolitan Police changed the name of the Special
5 Operations Squad to the Special Demonstration Squad, to
6 give further cover to the idea that the squad was about
7 demonstrations and public order.

8 Once again, this was plausible deniability, we
9 submit, to cover up what the SDS really was: an
10 intelligence-gathering operation of those deemed
11 subversive. We have no C Squad weekly reports to A8
12 throughout this whole period dealing with public order
13 threats. We will see if they are forthcoming for future
14 years.

15 David Smith, one of the witnesses you're going to
16 hear from, says that he does "not recall A8 ever saying
17 thank you", and that they largely ignored any
18 intelligence supplied. We suggest this is entirely
19 accurate and unsurprising.

20 In around 1979, David Smith wrote a 12-page essay on
21 policing, crowd control and public disorder. This, you
22 may agree, is an interesting document. In his opinion,
23 the risk of violence on demonstrations is greatest some
24 five to seven days after an emotive initiating event.
25 He says that:

1 "Only rarely into the extremists formulate their
2 plans in secrecy and normally, albeit grudgingly, they
3 will supply to police the broad outline of their
4 intentions."

5 He suggests that large demonstrations tended to be
6 more moderate and peaceful, as there was a dilution of
7 more militant elements, while small protests could be
8 handled by the uniformed branch relatively easily.
9 The problem often arose with militant protests, he says,
10 of about 2,000 demonstrators turning violent. What use,
11 we say, then, was SDS in combating public disorder?

12 Ultimately, however, even David Smith, despite that
13 analysis, cannot detach him from the mantra that
14 undercover officers profoundly influenced
15 the Metropolitan Police's ability to maintain public
16 order. We profoundly disagree, it will hardly surprise
17 you. We say all evidence points to the contrary.

18 Lastly, in relation to public order, we suggest that
19 when the authorities allow a far right group like
20 the National Front, with its overtly racist and fascist
21 membership, to march through an urban area with a large
22 ethnic minority community, as the police did in Lewisham
23 in 1977 and Southall in 1979, and when the police then
24 protect the fascists and deploy all their resources
25 against the anti-fascist counter demonstrators, it is

1 fairly obvious that there will be trouble. You don't
2 need the SDS to tell you that.

3 According to Angus McIntosh, who was posted to SDS
4 between 1976 and 1979, although SDS were ready to
5 infiltrate extreme right-wing groups if needed, there
6 was a high-level policy decision during his time in SDS
7 not to allow or order such infiltration. We know that
8 E Squad was meant to monitor such groups, but the far
9 right was never subject to anything resembling
10 the degree of intrusive surveillance and infiltration to
11 which the left and anarchist groups were subject,
12 despite the fact that racists and fascists were well
13 known to all, including the police, for their violence,
14 and were in reality the real public order threat.

15 This further suggests, we submit, that the primary
16 focus of SDS was gathering intelligence on groups and
17 individuals of a left-wing or anarchist persuasion, as
18 opposed to preventing public disorder. The political
19 persuasions -- and this is important -- of many senior
20 police officers, many of an ex-service background, were
21 very much on the right of the political spectrum, as is
22 clear from their witness statements.

23 For example, the comments of Geoffrey Craft about
24 "mob rule", "lefties", "scruffy, hairy so-and-sos", they
25 speak for themselves. This is classic "Reds under

1 the Bed" stuff, with a dose of McCarthyism thrown in for
2 good measure.

3 The final justification for the SDS, negative
4 reporting. Simply put, it means that if SDS discovers
5 that a group poses no threat to public order, this is
6 nevertheless useful and of benefit to the police. But
7 surely this begs the obvious question as to why
8 the group needed to be infiltrated in the first place.
9 We say this is scraping the barrel of disingenuous
10 ex post facto justification.

11 Turning then, finally, Sir, to the future of
12 the Inquiry.

13 We understand that the Tranche 2 hearings covering
14 the period from 1983 to 1992 are unlikely to commence
15 before the spring of 2024, and that subsequent hearings
16 covering spying in the 1990s and 2000s will take place
17 in the months and years thereafter.

18 We ask rhetorically, and I'm sure you understand
19 why, how many more undercover officers,
20 Non-State Core Participants and other relevant witnesses
21 will have passed away or have become unavailable to
22 participate in the Inquiry for reasons of ill-health by
23 then is anyone's guess. We appreciate, of course, that
24 the material being processed by the Inquiry is
25 voluminous and that the State core participants are

1 insisting that every word on every page is potentially
2 subject to restriction and redaction. These things take
3 time; we get it. However, the Inquiry at present has no
4 end in sight, and this is obviously a matter of great
5 concern and disappointment to the Non-State
6 Core Participants.

7 On a more positive note -- and I think it is
8 important to say this -- we welcome the indication that
9 you've given in the last few days that the legal
10 framework for the conduct of undercover police
11 operations must be determined and cannot be shirked,
12 Sir, to use your words.

13 Finally, Sir, I know I'm more or less at the end of
14 my time, if I could be forgiven just to say a few words
15 on behalf of three our Non-State Core Participants who
16 I represent, two of whom were targeted in the 1970s --
17 and I'll be very brief -- namely Ken Livingstone,
18 the Friends of Freedom Press and Duwayne Brooks.

19 You know, Sir, that it's clear from the material
20 disclosed thus in relation to Ken Livingstone that
21 the secret state began spying on him in the 1970s.
22 Nevertheless, his name only features in a handful of
23 intelligence reports disclosed thus far. And we say
24 that's odd for two reasons, primarily.

25 Firstly, Mr Livingstone, as you know, was active on

1 multiple fronts during the 1970s, notably on the left of
2 the Labour Party but also on Ireland and on anti-racism.

3 Secondly, after being elected leader of the Greater
4 London Council in May 1981, which is within our period
5 of time, he was denounced by the then prime minister,
6 Margaret Thatcher, as wanting to impose upon the nation
7 a tyranny which the peoples of Eastern Europe yearn to
8 cast aside, and by the right wing press as "Red Ken" and
9 a left-wing extremist. And so we say it's inconceivable
10 that he did not become a prime target of the secret
11 state at that stage at least.

12 So why is there such a paucity of material on him?
13 We know that some of the campaigns he supported, like
14 the Troops Out Movement, were infiltrated. Does
15 the tiny number of SDS reports on him suggest that he
16 wasn't being spied on by the SDS? Was it MI5 who was
17 spying on him? What role did SDS play? What was
18 the nature of the spying? Surely, we ask, one or more
19 of the managers who you're going to hear from in
20 the next few days may be able to give cogent evidence
21 and shed some light on these important questions.

22 Freedom Press, including the Freedom Collective, was
23 also an SDS target in the 1970s. The Freedom Collective
24 is mentioned as a target for the first time in the 1974
25 SDS annual report, and Roger Pearce, who -- you will

1 know this of course -- went on to become head of SDS and
2 later head of Special Branch, he was spying on
3 the Freedom Collective between 1978 and 1984, using
4 the cover name of Roger Thorley and writing articles for
5 its paper.

6 Again, we ask, why is there such a paucity of
7 material on the Freedom Press and the Freedom
8 Collective? Where are Roger Pearce's SDS reports?

9 And, finally, Duwayne Brooks -- and I mention him
10 for one reason only, because obviously he features in
11 much later tranches.

12 Barry Moss, an SDS manager in the 1980s who later
13 became a commander in Special Branch in the 1990s, is
14 your first police witness this Friday. He gave evidence
15 to Mark Ellison's 2014 review into corruption and
16 undercover policing in the Stephen Lawrence case. He
17 doesn't address this in the witness statement that
18 the Inquiry has thus far taken. And all we are urging
19 the Inquiry to do -- we're not suggesting that he can be
20 asked any questions about this, because his statement
21 doesn't cover it. We understand that. But we do urge
22 the Inquiry to take a further witness statement from him
23 as soon as possible, given his age; a statement that
24 covers his knowledge about undercover policing on
25 Mr Brooks and the Lawrence family.

1 previous hearings.

2 I have slightly amended and expanded on my written
3 statement submitted in April.

4 On Monday, you, as the Chair of the Inquiry,
5 indicated you had welcomed Tariq Ali when he gave
6 evidence in 2020 in helpfully explaining Trotskyist
7 ideas to you. In the light of police misconceptions
8 about anarchists in various disclosed documents,
9 including annual reports, I will try to explain
10 the predominant motivations, aims and activities of
11 anarchists and the anarchist movement as I see it.

12 Standing up for the public interest against the rich
13 and powerful.

14 As already outlined in my previous statements,
15 I have been involved since 1974 in a range of groups and
16 campaigns trying to encourage the public to support one
17 another and empower themselves where they live and work
18 to challenge injustice, oppression and damage to
19 the environment, and to make the world a better place
20 for everyone.

21 The various groups I have been involved in over
22 the decades have been open and collectively run, and
23 engaged in the kind of public activities which
24 the public are invited to join in or to replicate for
25 themselves, and which are essential if humanity is to

1 progress and survive in the future.

2 Such groups, as we all should, question and
3 challenge those institutions which wield power over
4 people's lives and control the world's resources and
5 decision-making. These include governments,
6 transnational corporations, military organisations and
7 financial institutions. Such powerful institutions are
8 generally tightly controlled by a small, self-serving
9 elite, continually obsessed with power and profit, and
10 are ruthless and unaccountable. In fact, as I outlined
11 in more detail in my April 2021 statement, they are
12 subversive of society and people's real needs. They are
13 the real subversives that need to be investigated.
14 Indeed, they are also the inevitable cause of most of
15 what the SDS would define as "public disorder" in
16 response to injustice.

17 Unsurprisingly, such institutions have made
18 a shocking mess of the world for centuries, causing mass
19 hardship and poverty, disempowerment, discrimination and
20 oppression, exploitation of workers and resources,
21 horrific wars and large-scale environmental destruction.
22 They have brought humanity to the brink of nuclear
23 annihilation, and have been systematically exploiting
24 and destroying the natural environment upon which human
25 society depends for our survival. As a result, our

1 species now faces a catastrophic and possibly terminal
2 future.

3 Many of the groups I have been involved with believe
4 that the evidence of history demonstrates that such
5 aforementioned institutions can't be successfully
6 reformed and turned into benevolent, useful public
7 bodies. However, history also demonstrate that
8 grassroots movements for change, if large enough and
9 determined enough, can shift the balance of power and
10 win concessions and victories for the public along
11 the way.

12 The groups I have been involved in have tried their
13 best to support efforts to build single issue and other
14 campaigns and movements to improve things in the here
15 and now. Some of those groups logically also call for
16 the hierarchical and authoritarian institutions which
17 are causing the shocking problems humanity unfortunately
18 has to face to be replaced in the long term by
19 a genuinely democratic way of running society, one in
20 which people all over the world collectively manage
21 their own neighbourhoods, workplaces and lives, and
22 ensure that all the resources are shared fairly and all
23 decision-making is for the public good. This is
24 libertarian socialism, or anarchism.

25 On Monday, you requested suggestions for key

1 relevant reading materials, hence I recommend
2 the following books. "On Anarchism", by Noam Chomsky;
3 "Anarchism: A very Short Introduction", by Colin Ward;
4 and "Demanding the impossible: A History of Anarchism",
5 by Peter Marshall. If you enjoy science fiction, I also
6 recommend "The Dispossessed", by Ursula Le Guin.

7 I am proud of the many groups and campaigns I have
8 been involved in, and believe that such efforts should
9 be supported, not undermined. Similar to points made by
10 other Non-State Core Participants in this week's opening
11 statements, as an active anarchist in the Tranche 1
12 period, I do not recognise the ignorant, derogatory and
13 misleading SDS and Special Branch annual reports,
14 official characterisations about the ideals and
15 activities of anarchists during that period.

16 The evidence of undercover officer "Graham Coates",
17 as the only undercover officer spying on anarchists we
18 have relevant evidence from at this stage, as far as I'm
19 aware, amply demonstrates the reality.

20 For two years or more, he personally targeted me and
21 the groups I was involved with, especially
22 the Anarchy Magazine collective, and concluded:

23 "The anarchists I've reported on posed a minimal
24 challenge to public order. I do not think either ...
25 [the International Socialists] or the anarchist movement

1 was subversive in terms of their actions. I do not
2 believe any info I provided ... was particularly
3 significant. I do not think it would have made any
4 difference to public order if I had not worked for
5 the SDS."

6 Anarchist groups, just like pretty much all of
7 the left wing and campaign groups targeted, were full of
8 well meaning and idealistic people with a sense of
9 justice, engaged in spreading progressive ideas for
10 a better society.

11 They were: helping run newspapers, bookshops and
12 other cooperative projects; taking part in open or
13 public meetings and social and cultural events;
14 encouraging people to think and speak up for themselves
15 and support each other and their needs where they live
16 and work and; encouraging people to empower themselves
17 to be in control of their lives, rather than just be
18 loyal subjects, passive consumers, and forced to obey
19 those with power over them, for example landlords,
20 employers, politicians and police.

21 They were participating in a range of essential
22 protests on the issues of the time, and constructively
23 supporting movements against injustice and inequality
24 and for positive change.

25 Yet, the biased and self-serving official annual

1 reports, extracts of which were quoted so eruditely by
2 the Counsel to the Inquiry in his opening statement on
3 Monday, deliberately fail to acknowledge and outline
4 these basic facts. If they had have done, they would
5 have had to have admitted that their infiltration
6 operations were indeed totally unacceptable.

7 SDS targeting in the 1970s and further important
8 evidence awaited.

9 In the Tranche 1 period, the main groups I was
10 involved in included the London Workers Group, which
11 supported workers challenging exploitation at work,
12 the Union of Postal Workers and rank and file "Post
13 Office Worker" magazine, which were fellow postal
14 workers to myself supporting each other,
15 Anarchy Magazine, spreading anti-authoritarian ideas and
16 news, and the Persons Unknown Support Group, a campaign
17 in defence of activists arrested, found at trial to be
18 not guilty, and finally the Torness Alliance, opposition
19 to the development of nuclear energy.

20 I've already referred to Anarchy Magazine.

21 The London Workers Group was infiltrated by
22 undercover officer "Tony Williams", who was a spy from
23 1978 to 1982. His statement has so far been withheld
24 from me, as for some reason he has been allocated to
25 Tranche 2. It is therefore impossible to comment or ask

1 questions of his managers about the extent of this
2 unlawful and disgusting infiltration of what was an open
3 group, and about the other groups he targeted. However,
4 we know from two of the disclosed documents that he
5 became, firstly, the treasurer of
6 the London Workers Group and then the secretary, giving
7 him full access to personal information on the group's
8 supporters; no doubt to be passed on to MI5 for
9 blacklisting purposes.

10 Interestingly, another document from MI5, dated
11 30 July 1982, states that when "Tony Williams" was due
12 to be withdrawn from the SDS in 1982, the MI5 F6 manager
13 had met with HN68, from the SDS, who considered it
14 was "no great loss" as "Tony William's work had not been
15 'particularly productive'".

16 I have given the Inquiry a photo I took of "Tony
17 Williams" in 1980.

18 Regarding the Torness Alliance, this was a UK-wide
19 campaign to oppose the building of a new nuclear power
20 station in Scotland. The main objections were, firstly,
21 the threat of catastrophic nuclear accidents, as had
22 almost happened in 1979 at Three Mile Island in the US,
23 and in 1986 actually happened at Chernobyl in Ukraine,
24 resulting subsequently in an estimated 9,000 to 16,000
25 deaths from air pollution throughout Europe.

1 The second concern was the lack of safe disposal of
2 nuclear waste, which would be dangerously radioactive
3 for thousands of years. 10,000 people protested at
4 Torness in 1979, and there were some follow-up protests
5 in the year afterwards. I was involved in this
6 campaign. London Greenpeace were heavily involved in
7 this movement, and I later got involved with that group
8 around 1982. London Greenpeace was infiltrated by
9 the SDS for many years, as we will come to in Tranche 2.

10 According to their witness statements for T1 P3,
11 a number of SDS undercover officers were infiltrating
12 the anti-nuclear movement, and at least four managers
13 visited the Torness site. However, we are unfortunately
14 expecting most of the evidence and documentation
15 relevant to this movement and London Greenpeace to not
16 be disclosed until Tranche 2.

17 The 1979 Special Branch annual report is disclosed
18 in full and contains a huge wealth of evidence about or
19 relevant to the SDS and its spying operation. It
20 includes three explicit references to myself in
21 the monthly sections, and many other references to
22 groups and events I was involved with, with
23 a month-by-month chronology and very helpful index
24 cross-referencing the names of over 200 targeted groups
25 and over 100 targeted individuals in that year alone.

1 The other Special Branch annual reports disclosed by
2 the Inquiry have been massively cut; they are thin and
3 vague in comparison.

4 The full reports for all the relevant years,
5 including for the forthcoming tranches, should be
6 disclosed as soon as possible. This will help identify
7 many of the list of the 1,000 groups targeted by
8 the SDS, for which we have been waiting for years.

9 Due to the many delays during the Inquiry and the
10 further delays expected, all the witness statements
11 already taken from undercover officers should be
12 disclosed as soon as possible. This is essential so
13 that core participants can begin to prepare their
14 responses, including seeking out others from groups and
15 events affected by the spying operation over the life of
16 the SDS, and later the NPOIU; rather than having to wait
17 for years until the last minute, when it is generally
18 too late to trace victims and prepare evidence
19 effectively.

20 A key question for managers.

21 Why did the police never consider the welfare, as
22 well as the human and legal rights, of those members of
23 the public they targeted -- the victims? Surely they
24 had a duty of care whilst invading and influencing
25 people's lives? Surely any normal human being would do

1 so anyway, duty of care or not?

2 After seven years of the Inquiry, many thousands of
3 people in groups targeted, whether those groups have
4 already been revealed or so far are still concealed,
5 remain in the dark about who spied on them, what
6 information was collected and what was done with it.
7 They are understandably angry, as well as being confused
8 and suspicious about which individuals from their past
9 may have been police spies and events from their life
10 which may have been secretly invaded and manipulated by
11 state agents cynically masquerading as their friends and
12 colleagues. This delay is unacceptable and we need
13 the full truth.

14 In contrast, the inquiry, at the behest of
15 the police, is strongly applying privacy and human
16 rights concerns to protect the identity and welfare of
17 undercover officers. This sudden police conversion to
18 such rights, not previously of any concern of their
19 secret units during their four or five decades of
20 operations, is surely staggering hypocrisy. It would be
21 seen as ironic if it wasn't so serious. Many might
22 think that those who secretly invaded and abused
23 people's lives should have vacated their own privacy
24 rights. Furthermore, in most core participants'
25 opinion, the current privacy strategy of the police and

1 inquiry is the key cause of the massive problems, costs
2 and delays in the Inquiry.

3 The public would expect that such privacy protection
4 criteria applied to the undercover officers be applied
5 a hundred times more strongly when evaluating
6 the unlawfulness of the SDS and the rights of those
7 victims who were seeking a better society who were
8 thereby secretly targeted, lied to, abused, manipulated,
9 and reported on to the police and secret services.

10 Conclusion.

11 I have read and support the impressive detailed
12 opening statements made on behalf of the category H
13 core participants and on behalf of
14 the Co-operating Group of core participants, and indeed
15 those for the other Non-State Core Participants.

16 These statements clearly demonstrate beyond doubt
17 that the entire secret SDS operation was unacceptable
18 and unlawful, as well as being worthless. It
19 demonstrates that the police were institutionally
20 anti-democratic, as well as being institutionally
21 sexist, racist and anti-working class.

22 The infiltration of left-wing and progressive groups
23 and campaigns and the invasion of their members' lives
24 should never have been allowed to happen. Managers, and
25 those higher up the chain, all the way to police chiefs

1 THE CHAIRMAN: Ms Heaven.

2 MS HEAVEN: Morning, Sir. Thank you. Are we ready to
3 start, Sir?

4 THE CHAIRMAN: Please do. Forgive me. I didn't think
5 I needed formally to invite you to make your opening
6 statement, but please do.

7 Opening statement by MS HEAVEN

8 MS HEAVEN: So, this opening statement is made on behalf of
9 all the cooperating non-police, Non-State Core
10 Participants, which I will refer to as the "non-state
11 co-operating group". It supplements the statements that
12 have been made directly on behalf of individuals and
13 groups by their instructed lawyers, and the first and
14 second opening statements made by the non-state
15 co-operating group at the start of the evidence in
16 Tranche 1, Phase 1, and Tranche 1, Phase 2.

17 The non-state co-operating group once again express
18 their concern in relation to the significant delay to
19 the progress of this public inquiry. There has been
20 a gap of 12 months since the T1 P2 hearings, and the
21 non-state co-operating group understand that Tranche 2
22 will not take place before 2024. The Inquiry has still
23 not set out a clear timetable for future hearings.

24 The undercover police officers are of advancing age;
25 and this is particularly so in relation to the managers

1 who are to be heard in Tranche 1, Phase 3, some of whom
2 will also have evidence to give in later tranches.
3 Further delay will result in crucial evidence being
4 lost. The non-state co-operating group deserve clarity
5 on the future progression of this Inquiry, and so demand
6 that the Inquiry publishes a timetable for all future
7 hearings as a matter of urgency.

8 I will now make some comments on the evidence on
9 behalf of the non-state co-operating group.

10 As the Inquiry moves into T1 P3, the period 1968 to
11 1982, it will focus on the activities of the managers
12 and administrators from the Special Demonstration Squad.

13 In T1 P2, the Inquiry heard truly shocking evidence
14 about undercover officers operating an unjustifiable,
15 unlawful and profoundly anti-democratic system of
16 surveillance that was fundamentally flawed. We've had
17 a glimpse into a system that obviously violated
18 fundamental rights and the common law, as has been set
19 out in detail in Category H T1, P3 opening statement.

20 The managers are now in the spotlight. The witness
21 statements disclosed in this Inquiry contain a litany of
22 denials, and an apparent unwillingness to accept
23 responsibility or admit knowledge on key decision-making
24 and events. The managers appear reluctant to give
25 a full and honest explanation of why things went so

1 badly wrong within the SDS in this T1 era and beyond.

2 Why on earth, in 2022, would witnesses to this
3 public inquiry not be willing to tell the full,
4 unvarnished truth, the non-state co-operating group ask?
5 Are the managers seeking to protect their professional
6 reputation, or do they feel a sense of misguided loyalty
7 to the Metropolitan Police Service, reinforced by their
8 decades of experience of not breaking rank and
9 protecting the institution at all costs? If this is
10 the case, it is a deeply misplaced sentiment.

11 As the witnesses in T1 P3 will no doubt be aware,
12 the last 12 months have seen the public once again
13 demanding answers from the MPS following the exposure of
14 appalling acts of racism, misogyny and corruption. This
15 is an institution which has been found to be
16 institutionally racist, institutionally corrupt and
17 marred by a culture of toxic masculinity, misogyny and
18 sexual harassment.

19 The public and the non-state co-operating group are
20 still demanding and expecting answers. The group can
21 see, from the T1 P2 and P3 disclosure, that the SDS
22 managers always emphasised their robust management of
23 undercover officers when seeking a renewal of funding
24 from the Home Office. If this is correct, the managers,
25 as former senior police officers appointed to serve

1 the public, have a duty to explain in a full and honest
2 manner why it was that abhorrent practices went on under
3 their watch.

4 These practices echo the behaviour exposed in
5 the MPS in the last 12 months. Why was it that managers
6 presided over an unlawful system of policing that so
7 obviously violated fundamental rights? Did the managers
8 conceal these practices from their political masters, or
9 was it, as the non-state co-operating group suspect,
10 that the cover-up went on at the highest political
11 level?

12 It is therefore central to the Inquiry's remit to
13 obtain an understanding of the political knowledge of
14 the SDS and the extent to which direction and targeting
15 came from outside the SDS.

16 There is a wealth of evidence demonstrating that
17 senior Home Office officials knew about the SDS. After
18 all, they approved the funding and often acted as
19 the communications link between the Security Services
20 and the Home Office. However, the yearly decision to
21 allow the SDS to continue to operate would clearly not
22 have been theirs alone. These were political decisions.
23 This Inquiry must establish who in the senior political
24 hierarchy was controlling and directing SDS targeting,
25 and who beyond the Home Office civil servants ultimately

1 signed off the funding for the SDS and for what purpose.
2 What motivated the alliances formed by the SDS with
3 its "customers"? And why, for example, did the funding
4 for the SDS increase rapidly during this era at a time
5 when public disorder was on the wane?

6 The Inquiry should not forget the admission by
7 Witness Z on behalf of the Security Services that
8 the pressure to investigate so-called subversive
9 organisations "often came from the Prime Minister and
10 Whitehall".

11 Sir, I now want to make a few brief comments about
12 terms of reference, regulation and the impact of
13 secrecy.

14 Uncovering the true nature of the shadowy political
15 oversight of the SDS by the Metropolitan Police,
16 Special Branch, the Home Office and
17 the Security Services is crucial.

18 The evidence disclosed in Tranche 1 reveals that
19 the Home Office knew at the time that SDS activities,
20 for example for the Security Services, were unlawful.
21 They also knew that if the SDS were exposed, it would
22 result in a political scandal and significant
23 embarrassment.

24 As a result, from the outset, the political elite
25 and senior Metropolitan Police Special Branch police

1 officers deliberately shrouded the SDS in secrecy, and
2 did everything they could to insulate it from external
3 oversight. Undercover operations were conducted without
4 clear guidance and robust terms of reference, and there
5 was no code of conduct or formal training.

6 It was this secrecy that allowed the SDS managers in
7 T1 to operate with such apparent complacency. And,
8 ultimately, it was this secrecy that allowed
9 the abhorrent and unlawful practices of
10 the undercover officers to flourish and thrive in the T1
11 era and beyond.

12 In terms of guidance to the Metropolitan Police
13 Special Branch and in particular the SDS, between 1969
14 and 1982, we can see that the only official high-level
15 instructions were to be found in the 1969
16 "Responsibilities of Special Branch", and the 1970
17 "Home Office Terms of Reference for Special Branch".
18 However, the 1970 terms of reference was known by
19 the Home Office and the MPS to be a woefully inadequate
20 and vague document, with a problematic definition
21 of "subversion" and no clear role assigned to
22 the Metropolitan Police Special Branch.

23 The 1972 definition of "subversion" did not contain
24 the reference to unlawful activity that featured in
25 Lord Denning's 1969 definition. And this has been set

1 out in much more detail in the T1 P3 opening statement
2 made on behalf of Lindsey German, Richard Chessum and
3 "Mary".

4 The Metropolitan Police Service 1970 Terms of
5 Reference never contained that reference to "unlawful".
6 And in 1978, Robin Cook MP commented in Parliament on
7 the 1972 amendments, stating:

8 "[Lord Harris'] definition of subversion does not
9 turn on any reference to unlawful. It is in no way
10 restricted to unlawful activities. It is, therefore, an
11 invitation to the police forces that police this concept
12 of subversion to stick their nose into any form of
13 political or industrial activity."

14 In the latest T1 P3 disclosure, there is a clear
15 paper trail, which shows that, as early as 1974,
16 concerns were being raised at the highest political
17 levels about the politicisation of the police and the
18 illegitimate surveillance activities of
19 the Metropolitan Police Special Branch. Members of
20 Parliament actively raised concerns with
21 the Home Secretary, and demanded better public scrutiny
22 of the Metropolitan Police Special Branch covert
23 surveillance activities. However, these MPs appeared to
24 know nothing about the activities of the SDS.

25 The paper trail then continues. The Robin Cook

1 MP debates of 1977 to 1978 forced the Home Office to
2 begin the slow process of revising the terms of
3 reference. As part of this process, Her Majesty's Chief
4 Inspectorate of Constabulary raised concerns to
5 the Home Office that:

6 "... the Security Service sought more information
7 from Special Branches than they really needed."

8 The Home Office also knew that some senior police
9 officers in the MPS had been questioning whether there
10 was any lawful justification for their work for
11 the Security Services. As early as 1974,
12 Commander Gilbert told the Security Services that:

13 "... the SDS did a tremendous amount of work for
14 the [Security Services] and ... that for the most
15 part work done ... had little or no relevance to
16 [Special Branch's] proper charter and as far as he was
17 concerned it tied up staff, of which he was chronically
18 short anyway, in totally unproductive activity."

19 Now, Sir, you will recall that some officers in T1
20 P2, such as HN126 "Paul Gray", spent significant amounts
21 of his time reporting the intimate personal details of
22 schoolchildren. It now appears this information was
23 most likely collected for the Security Services, who, in
24 1975, specifically asked the Metropolitan Police
25 Special Branch to look out for extensive data on

1 schoolchildren, teachers and members of governing bodies
2 promoting subversion. It seems that Commander Gilbert's
3 concerns were not heeded by the policing and
4 security establishment.

5 The lengths to which the SDS would go to conduct
6 unlawful surveillance work for the Security Services is
7 typified by their targeting of
8 the Workers Revolutionary Party. The WRP was
9 a political party that sought to bring about radical
10 economic reform. It stood candidates in the 1974
11 general election, and the Inquiry has been provided with
12 that manifesto.

13 The WRP was well recognised by the SDS as not using
14 violence and not a threat to public order. It was
15 clearly not a subversive organisation. However, it was
16 nevertheless targeted by HN298, "Mike Scott", who
17 attended the WRP education centre, White Meadows,
18 contrary to the wishes of DAC Gilbert.

19 Despite the lack of public order threat and lawful
20 activity, the SDS were nonetheless prepared to continue
21 to target the WRP on behalf of the Security Services.
22 And we can see, in 1979, that DCI Mike Ferguson, who was
23 then a senior SDS officer, stated in response to
24 a Security Services request for coverage of the WRP
25 that:

1 "... although the WRP was not considered to be a law
2 and order problem, nevertheless he was ready to put
3 a source into the WRP if this would legitimately act as
4 a stepping stone for penetration of an SDS target."

5 The lack of lawful justification for this type of
6 SDS work for the Security Services was well understood
7 by the Home Office, who can be seen commenting, in 1980,
8 that the 1970 terms of reference did not:

9 "... provide Ministers or chief officers with
10 a watertight basis on which to justify the work of
11 police officers in investigating and recording
12 the activities of subversives."

13 However, despite knowing that they were presiding
14 over a system of unlawful state surveillance, it appears
15 that in 1979 to 1980, on the recommendation of the head
16 of the Metropolitan Police Special Branch Deputy
17 Assistant Commissioner Robert P Bryan, an early draft of
18 the terms of reference was shelved on the grounds that:

19 "... it might stimulate more questions than it
20 answered."

21 The Inquiry is presented with clear evidence of
22 senior members of the Metropolitan Police Special Branch
23 seeking to cover up and perpetuate the unlawful
24 activities of the branch which was typified by the SDS.

25 In terms of external oversight of the SDS,

1 Home Office communications to Sir Brian Cubbon, the then
2 Permanent Undersecretary of State at the Home Office,
3 noted that:

4 "[Her Majesty's Chief Inspectorate of Constabulary]
5 proposed that there should be a systematic, planned
6 inspection of all headquarters, Special Branch units and
7 selected port units. However, on further consideration,
8 it was thought that some chief officers might resist
9 such an approach."

10 It now seems that there was never any external
11 oversight of the SDS or Metropolitan Police
12 Special Branch during this era and beyond. And it would
13 appear that this was a decision known about and
14 sanctioned at the highest political level within
15 the Home Office. The Inquiry is here presented with
16 clear evidence of Home Office complicity in covering up
17 and insulating from external scrutiny the unlawful
18 activities of the Metropolitan Police Special Branch, as
19 typified by the SDS.

20 The non-state co-operating group ask the Inquiry to
21 investigate whether Her Majesty's Chief Inspectorate of
22 Constabulary ever came to learn about the existence of
23 the SDS, and if not, why not?

24 Who else was controlling and influencing
25 the oversight and regulation of the Metropolitan Police

1 Special Branch and the SDS, the group ask?

2 Evidence has also emerged that in 1980, it was
3 the Security Services that had a decisive hand in
4 preventing the publication of a new branch terms of
5 reference. This gives the Inquiry an insight into
6 the extent to which the Security Services exercised
7 control over the Metropolitan Police Special Branch.
8 However, the decisive factor, it seems, in closing
9 the door on any form of regulatory framework or revised
10 terms of reference appears to have been the election of
11 Margaret Thatcher in 1979. Mrs Thatcher is noted as not
12 sharing her "predecessors' disquiet about the work of
13 Special Branches".

14 Sir, I'm now going to say a few words about SDS
15 rules and training.

16 It was not just the political elite and the
17 Metropolitan Police Special Branch hierarchy that
18 resisted clear rules and guidance on undercover policing
19 and surveillance. Whilst the architect of the SDS,
20 Chief Inspector Conrad Dixon, authored the first
21 guidance on the SDS in his "Penetration of Extremist
22 Groups", dated 26 November 1968, this document seemingly
23 remained buried. This paper ran almost in parallel with
24 the Home Office Circular 97/1969 entitled "Informants
25 who take part in crime".

1 One would think that these documents would provide
2 early important guidance to the SDS. It seems, however,
3 that they were ignored. Most importantly, these
4 documents suggested that deployments should last no
5 longer than 12 months, in recognition of the stresses of
6 undercover life, unless there were special
7 circumstances.

8 Dixon also directed that members should not "take
9 office in a group, chair meetings, draft leaflets, speak
10 in public or initiate activity". However, these
11 apparent rules were immediately broken, including by
12 Dixon himself. Dixon, along with his fellow
13 undercover officers, not only voted in meetings, but
14 either Dixon or HN329 also penned an article for "Red
15 Camden".

16 The administrator, HN3095, William Furner, who,
17 significantly, is not being called to give evidence in
18 T1, P3, characterises Dixon as having a "very loose
19 reign [sic]", whilst another manager, Riby Wilson,
20 describes him as being "very free and easy". Did this
21 approach become the blueprint for the SDS, the non-state
22 co-operating group ask?

23 Even in the early days, the deployments lasted
24 significantly longer than Dixon himself considered
25 appropriate. We can see that HN68, "Sean Lynch", was in

1 the field from 1968 to 1973, and by the mid-1970s,
2 HN200, "Roger Harris", was deployed from 1974 to '77,
3 commenting:

4 "I was not told how long I would be in the SDS ...
5 I feel that the first year you find your feet,
6 the middle year is most effective, and in the third year
7 there is a danger you could become careless or
8 overconfident. For example, when I was nearing the end
9 of my deployment, I signed one of my personal cheques in
10 my cover name. I knew the person serving me at the bank
11 and so it was not a problem, but it made me think it was
12 time to stop working undercover."

13 By the mid-1970s, the accepted duration became
14 a standardised four years. We see HN304, "Graham
15 Coates", 76 to 79, we see HN354, Vincent Harvey, 76 to
16 79, HN80, "Colin Clark", 77 to 1982, we see HN106,
17 "Barry Tompkins", 79 to 83, and we see HN155,
18 "Phil Cooper", 1979 to 1984.

19 All of these undercover officers have indicated that
20 they were told or expected their deployment to last
21 around four years. In the words of HN80, to get
22 the return on the investment.

23 According to HN304:

24 "I was told that my deployment would be 4 years.
25 I was told that this was the perfect length because it

1 would take 12 months to become properly efficient, but
2 if the deployment was more than 4 years I would either
3 burn out or become so stressed that I would be
4 ineffective."

5 The four-year deployment remained in place into
6 the 1980s, with the 1982 SDS annual report also noting
7 that a tour of duty in the SDS was "normally a maximum
8 of four years".

9 The non-state co-operating group want to understand
10 whether there was a positive and considered managerial
11 decision to extend all deployments well beyond
12 12 months, and if so, by whom?

13 Were any risks taken into consideration, or were
14 the undercover officers simply allowed to drift on
15 without robust management and clear guidance?

16 The length of deployments is a significant
17 consideration. It is not rocket science that the longer
18 an undercover officer is deployed, the greater chance
19 there is of collateral intrusion, the development of
20 close personal ties, sexual and intimate relationships,
21 misconduct and abuse of power and trust.

22 The extent to which managers knew about the risk of
23 undercover officers engaging in sexual relationships
24 when undercover is both highly sensitive and
25 contentious.

1 Roy Creamer says in his witness statement that:

2 "I would give them fatherly advice like not taking
3 drugs, not getting involved with mischief and, not
4 getting illnesses."

5 "Mischief" and "illnesses" are, curiously, not
6 defined.

7 Managers clearly decided that married
8 undercover officers were preferable for deployments.
9 Very few are willing to admit, however, that this was an
10 attempt to guard against sexual activity when
11 undercover.

12 It is of note that David Bicknell, a manager who
13 oversaw the SDS move to S squad in 1974, he states, is
14 quoted as staying:

15 "The reason married men were favoured is because it
16 was considered that there would be less temptation for
17 them to enter into inappropriate relationships with
18 women. The maximum that an officer was allowed to be
19 a 'hairy' was two years, this was considered an absolute
20 rule."

21 If there was an absolute two-year rule, why was it
22 so blatantly broken? Did the managers simply ignore
23 the obviously risks, knowing what the inevitable
24 consequences might be, particularly regarding
25 inappropriate relationships?

1 In terms of training, the undercover officers who
2 gave evidence in T1 P1 and P2 have told this Inquiry
3 that the early guidance documents referred to above were
4 not shown to them by managers, but some did seem to know
5 from their basic police training that they should not
6 commit crimes or have relationships when undercover. In
7 the very early years of the SDS, Roy Creamer and
8 Conrad Dixon had significant knowledge of left-wing
9 politics, and would provide political briefings.
10 However, apart from some time in the back office,
11 undercover officers reported having no, or very scant,
12 training. There was certainly no trainings for
13 undercover officers about not actively participating in
14 groups, what intelligence to collect and privacy
15 concerns.

16 Now, some officers have given evidence in closed
17 hearings in Tranche 1, phase 4; T1 P4. These officers
18 have reported the existence of a large, possibly black
19 loose-leaf folder with notations from previous officers
20 on tradecraft. Why have all the undercover officers who
21 have already given evidence in the open hearings not
22 referred to this folder, the non-state
23 co-operating group ask?

24 This Inquiry must, we say, look at the basic police
25 training given to all undercover officers whilst

1 attending police staff college at Bramshill. Police
2 officers must surely have received basic training on
3 legal principles and professional conduct, such as the
4 lawfulness of entering a property without a search
5 warrant, engaging in sexual relationships whilst on duty
6 and participating in crimes.

7 If so, how did undercover officers, and indeed any
8 of the managers, reconcile this training with
9 the undemocratic and illegitimate system of undercover
10 policing that they encountered when they joined the SDS?

11 It is also important for the Inquiry to explore how
12 managers themselves were trained. All the witness
13 statements to date note that managers did not receive
14 any training other than learning on the job, however,
15 some managers previously worked in either B Squad or
16 C Squad.

17 It will be important for the Inquiry to understand
18 how prior management and police experience in the wider
19 Metropolitan Police Special Branch influenced policing
20 tactics developed by the SDS.

21 Separately, how did inexperienced managers, such as
22 Derek Brice and Geoffrey Craft, neither of whom had
23 either worked undercover in the SDS, learn about
24 tradecraft? Did they also read the black loose-leaf
25 folder in the back office?

1 The evidence to be heard from managers in T1 P3 on
2 training and the evolution of tradecraft is of
3 particular importance to the bereaved families of
4 deceased children, whose identities were used by
5 the SDS. This is the period when the practice began,
6 and the evidence from the managers is highly relevant to
7 how that practice became normalised within the SDS,
8 leading to its adoption as a tactic by the National
9 Public Order Intelligence Unit.

10 The theft of the identities of deceased children was
11 an immoral and unlawful practice that set the tone for
12 a unit that operated outside the usual legal and moral
13 strictures of policing.

14 I am now going to make some comments on the topic of
15 empire building, funding and justification for the SDS.

16 The non-state co-operating group do not accept that
17 the MPS's public order explanation could ever justify
18 and render lawful the activities of the SDS. Without
19 prejudice to that view, it is, however, clear that
20 the public order justifications put forward on behalf of
21 the MPS, the Metropolitan Police Special Branch and SDS
22 simply do not stand up to scrutiny.

23 The figures punished by Stephen Taylor QC in
24 January 2015 show the SDS budget allocation from
25 the Home Office rose significantly, from £3,000 in 1969

1 to £8,600 in 1975 to 1976, and to 30,000 in 1982 to
2 1983. However, within the vast quantity of undercover
3 reporting before this Inquiry there is very little
4 evidence of reporting relevant to public disorder,
5 the apparent raison d'être of the SDS. The overwhelming
6 majority of undercover surveillance or reporting
7 disclosed to date focused on organisations that had
8 absolutely no ability to be genuinely subversive, and,
9 as already established, this surveillance was known to
10 be unlawful.

11 Certain managers in T1 P3 seek to explain the lack
12 of public order reporting by focusing on the fact that
13 disclosure for this Inquiry was largely obtained from
14 the Security Services, and that there are
15 apparently significant amounts of missing documents on
16 SDS public order policing. This is simply not credible.
17 There is little evidence within the T1 disclosure to
18 support managers' assertions that the SDS was in fact
19 successful in public order policing.

20 The documents disclosed for T1 show that, for a
21 large part of the era under consideration by this
22 Inquiry, public disorder was on the wane.

23 The memorandum of 19 March 1976, prepared for the 1975
24 SDS annual report by Chief Inspector Derek Kneale notes
25 that:

1 "There has, over the past years, been a decline in
2 the disorders associated with political demonstrations."

3 This annual report states that the biggest
4 demonstration in 1975 had been organised by the National
5 Abortion Campaign, which attracted 15,000 to 20,000
6 supporters, but it was noted that:

7 "Although this was a very emotive issue, there was
8 no disorder."

9 The 1976 annual report, authored by Chief Inspector
10 Geoffrey Craft, seeks to justify the continuation of
11 the SDS, not because it predicted and prevented
12 significant public disorder in the previous year, but
13 rather the exact opposite. The SDS had saved police
14 time and numbers by showing that there was no threat to
15 public disorder from planned demonstrations.

16 Geoffrey Craft even boasts to the Home Office that this
17 proved that "demonstration assessment has been tuned
18 into a fine art".

19 Establishing that there was no risk of public
20 disorder to save police resources does not justify
21 the gross and unlawful infringement of rights and the
22 invasion of privacy perpetuated by the SDS.

23 The targeting of the Workers Revolutionary Party by
24 the SDS provides another perfect example of how far
25 the SDS had drifted further into unlawful and shadowy

1 work that posed to threat to public order.

2 How can managers giving evidence to this Inquiry be
3 so sure that the SDS was making a positive and important
4 contribution to public order policing during this T1
5 era? Is there any evidence that they were qualitatively
6 assessing the usefulness of SDS reporting from a public
7 order perspective? Is there any evidence that they
8 sought and obtained feedback from their "clients" in
9 public order divisions? The answer can only be no.

10 It is clear from the managers' evidence to date that
11 they are seeking to distance themselves from having any
12 responsibility for assessing or questioning
13 the qualitative value of undercover reporting.

14 In terms of feedback, David Smith, the first officer
15 manager in the SDS between October 1970 and
16 October 1974, does not recall ever getting feedback from
17 the recipients of the intelligence.

18 There is, however, a rare document in the T1
19 disclosure from 1978, which is a memorandum from
20 the then newly appointed detective chief inspector of
21 the SDS, HN135, "Michael Ferguson", to the detective
22 chief superintendent of S Branch. This material is
23 a defensive response to criticism apparently made by
24 a department's deputy assistant commissioner about
25 the accuracy of SDS intelligence from an ANL rally.

1 The usefulness of the SDS to public order policing is
2 best summarised by Roy Creamer, when he states that:

3 "The idea that the SDS would find out and reveal
4 plans was wishful thinking, I think."

5 In terms of Metropolitan Police Special Branch
6 institutional analysis of the SDS contribution to public
7 order policing, the most significant attempt at a review
8 in the T1 era occurred on 24 February 1976. This is
9 when Commander Matt Roger tasked chief inspector of
10 S squad, Rollo Watts, to set up a study group to assist
11 in the forthcoming request for funding from
12 the Home Office. Watts was asked to undertake
13 a "complete review of the squad" in light of the fact
14 that:

15 "Over the past 7 years, however, this form of
16 political activity by minority extremist groups has
17 dwindled considerably and with the exception
18 of Red Lion Square conflict in 1974 and possibly one or
19 two other incidents of deliberate confrontation,
20 upsurges in violence on the streets have become less and
21 less frequent".

22 Now, three questions were posed, one of which was:

23 "What proportion of the overall intelligence
24 gathered is of primary benefit towards assisting uniform
25 police officers to control public meetings and

1 demonstrations, and that which is of interest mainly to
2 the Security Service?"

3 Chief Superintendent R Wilson, HN332, and Chief
4 Inspector Derek Kneale, and Detective Inspector
5 Geoffrey Craft were all part of the group under Watts.
6 In his report back, Watts vigorously made the case for
7 the continuation of the SDS. However, what is notable
8 is that his report does not answer the question posed
9 above on how much SDS work was dominated by
10 the Security Services. What is both clear and
11 significant, however, is an emphasis by Watts on
12 the importance of the SDS intelligence for
13 the Security Services. Watts dodged the public order
14 question, because no doubt he well understood that
15 the vast majority of what the SDS were doing was deeply
16 problematic and unjustifiable surveillance for
17 the Security Services.

18 This was clearly a loss opportunity for senior
19 managers to give an honest appraisal of the utility,
20 justification and indeed lawfulness of the SDS, and to
21 face up to the precise extent to which their role had
22 become dominated by intelligence collection for
23 the Security Services.

24 Now, the SDS managers insist that the SDS benefited
25 and improved the Metropolitan Police Special Branch's

1 attitude to public order policing. However, this does
2 not stand up to scrutiny. The significant public order
3 events of this era, namely Red Lion Square, Southall and
4 Lewisham, were not preempted or policed successfully
5 because of the work conducted by the SDS.

6 The demonstration at Southall was undoubtedly
7 a catastrophic failure of Metropolitan Police
8 Special Branch policing, which resulted in the death of
9 a teacher, Blair Peach.

10 HN41, who gave evidence in the secret hearings in T1
11 P4, spoke of "disastrous mistakes" in the public order
12 planning for Southall, and that:

13 "There was a perception that the public order branch
14 weren't perhaps as receptive to some of our ideas as we
15 thought they might have been. That was the impression
16 I got from the management because the Met with [redact]
17 and then with Southall, had had sort of significant
18 problems that perhaps they needn't have had."

19 The left wing and campaign groups that the SDS
20 targeted were an inevitable reaction to the injustices
21 in society not the cause of public disorder.

22 The failure of the SDS operations at Red Lion Square,
23 Southall and Lewisham was the failure to recognise that
24 the fundamental cause of public disorder at such events
25 was public revulsion against fascist mobilisations and

1 the police being seen to protect them.

2 The managers were ultimately responsible for
3 the quality, accuracy and relevance of the reporting
4 being produced by their undercover officers whom they
5 managed. There is evidence to suggest that some
6 managers were aware of this, and either tailored
7 the reporting or turned a blind eye to irrelevant
8 reporting.

9 Roy Creamer comments in his witness statement that:

10 "Conrad Dixon and I would discuss the information
11 and I would then draft what I thought we should say in
12 the report. I would put into words what I knew he ought
13 to be saying. I was like Radar from M*A*S*H."

14 The reference to Radar from M*A*S*H is both
15 significant and telling.

16 Derek Butler commented that this type of SDS
17 deployment resulted in undercover officers becoming
18 embedded for long periods when there was no scope for
19 public order reporting and hence:

20 "Subconsciously at least they felt obliged to 'earn
21 their keep' by turning in reports on membership, start
22 points for further enquiries and the internal dynamics
23 of their group. This may have occasionally included
24 gossip or irrelevance."

25 Despite appreciating that undercover officers were

1 reporting gossip and irrelevance, the managers giving
2 evidence in T1 did not, by their own admission,
3 undertake robust qualitative analysis of SDS reporting.
4 They did not assess its value and usefulness in
5 the public order field, or indeed in countering
6 subversion. They did not see the threat assessments
7 produced, if indeed any were produced, from SDS
8 reporting. And they did not obtain regular feedback.

9 This underscores a significant and systemic flaw at
10 the heart of the SDS. Managers did not conduct
11 a detailed cost-benefit analysis weighing up
12 the collateral damage that might be caused against
13 the true value of the intelligence being obtained. As
14 a result, they failed to consider the threat to freedom
15 of speech and democratic principles posed by the SDS.
16 These were obvious matters that were being raised in
17 public, in Parliament, and went to the heart of
18 the lawfulness and justification of the activities of
19 the SDS.

20 The non-state co-operating group want to know why
21 these issues were not considered at the time. Why
22 was there such a fundamental lack of critical thinking?

23 These were important questions, because it was
24 the duty of managers to write in an honest way to
25 the Home Secretary to request an extension of funding

1 for the continuation of the SDS. As Geoffrey Craft
2 states:

3 "The Annual Reports were directed to the Home Office
4 and pointing out the value of the SDS in terms of public
5 order and seeking continuation for another year."

6 In signing off the annual reports and the
7 accompanying memoranda, a manager, as a senior police
8 officer, must have known that they were confirming
9 the contents as accurate. The suggestion by
10 Trevor Butler that his role was merely "editorial" is
11 not only a staggering admission of managerial failure,
12 but also a blatant attempt to create distance from
13 documents that are obviously flawed and misleading.

14 I now turn to targeting and justification.

15 The Inquiry is tasked to answer several fundamental
16 questions on the targeting of infiltrated groups. This
17 is vital to understanding what went wrong and why. On
18 the face of existing evidence, these were unlawful,
19 ideologically motivated and profoundly undemocratic
20 political policing operations. There was no reasonable
21 policing purpose proportionate to the level of intrusion
22 involved.

23 The answers to the above questions on targeting
24 should have formed the bedrock of any possible
25 justification of the lawfulness or necessity of these

1 operations. Vague or non-existent answers are therefore
2 damning in themselves; and only serve to confirm what
3 the evidence already suggests: that these operations
4 were unjustified and unjustifiable violations of
5 people's privacy and political rights, and that they
6 were unlawful and unnecessary in a democratic society.

7 The evidence from undercover officers paints a mixed
8 picture on targeting. As the SDS evolved following
9 the Grosvenor Square demonstrations, some
10 undercover officers stated that they were tasked to
11 infiltrate specific groups, whilst others described
12 largely having a free rein and often drifting around
13 left-wing or anarchist groups, reporting on whatever or
14 whoever they came across.

15 In terms of public order, the managers suggest that
16 they were not fully responsible for targeting decisions.
17 Both Barry Moss and Geoffrey Craft suggest that
18 targeting came from C Squad, with references to daily
19 discussions between the commander of operations and his
20 operational chief superintendents.

21 The managers within the SDS did influence and
22 control targeting to some extent. For example,
23 Barry Moss admits that on his arrival he considered
24 that:

25 "[The] unit was a bit heavy on the [Socialist

1 Workers Party] and so when HN19 was recruited he was
2 deployed to RCP and the Communist Party of Great Britain
3 Marxist-Leninist."

4 However, what the managers are unified on is that
5 direction to the SDS on targeting was coming from much
6 more senior levels within the Metropolitan Police
7 Special Branch and the Metropolitan Police Service.
8 The managers must now explain what they know about
9 the political direction in SDS targeting decisions.
10 This is particularly important to category E, trade
11 unions and trade union members.

12 In terms of the targeting of so-called
13 "subversives", we can see that this targeting direction
14 clearly came from the Security Services. The non-state
15 co-operating group invite the Inquiry to explore with
16 managers whether they shared the concerns of
17 Commander Gilbert. Did managers query whether it was in
18 fact lawful and appropriate in a democratic society for
19 police officers to target groups and individuals engaged
20 in lawful activities?

21 We know that Barry Moss, for example, accepts that
22 whilst he was undercover, he did not ever witness
23 anything that was subversive. This echoes the evidence
24 of many of the undercover officers who have already
25 given evidence to this Inquiry. It then begs

1 the obvious question as to why the SDS continued in its
2 unlawful surveillance of lawful, democratic activities
3 and why more questions weren't asked.

4 I'm now going to turn to welfare and supervision.

5 As this Inquiry has already heard, the T1 era marks
6 the emergence of inappropriate and abhorrent behaviour
7 by undercover officers whilst they were being actively
8 managed and where managers were visiting the safe houses
9 approximately twice a week.

10 It is shocking to the non-state Co-operating Group
11 that all of the managers who are due to give oral
12 evidence in T1 P3, and those who provided witness
13 statements for this phase, deny having any knowledge of
14 both inappropriate sexual relationships and any of
15 the deeply sexist and misogynistic banter that it is now
16 clear took place in the safe house when managers were
17 present.

18 This is particularly so in light of the evidence
19 that has recently emerged from the T1 P4 secret
20 hearings, where undercover officers also talk about
21 sexist banter and joking about sexual conquests while
22 undercover. Unfortunately, the non-state
23 co-operating group could not explore this evidence
24 further, as it was given in secret.

25 The managers are at pains to point out that their

1 primary duty was the welfare of undercover officers.
2 This was recognised as a vital function given the unique
3 stress of undercover work. Almost every SDS annual
4 report to the Home Office emphasises the close
5 supervision of officers and managerial attention to
6 welfare.

7 It is therefore shocking for the non-state
8 co-operating group that despite the evidence this
9 Inquiry has already heard, Geoffrey Craft still
10 maintains in his witness statement that:

11 "I do not think any police officers were more
12 carefully monitored than this lot."

13 Despite this bold assertion, Geoffrey Craft and
14 Angus McIntosh both deny knowing that HN297, Rick Clark,
15 and HN300, "Jim Pickford", engaged in
16 sexual relationships with activists, with the latter
17 falling in love and leaving his wife. We know from
18 the gisted evidence disclosed in preparation for
19 the secret hearings in T1 P4 that an undercover officer
20 reports Geoffrey Craft specifically advising against
21 sexual relationships, stating, "it would be beyond
22 stupid, and cause all sorts of problems".

23 This Inquiry must get to the bottom of the managers'
24 attitudes to sexual relationships, and pin down exactly
25 what is meant by "all sorts of problems".

1 The judgment of the Investigatory Powers Tribunal in
2 the case of Kate Wilson v Commissioner of the Metropolis
3 and National Police Chiefs Council of 2021 specifically
4 concluded that violations of Article 3 of the European
5 Convention on Human Rights, and miscarriages of justice,
6 were ignored because managers put first the maintaining
7 of secrecy of the undercover operation and ensuring
8 a continuation of funding.

9 The non-state co-operating group have also recently
10 learnt that Rick Clark had a reputation for being "a bit
11 of a lad", which included "womanising". However, again,
12 the non-state co-operating group discover in the gisted
13 material from the secret hearings in T1 P4 that HN300
14 was "a sexual predator", and "was confined to the office
15 because he was an alcoholic".

16 An undercover officer in these secret hearings in T1
17 P4 also clearly states that it was Angus McIntosh who
18 dealt with HN300 falling in love when undercover. This
19 is conspicuously absent from Angus McIntosh's witness
20 statement.

21 Geoffrey Craft continues to claim no knowledge of
22 the activities of HN13, "Barry Desmond Loader", who was
23 arrested twice, in 1977 and 1978. The documents
24 disclosed to date highlight other managers interfering
25 in the court process, with an update even being given to

1 the Commissioner of the Metropolitan Police. It is
2 simply inexplicable to suggest that such matters would
3 be hidden from Geoffrey Craft, who was a detective
4 chief inspector in the SDS.

5 This Inquiry must press the managers to explain
6 these glaring contradictions in the evidence. Were
7 managers deliberately overstating their monitoring and
8 supervision of undercover officers, or did they know
9 what was going on and wilfully turn a blind eye? Or
10 was it the case that they positively sanctioned such
11 conduct, to maximise the product for their "customers"?

12 Finally, a glaring omission in relation to welfare
13 in the annual reports and witness evidence is any
14 suggestion that efforts were made to check and protect
15 the welfare of those targeted and reported on, including
16 any consideration for the welfare of the families of
17 the deceased children whose identities were being used.
18 As we can see from the T1 P4 secret hearings,
19 undercover officers attended weddings and funerals of
20 those being targeted, spent time in their private homes,
21 and even babysat young children when undercover.

22 I now turn to make a few comments about the SDS
23 annual reports.

24 In terms of significant management failures and the
25 accuracy and honesty of the SDS annual reports, certain

1 undercover officers and deployments stand out. HN155,
2 "Phil Cooper", was deployed between 1979 and
3 January 1984, when the following managers were in
4 post: Barry Moss, Mike Ferguson, Trevor Butler, Nigel
5 David Short, HN68 "Sean Lynch" and HN45 "Dave
6 Robertson".

7 HN155 infiltrated the Waltham Forest Anti-Nuclear
8 Campaign, the Socialist Workers Party and the Right to
9 Work Campaign. He gained two notable positions of
10 responsibility: as a treasurer in the Waltham Forest
11 Anti-Nuclear Campaign, and then in the Right to Work
12 Campaign. Reporting signed off by the manager
13 Dave Short notes that in the Right to Work Campaign,
14 Ernie Roberts MP was nominally the treasurer, while
15 HN155 signed the cheques and controlled the account --
16 a significant position of responsibility and control.

17 Now, there came a time when managers realised that
18 HN155 was a problematic officer.

19 On 29 June 1982, it is recorded by
20 the Security Services that the managers HN68
21 "Sean Lynch" and Dave Short reported that there were
22 serious doubts about the performance of HN155 and that
23 his "days were numbered" due to other "misdemeanours",
24 and that he was soon to be withdrawn.

25 Incidentally, it is in the same note that reference

1 is made to HN106 "Barry Tompkins" have bedded "blank"
2 and been warned off by his bosses.

3 On 13 July 1982 HN68 "Sean Lynch" told
4 the Security Services that:

5 "Despite his misdemeanours, Cooper has not been
6 withdrawn as an SDS source."

7 There is a further reference in this document to
8 the manager HN68 being:

9 "... slightly worried by the case because Cooper's
10 position in the Right to Work Movement gives him regular
11 access to Ernie Roberts MP and meetings at the House of
12 Commons."

13 It is clear that HN68 "Sean Lynch" was in fact
14 really concerned about the lawfulness of HN155's
15 actions. It seems that he understood the potential
16 scandal that would erupt in Parliament if it ever came
17 to light that the Metropolitan Police Special Branch and
18 SDS were conducting covert surveillance in close
19 proximity to, and quite possibly on, a sitting Member of
20 Parliament and in Parliament itself.

21 The security services, however, didn't appear to raise
22 an eyebrow. HN155 remained in post.

23 HN155 initially admitted to a risk assessor that he
24 had engaged in two, three or possibly more
25 sexual relationships when undercover, but he later then

1 denied this. Julia Poynter, a witness to this Inquiry,
2 met HN155 in the Waltham Forest Anti-Nuclear Campaign.
3 Julia refers to HN155 regularly getting stoned, and on
4 one occasion being so inebriated he fell off his chair
5 and broke it. HN155 said in a risk assessment that
6 he "lived a full [and] alternative life".

7 In a medical interview on 12 November 2020, HN155
8 admitted that he was a "heavy drinker during
9 [undercover] deployment years with occasional drug
10 taking as 'part of the scene'".

11 Undercover officer drug-taking is also referenced in
12 the T1 P4 closed officer gist, and it is a topic that
13 will feature in Tranche 2.

14 Trevor Butler was the manager who signed off
15 the 1979 and the 1981 annual reports to the Home Office.
16 And in both reports he was at great pains to emphasise
17 the close supervision that he and his fellow managers
18 exercised over all undercover officers, stating in the
19 1979 annual report that:

20 "The nature of the delicate and difficult duty
21 performed by SDS operational officers renders it
22 imperative that close supervision and attention to
23 welfare are continuously maintained."

24 The 1981 annual report, written in 1982 by
25 Trevor Butler, also stressed on the issue of welfare

1 that "the close supervision exercised is essential".

2 But, curiously, the Right to Work march occupies
3 seven lines in the 1981 SDS annual report, and is
4 described as the Socialist Workers Party's "notable
5 adventure". There is no reference to public disorder;
6 and indeed we know that the march itself, in which HN155
7 played a key role, was not even considered a public
8 order risk by manager Barry Moss.

9 The events were of such limited importance that they
10 did not even feature in the 1981 Metropolitan Police
11 Special Branch annual report. What is conspicuous by
12 its absence in this 1981 SDS annual report is any
13 mention of HN155 acting as a treasurer alongside an
14 elected MP, that HN155 was drinking to excess,
15 drug-taking and having sexual relationships while
16 undercover. There is also no mention that HN106 was
17 bedding a woman, which was tarnishing his intelligence.

18 Why is it that the Home Office was not being told
19 about this undercover officer activity by Trevor Butler?
20 Was it because Trevor Butler knew that he was the one
21 who placed HN155 in the Right to Work Campaign?

22 I'm going to make some comments about racism.

23 In the T1 era and beyond, the SDS and the
24 Metropolitan Police Special Branch were fixed in their
25 own deeply politicised racist and misogynistic

1 narratives, which saw public order as inextricably
2 linked to organised groups on the left.

3 The Metropolitan Police Special Branch and the SDS
4 seemed incapable of appreciating that in a democratic
5 society citizens could campaign against injustice and
6 demand social change on matters of social and public
7 importance such as racism without being subversive.

8 This is classically exemplified by the comments of
9 Rollo Watts recorded on 15 October 1976, where he told
10 the Security Services:

11 "... there has been a build up of racial tension in
12 Brixton and the [Metropolitan Police Special Branch] are
13 undertaking a study of the problem to commence in
14 Brixton and one of its most important aspects was to
15 discover to what extent left-wing extremists were
16 influencing the coloured population in this idea."

17 The review section of the 1981 annual report clearly
18 shows that 1981 was a deeply unsuccessful year for
19 the SDS. They were focused on peaceful marches and
20 rallies on wage poverty and the Campaign for Nuclear
21 Disarmament. The Brixton riots in April 1981 were
22 amongst the most significant public order events of
23 the period. They were not caused by the left-wing
24 campaign groups, but were spontaneous and uncoordinated
25 uprisings against racist policing. This was simply not

1 understood or honestly reflected upon by the SDS in
2 the 1981 annual report, despite the findings of
3 the Scarman inquiry. The SDS seemed incapable of
4 honestly appraising the roots and cause of public
5 disorder in the T1 era.

6 I'm going to make some comments now in relation to
7 misogyny.

8 In the same way that racism and political bias
9 undermined the Metropolitan Police Special Branch and
10 the SDS response to popular protests in Brixton, there
11 were parallels in the way in which women were perceived
12 and treated. It is clear that a pernicious culture of
13 misogyny contributed to highly inappropriate policing
14 decisions affecting women.

15 The non-state co-operating group know that the SDS
16 considered it was appropriate to target women
17 campaigning around reproductive rights and fair pay, as
18 they were deemed to be subversive. Managers thought
19 nothing of belittling these women in sexist and
20 derogatory ways, such as the comment that:

21 "500 women, many patently emotionally unstable and
22 quite paranoically opposed to men ..."

23 Attended the Women's Liberation spring conference.

24 Throughout this time, there is strong evidence to
25 suggest that managers repeatedly either condoned or

1 turned a blind eye to increasingly frequent incidents of
2 inappropriate sexual behaviour by their officers, as
3 well as misogynistic banter. The fact that such banter
4 was considered harmless and not worthy of managerial
5 challenge is evidence itself of deep-seated
6 institutional misogyny.

7 This managerial attitude is perfectly illustrated by
8 the following comment in the witness statement of HN368,
9 Richard walker, who, on sexist safe house banter said:

10 "Men who say things about women don't always mean
11 it, or follow through with what they say."

12 Ironically, managers and indeed the Metropolitan
13 Police Special Branch hierarchy were more than willing
14 to keep an extremely close eye on some
15 undercover officer relationships with women, but only
16 when it suited their interests.

17 When the Metropolitan Police Special Branch received
18 an anonymous letter about undercover officer HN126 "Paul
19 Gray" having a sexual relationship with another police
20 officer in police accommodation, Barry Moss paid a visit
21 to the wife of HN126 "Paul Gray". Barry Moss
22 subsequently described the wife as a "strong woman and
23 not in need of any welfare support", which may give
24 the Inquiry an indication of the tone of meeting.

25 The wife's handwriting was obtained and sent for

1 analysis, and this outcome, which was that she probably
2 wrote the anonymous letter, was presented to her by
3 Barry Moss. Presumably, the objective was to intimidate
4 her into remaining silent about the concerns she had
5 about the sexual activity of her husband HN126 "Paul
6 Gray". Concerns which, it seems, were not investigated.

7 It is telling that managers and the Metropolitan
8 Police Special Branch senior hierarchy thought that it
9 was appropriate and lawful to use police resources in
10 such an illegitimate and corrupt manner to cover up
11 potential undercover officer misdeeds, rather than
12 consider the substance of the allegations that were
13 being made, in other words serious police misconduct.
14 It seems that protecting the SDS took precedence over
15 all considerations, and it seems that no action was off
16 limits no matter how unlawful.

17 The non-state co-operating group draw a parallel
18 here been the unlawful use of police resources against
19 an innocent woman to protect the SDS and the approach
20 taken by the SDS management to justice campaigns, also
21 considered to pose a threat, such as the Friends
22 of Blair Peach Committee and the Stephen Lawrence
23 campaign.

24 Managers justified the use of identities of deceased
25 children with reference to the fact that they thought

1 that the families of such children would never find out
2 or know. This is another illustrative example of
3 a pervasive belief within the SDS that no one would ever
4 find out about their operations. It gave
5 undercover officers a licence to act unchecked and
6 outside the parameters of the law.

7 Now, Sir, just some short comments on blacklisting.

8 The Chair will recall the comments made on behalf of
9 the Metropolitan Police Service in their opening
10 statement for T1 P2 on so-called blacklisting
11 organisations, and the upset that this caused amongst
12 the non-state co-operating group, who have suffered so
13 acutely as a result of blacklisting.

14 The latest disclosure in T1 P3 sheds more light on
15 blacklisting by the Security Services, in government
16 departments and certain public corporations, including
17 the BBC and firms which have not been disclosed.

18 The documents show the tension between
19 the Security Services and the Metropolitan Police
20 Special Branch on who controls the passing of
21 intelligence and vetting, with the Security Services
22 indicating that:

23 "Security Service is the normal channel for passing
24 security information."

25 In an emphatic response to the Security Services

1 dated 10 November 1975, the Metropolitan Police
2 Special Branch makes clear that they will continue to
3 pass security information, as the Metropolitan Police
4 Special Branch has built up contacts in the civil
5 service, armed forces and other organisations which
6 employ former police officers, and with whom there
7 exists a "close and mutually profitable relationship".

8 The Metropolitan Police Special Branch were clear
9 that they were going to continue facilitating
10 blacklisting. The managers of the SDS now need to
11 explain which of their intelligence was collected or
12 used for this abhorrent and devastating purpose.

13 In terms of specific examples of blacklisting, we
14 know that the SDS were tasked to spy on
15 the Workers Revolutionary Party, and in particular
16 Roy Battersby. That intelligence was provided to
17 the Security Services, who were expressly given the task
18 of collating files in order to vet those seeking posts
19 in sensitive government bodies, including, as I've
20 mentioned, the BBC. Indeed, the BBC have confirmed and
21 described this process. As is clear from
22 Roy Battersby's statement, there is clear evidence that
23 as a BAFTA winner, he is one of those who was
24 blacklisted. He was by no means the only one. This
25 creates a very clear paper trail of blacklisting

1 directly implicating the SDS.

2 As Roy Battersby makes clear in his own statement,
3 this practice was an attack on the democratic process,
4 elections, privacy and freedom of political and artistic
5 expression, and in particular the plurality of voices
6 and standpoints of our national broadcaster, the BBC.

7 Sir, I'll now turn to some very brief points on
8 procedural issues.

9 The non-state co-operating group has raised a number
10 of important procedural matters in the written opening
11 statement, but given the limited time, I will not deal
12 with these matters today.

13 I do, however, want to make four short points.
14 The first relates to delay. And as I've already stated
15 at the outset, the non-state co-operating group does
16 remain extremely concerned about the progress of this
17 Inquiry, and I want to again reiterate the request for
18 a clear timetable for the Inquiry's ongoing work.

19 The second point relates to your intention, Sir, to
20 publish an interim report, as set out by
21 Counsel to the Inquiry, Mr Barr QC, in his opening
22 statement for Tranche 1, Phase 3.

23 In due course, the non-state co-operating group will
24 seek to address this issue, and ask that a timetable for
25 submissions is set down to allow this to happen.

1 The third point I wish to address relates to
2 the further investigations that are being made by this
3 Inquiry to gather evidence relevant to the SDS from
4 the wider Metropolitan Police Special Branch.

5 The non-state co-operating group has always
6 maintained that investigating the SDS cannot take place
7 in a vacuum. It is now clear from the managers who are
8 soon to give evidence that in some of the T1 era,
9 targeting was being directed and influenced from outside
10 the SDS by the Security Services and others.

11 SDS interaction with the Security Services is a key
12 component in the preliminary draft Module 2(b) issues
13 list. The non-state co-operating group intends to
14 address the Inquiry on the scope of its investigations
15 relating to the Security Services after T1 P3, and in
16 the first instance as part of this consultation on
17 Module 2(b) issues list.

18 The fourth point, Sir, relates to future hearings.
19 Given the length of time between the T1 P3 hearings and
20 T2, the non-state co-operating group requests that
21 the Chair, Sir, you, schedule regular public inquiry
22 management hearings in advance of T2. There are now
23 a range of important matters, such as, for example,
24 the interim report, the scope of investigations by
25 Security Services, and of course the legal framework,

1 which should be considered after formal written and oral
2 submissions from all core participants.

3 It is also essential that these important matters
4 are raised and considered in public hearings, so that
5 the public and core participants can see the process by
6 which decisions are made.

7 The non-state co-operating group suggests that
8 formal hearings are often the most productive forum in
9 which to seek to resolve matters in a way that best
10 assists the Inquiry.

11 Now, Sir, just some very short concluding
12 observations.

13 The wrongdoing engaged in by the SDS was not an
14 exception to an otherwise lawful and justified policing
15 operation. Rather, the SDS was, from its very
16 inception, unlawful and in contravention of basic
17 policing principles and a threat to democracy.

18 However, this was no accident. Mark Ellison QC and
19 Operation Herne were right to suggest that the failures
20 of SDS management were in part caused by secrecy and a
21 lack of external scrutiny. The SDS was not simply
22 a rogue unit operating in hiding and insulated from
23 internal Metropolitan Police Special Branch and
24 Home Office scrutiny. The SDS was specifically designed
25 to remain a secret from the public and from Parliament.

1 It was only by remaining under a cloak of secrecy that
2 the SDS could carry out the type of surveillance
3 activities that were not and are not permitted in
4 a democratic society. Other than a select few, many in
5 the Home Office were simply not aware. Those in power
6 who did know sanctioned the evolution of the SDS and
7 took every opportunity on behalf of the governments of
8 the day to ensure the SDS remained a secret.

9 The judgment of the Investigatory Powers Tribunal in
10 Wilson that I've already mentioned puts beyond doubt
11 that undercover policing operations of the SDS and later
12 units violated fundamental human rights. The non-state
13 co-operating group endorse and adopts the opening
14 statement made by Charlotte Kilroy QC on behalf of
15 the category H core participants.

16 Many of the managers giving evidence in T1 P3 make
17 reference to the fact that the SDS practices went on
18 over 50 years ago, and should be considered in their
19 historical context.

20 However, this is simply not correct.

21 The illegitimate surveillance, political policing and
22 abhorrent and unlawful tradecraft and misogyny which was
23 allowed to become embedded in T1, 1968 to 1982, set
24 the course for all of the future undercover policing
25 operations. These abhorrent practices survived and even

1 flourished following legal reforms, such as those
2 introduced by the Regulation of Investigatory Power Act
3 2000. This will be explored in later tranches.

4 A fundamental purpose of this Inquiry is to identify
5 where there was such a catastrophic failure of policing
6 at the heart of British democracy, and such
7 identification must be rigorously pursued during the T1
8 P3 hearings.

9 The non-state co-operating group and the public are
10 demanding answers. These can only be obtained by
11 a thorough and effective investigation in public and
12 with full disclosure. This Inquiry should not cut
13 corners for reasons of political or financial
14 expediency. This is the only way that the victims of
15 unlawful state surveillance can achieve truth and
16 justice, and the only way to ensure that these
17 fundamental breaches of human rights will never happen
18 again.

19 Thank you, Sir.

20 THE CHAIRMAN: Thank you very much indeed.

21 We will now break for, I think, ten minutes, until
22 we have the next stage, which will be a reading of
23 summaries of the evidence of two non-state witnesses,
24 which will then conclude proceedings for today.

25 Thank you.

1 (12.20 pm)

2 (A short break)

3 (12.40 pm)

4 THE CHAIRMAN: Ms Malcolm.

5 MS MALCOLM: I'm grateful, Sir. I shall be reading

6 the summaries of two witness statements from non-state

7 witnesses. I shall start with the summary of

8 "Madeleine".

9 Summary of evidence of "Madeleine" by MS MALCOLM

10 This is the summary of the second witness statement

11 of core participant "Madeleine", dated 16 March 2022.

12 The full witness statement will be published on

13 the Inquiry's website later on today. This is

14 a supplemental witness statement to her first witness

15 statement, which is dated 18 February 2021.

16 "Madeleine" gave evidence in May 2021 during

17 the Tranche 1 Phase 2 or T1 P2 hearings that she was

18 deceived into a relationship with HN354, known by

19 the cover name "Vince Miller", during the period of

20 the summer, and into early autumn, of 1979.

21 This second witness statement addresses three

22 issues:

23 1. A postcard that she received from "Vince Miller"

24 at the end of his deployment;

25 2. The revocation of the restriction order over

1 "Vince Miller's" real name and disclosure of his real
2 name, Vincent James Harvey, and;

3 3. A report which had previously not been disclosed
4 to her, and which relates to an event which she believes
5 she was present at.

6 Issue 1.

7 On the first issue, "Madeleine" states that after
8 the UCPI hearings in May 2021, she decided to look at
9 a box containing letters and cards of emotional
10 significance from old boyfriends and close friends. At
11 the bottom of this box, she found a postcard from
12 "Vince Miller" dated January 1980 with a United States
13 Air Mail stamp addressed to "'Madeleine', Dave and Co".
14 This is now "Madeleine's" exhibit 3. It reads as
15 follows:

16 "Didn't stay long in New York, not my kind of place.
17 Have bussed and driven hire cars down here for
18 the winter. Lost my address book so can only write to
19 people whose addresses I can remember, and these might
20 not be right. Music and people really better than
21 I expected. All in all, a lot better than
22 [Walthamstow]. Having a bit of trouble getting enough
23 money for everything I want to do so travelling and
24 living in an old VW wreck -- nothing new. Good luck to
25 everybody, Vince."

1 "Madeleine" states that it is written in
2 the handwriting of "Vince Miller". She estimates that
3 it arrived three months after he had disappeared saying
4 that he was going to America. She says that she had
5 forgotten its existence but does now vaguely recall
6 receiving it and being pleasantly surprised and hopeful
7 that his keeping in touch meant that she would see him
8 again. She had put it in the box because it had meant
9 something to her.

10 "Madeleine" also recalls that a friend of hers from
11 the SWP had visited "Vince Miller's" flat around
12 Christmas 1979 to check if he was "okay" because he had
13 not been seen in some time. The friend told "Madeleine"
14 that the door had been answered by "two dodgy looking
15 men", who asked him a lot of questions and told him that
16 "Vince" had gone to America. "Madeleine" states that
17 she was surprised by this information because
18 "Vince Miller" had told her he lived alone in a bedsit
19 and there had been no answer on each occasion that she
20 had visited the flat. It is "Madeleine's" belief that
21 this postcard would have been received shortly after her
22 friend's visit to the flat, and she questions whether it
23 was sent in order to divert any suspicions that could
24 have arisen from the friend's visit.

25 "Madeleine" also notes that Vincent Harvey had said

1 in his witness statement that he left "Vince Miller" and
2 his deployment behind him when he left the field and had
3 not thought of or talked about his former targets at all
4 until his first interview with a risk assessor in 2018.
5 He made no mention of this postcard sent by him
6 three months after the deployment.

7 Issue 2.

8 In Vincent Harvey's supplementary impact statement
9 of 9 March 2021 which addressed the reasons he believed
10 the restriction order over his real name should not be
11 revoked, he stated that he had always been honest and
12 open with the Inquiry. One particular concern that he
13 raised was that publication of his real name prior to
14 his giving evidence "risked having a seriously adverse
15 impact on an immediate family member".

16 In March 2021, "Madeleine" was told that although
17 the restriction order would ultimately be revoked, it
18 was imperative that nothing was done to cause
19 difficulties to the aforementioned family member, and
20 she was given a choice: she could find out "Vince
21 Miller's" real name prior to them both giving evidence
22 while still subject to the restriction order prohibiting
23 wider disclosure, or she could await revocation of
24 the restriction order. "Madeleine" states she weighed
25 up the issues and while she did not "believe there was

1 any real risk to the immediate family member", she did
2 have sympathy for this family member and she did not
3 want to cause this individual anxiety by publication of
4 "Vince Miller's" real name. She also wished to avoid
5 being caused extra stress from being in receipt of
6 information that she could not share. She therefore
7 decided to wait to learn his real name until
8 the restriction order had been revoked.

9 On 21 September 2021, the restriction order was
10 revoked and "Madeleine" learnt that "Vince Miller's"
11 real name was Vincent James Harvey. This led to
12 discovery of more information about him and his career
13 trajectory, some of which she found shocking. This, she
14 states, casts him, and the evidence he had given, in
15 a different light.

16 She had previously understood from the evidence
17 disclosed who her that following his deployment in
18 the Special Demonstration Squad, Vincent Harvey had been
19 assured that he would only be in non-public facing roles
20 with the result that he spent 30 years being careful
21 about his security and which would be blown away if his
22 real name was released. She had also understood that he
23 had risen to the rank of Detective Chief Inspector in
24 Special Branch and then left
25 the Metropolitan Police Service to join another force.

1 "Madeleine" states that she was therefore extremely
2 disturbed to learn that Vincent Harvey had gone on to
3 perform very senior and high profile roles within
4 the police, and that his real name and image were in
5 the public domain through multiple media appearances.

6 "Madeleine" states that she was:

7 "Chilled to learn that he had been promoted to
8 the rank of Superintendent in the police service before
9 becoming National Director of the National Criminal
10 Intelligence Service [or NCIS]."

11 She questions why someone who had risen to such
12 a senior rank in the police and in such a public-facing
13 role was granted a restriction order over their real
14 name and why this was not revoked before he gave
15 evidence at the hearings. It is "Madeleine's" belief
16 that if his real name had been known at the time he gave
17 evidence, and it had been known that he was a former
18 director of the NCIS and a highly public figure, there
19 would have been greater public scrutiny and press
20 interest, which may have led to new witnesses,
21 including, possibly, other deceived women, coming
22 forward to the Inquiry.

23 The discovery that he was not only a police officer,
24 but a senior one, has had a significant further adverse
25 impact on her and led to her feeling as she did when she

1 was first contacted by the Inquiry in 2020. She also
2 feels that she was:

3 "Emotionally manipulated by Vincent Harvey in his
4 reliance on privacy concerns arising out of
5 the potential adverse impact on a family member without
6 corresponding honesty (at least in the material given to
7 me) about how he had conducted his career."

8 "Madeleine" states that if she had known of his
9 career trajectory in March 2021, it would have changed
10 the outcome of the balancing exercise that she
11 undertook.

12 "Madeleine" notes that no other former officers gave
13 evidence to the Inquiry about Vincent Harvey's
14 relationships and she queries if this was as a result of
15 his seniority as an officer. The lack of knowledge of
16 his real identity at the time of the hearings meant that
17 her legal team could not propose questions to the other
18 officers in order to explore if his role and profile
19 within the force motivated their reluctance to give
20 evidence on his behaviour. She states that this denied
21 opportunity is of great concern to her.

22 Issue 3.

23 In relation to the third issue, "Madeleine"
24 reiterates the concern that she raised in her first
25 witness statement. In that statement she indicated that

1 she thought it extremely unlikely that the 23 documents
2 which she had received in her witness pack were the only
3 documents held by the Inquiry which related to her
4 contact with Vincent Harvey. She was particularly
5 concerned that she'd not been provided with any document
6 which covered the period of the relationship.

7 "Madeleine" has subsequently come across a further
8 intelligence report containing information obtained by
9 Vincent Harvey which was disclosed in the T1 P2-bundle
10 but which was not in her witness pack. It is a report
11 dated 25 September 1979 at a time towards the end of her
12 relationship with Vincent Harvey and relates to
13 a Waltham Forest District meeting which took place in
14 her home. "Madeleine" states that she generally
15 attended most branch and district meetings
16 and "certainly almost all of those that took place in my
17 house".

18 Whilst "Madeleine" states that she cannot be
19 absolutely certain that she was present at this meeting,
20 as the report records a fairly mundane meeting and at
21 which nothing memorable took place, she thinks it
22 extremely likely that she would have been present, given
23 that it took place at her home. Despite this, she is
24 not listed as an attendee. It is her belief that
25 Vincent Harvey purposely omitted her name, and, because

1 this report had been omitted from her witness pack, he
2 could not be questioned on a potential tactic of
3 undercover officers omitting the names of the women they
4 deceived from their reports.

5 "Madeleine" is also concerned that a report included
6 in the T1 P2 bundle included her full address at the
7 time and which she believes had the potential to
8 undermine her anonymity order via a mosaic effect.

9 It is "Madeleine's" understanding from
10 the Designated Lawyers opening statement for T1 P2 that
11 although 65 reports thought to have been authored by
12 Vincent Harvey were disclosed in the T1 P2 hearing
13 bundle, there are a further 175 reports which
14 the Inquiry attributes to him but which have not been
15 disclosed to Non-State Core Participants. "Madeleine"
16 suggests that these 175 reports could relate to other
17 events that she attended with Vincent Harvey but is not
18 listed on the report as having attended.

19 "Madeleine" explains that as a woman deceived into
20 a relationship, she experienced the gravest violation of
21 her privacy, and that in order for the Inquiry and the
22 public to discover the truth about that violation, she
23 had to stand up and recount details of her most intimate
24 life, which she found excruciating. She further
25 explains the impact on her of giving oral evidence to

1 the Inquiry and recalls how difficult and stressful she
2 found the questioning. "Madeleine" states:

3 "It was also upsetting and insulting to hear Harvey
4 claim that he could not remember our relationship and to
5 suggest to the Chair that I may have been lying about it
6 in order to discredit the police."

7 "Madeleine" states that as a result of press
8 coverage of her oral evidence, her son found out that
9 her first marriage had been abusive, which was
10 distressing for him. His distress has also impacted on
11 her.

12 That's the end of the first summary, Sir.

13 Summary of evidence of JULIA POYNTER by MS MALCOLM

14 I turn to the second summary.

15 This is a summary of the witness statement of
16 Julia Poynter, dated 11 March 2022, which has been
17 voluntarily provided to the Undercover Policing Inquiry
18 after Ms Poynter's discovery that the men she knew as
19 "Vince Miller" and "Phil Cooper" were undercover
20 officers, respectively, HN354, whose real name is
21 Vincent Harvey, and HN155, whose real name is subject to
22 a restriction order.

23 The full statement will be published on
24 the Inquiry's website today with the accompanying
25 exists.

1 Julia Poynter states that she was shocked and
2 angered when she was provided with 62 intelligence
3 reports in which she was named which revealed
4 the extensive invasion of her privacy by
5 undercover officers. Her witness statement provides
6 evidence about the two undercover officers she knew, and
7 in particular about the deceitful sexual relationship
8 between "Vince Miller" and her friend "Madeleine". She
9 states that she wishes to place the reporting of these
10 officers in its true context.

11 By way of background Julia Poynter states she first
12 became politically active whilst at school joining
13 the Labour Party with whom she soon became
14 disillusioned. She came across
15 the Socialist Workers Party, or SWP, then known as
16 the International Socialists, towards the end of her
17 sixth form and she was drawn to their version of
18 socialism. She became a member in 1975 and remained
19 a member for five years. She was initially active in
20 the Walthamstow branch and then the Leytonstone branch
21 when she moved some time in 1978. Her main focus from
22 1977 onwards was her anti-racism work through her
23 involvement with the Anti-Nazi League, which was closely
24 affiliated with the SWP at that time.

25 She explains that the late 1970s was a time of high

1 unemployment and that the National Front were very
2 active, particularly in East London where she lived. In
3 1980, she began studying at college where, for a short
4 period, she attended socialist meetings before deciding
5 that student politics did not suit her. She remained
6 active with the Anti-Nazi League until 1981 but left
7 the SWP in 1980, losing touch with most of her former
8 contacts.

9 Julia Poynter remained involved in politics
10 subsequently, spending many years working in local
11 government and being active in trade unions. It was
12 through her involvement with union work that she became
13 aware of the Inquiry. She attended a union-backed
14 conference in November 2019 on undercover policing and
15 trade unions, and then attended a talk arranged by
16 Unite, given by one of the women deceived by an
17 undercover officer. Julia Poynter was then sufficiently
18 interested to listen to the UCPI hearings in May 2021
19 where she heard evidence being given about events in
20 groups that she'd been involved in. She eventually
21 deduced that the witness she was listening to was
22 "Madeleine" and that she was describing the "Vince" from
23 Walthamstow that she had known. She was shocked to hear
24 that "Vince" claimed to have a "one-night stand with
25 'Madeleine'".

1 Ms Poynter states that not long after the hearings,
2 and purely by chance, she bumped into "Madeleine", who
3 she had not seen in over 30 years. "Madeleine"
4 confirmed that "Vince" was an undercover officer with
5 the name "Vince Miller". "Madeleine" also told her that
6 a male she knew as "Phil", and who had been a regular
7 visitor at her home, was also an undercover officer.
8 Ms Poynter states that she knew "Vince's" claim about
9 the nature of his relationship with "Madeleine" was
10 untrue and this is why she has offered to give evidence
11 to the Inquiry.

12 "Vince Miller".

13 Julia Poynter first met "Vince" when he started
14 coming to Walthamstow's SWP branch meetings around 1977.
15 Weekly meetings were held in the Rose and Crown pub in
16 Walthamstow with an average of 12 to 15 attendees. It
17 was a close-knit, friendly group and "Vince" quickly
18 made friends and became popular in the group.
19 Ms Poynter explains that people not only attended
20 demonstrations but socialised together, and would often
21 have a drink in the pub after meetings and then go back
22 to the shared house in which "Madeleine" lived, which
23 was a "social hub". "Vince" was also one of the few
24 members of the group who had a vehicle, and he used his
25 van to help deliver the SWP papers or to help people,

1 such as by moving furniture. He was considered to be
2 trustworthy and reliable and he came across as a kind
3 and considerate person, and until her discovery as to
4 his real identity, she had thought him as one of
5 the loveliest people that she had ever met.

6 Julia Poynter records that when "Vince" told her in
7 the autumn of 1979 that he was leaving for America. She
8 and her then boyfriend held a leaving party for him in
9 her flat. Her boyfriend was also active in
10 the Walthamstow branch of the SWP, and he was a chef and
11 put a lot of effort into the meal for the leaving party.
12 They both liked "Vince" and were sad to see him leave.

13 Julia Poynter denies the claim made by
14 "Vince Miller", both in his risk assessment for his
15 anonymity application and in his oral evidence to
16 the Inquiry at the hearings in May 2021, that she had
17 wanted to have a relationship with him and that she had
18 made this clear to him but that he had not reciprocated
19 because it was contrary to SDS directions and because he
20 was told that it would not be a good idea. It is
21 Ms Poynter's belief that what he has said on these two
22 occasions shows that he knew that he should not have
23 been engaging in any sexual relationships.

24 "Madeleine's" relationship with "Vince Miller".

25 Julia Poynter met "Madeleine" within a year of

1 joining the SWP and they all got on well and became
2 close friends, spending time together at meetings,
3 social events and going on holiday together on a couple
4 of occasions. Julia states that they confided in each
5 other about their personal lives, and she remembers
6 "Madeleine" discussing her relationship with "Vince",
7 which she knew was a sexual relationship. It was clear
8 that "Madeleine" liked him.

9 Ms Poynter recalls "Madeleine" telling her that
10 "Vince" would always leave her flat in the middle of
11 the night, and that both she and "Madeleine" thought
12 that this was odd. "Madeleine" told her that "Vince"
13 had grown up in care and that this had affected him.

14 Julia Poynter spent time with both "Madeleine" and
15 "Vince" at branch social activities during the few
16 months that they were together, and whilst she knew that
17 they were an item, this would not necessarily have been
18 obvious to lots of other people. She recalls how
19 disappointed "Madeleine" was when "Vince" ended
20 the relationship after a few months and that she seemed
21 very sad following the break-up. Julia also remembers
22 "Madeleine" being shocked and upset at the news that
23 "Vince" had left for America.

24 "Phil Cooper".

25 Ms Poynter met "Phil Cooper" through Waltham Forest

1 Anti-Nuclear Campaign, or the WFANC, around 1980. Her
2 boyfriend at the time had been active in its set-up
3 alongside "Phil". For a time, she thinks that her
4 boyfriend as secretary of the group and "Phil"
5 a treasurer. "Phil" attended WFANC meetings at their
6 house and also came to their house for drinking sessions
7 with her boyfriend and another a friend. Ms Poynter got
8 annoyed to find them all there when she got home from
9 a night shift. She has recently got back in touch with
10 that friend and he reminded her that after she had
11 "kicked the three of them out of the flat", they started
12 going to the friend's house where "Phil" regularly
13 good "stoned"

14 Julia Poynter and her boyfriend went away with
15 "Phil" for a several days in September 1980 for
16 the fringe meeting organised by the Anti-Nuclear
17 campaign at the TUC conference. She and her boyfriend
18 are listed as being present in the SDS report of this
19 event. Ms Poynter states that they spent their time
20 leafletting delegates at the conference to come to
21 the fringe meeting, and they stayed in a camp site, and
22 she produces a photograph of herself and "Phil" from
23 this event as her exhibit 1.

24 Julia Poynter also recalls going with "Phil" and
25 others from the SWP branch to an Anti-Nazi League

1 demonstration held to counter the National Front
2 presence among West Ham supporters on 8 April 1981.
3 "Phil" took them in his van. Ms Poynter has been
4 provided with an intelligence report from this event
5 which claims that the actions of the uniformed police on
6 that day had the prevented clashes between the rival
7 groups and that the police had allowed
8 the anti-National Front protesters to reassemble after
9 being split up. Ms Poynter's recollection of that event
10 differs to that of the author of the report and she
11 records that they were not split up, no help was
12 provided by the police and that public disorder was
13 prevented by the quality of the organising by
14 the Anti-Nazi League.

15 Ms Poynter recalls that "Phil" talked of having
16 a girlfriend who was a single parent and that he often
17 went away to stay with her. He said he worked as
18 a delivery driver for a firm supplying marble, and
19 although she never saw him work, he did turn up one day
20 with a large slab of marble, and she still has it and
21 has supplied a photograph of it as her exhibit 2.

22 Julia Poynter lost touch with "Phil" after she and
23 her boyfriend split up in 1981.

24 The SWP.

25 Ms Poynter states that her involvement with the SWP

1 was limited to branch activity and that she was not
2 active in the wider organisation. The activities she
3 took part in were mostly different forms of outreach,
4 selling the Socialist Worker Newspaper every Saturday,
5 and putting on lots of public meetings to attract people
6 to listen to their ideas about creating a fairer and
7 more just society. She describes attending various
8 picket lines in order to show support and solidarity to
9 striking workers. She disputes the claims made by
10 "Phil" that those who attempted to cross the picket line
11 and return to work were threatened with violence, and
12 states that the SWP chose to support those on picket
13 lines by providing support to striking workers and
14 sought to dissuade those who tried to cross the picket
15 line by explaining the purpose of the picket. She also
16 disputes the claims made in the witness statements of
17 both "Vince Miller" and "Phil Cooper" that the SWP was
18 subversive and that spying on them was justified.

19 The Anti-Nazi League.

20 Julia Poynter explains that much of her involvement
21 in the Walthamstow SWP from late 1977 until 1981 was
22 through her involvement in the Anti-Nazi League which
23 had formed in response to the rise of the far right.

24 She recalls that on 13 August 1977, she and comrades
25 from the branch attended a counter-protest to show

1 solidarity with the people of Lewisham in response to
2 the National Front march through New Cross, an event
3 later known as the "Battle of Lewisham". Ms Poynter
4 cannot specifically recall "Vince" being present on
5 the counter-protest but does remember vividly the chaos
6 of the day. She notes the claims that "Vince" makes in
7 his witness statement that the night before
8 the demonstration, he and others from the SWP hid bricks
9 along the route, and she states that this does not ring
10 true and is not something that the SWP would have done.
11 The SWP never took weapons to demonstrations. She says:

12 "Violence was simply not what we were about."

13 The SWP relied on large numbers rather than violence
14 to discourage the National Front from attacking.

15 The Inquiry has provided Julia Poynter with 62
16 intelligence reports. Most of the reports are of
17 the Walthamstow branch or Outer East London District SWP
18 meetings, which she is listed as attending, or lists of
19 attendees of specific demonstrations of which she is
20 one. She states that due to the passage of time, she
21 cannot recall all of the individual events, but she
22 provides her recollection on those that she can
23 remember. Julia Poynter observes that the earliest
24 intelligence report in her witness pack is one from
25 a branch meeting on 11 May 1977 in which her name is

1 listed as an attendee with the accompanying note,
2 "Mentioned re anti-fascist demonstration at
3 Duckett's Common on 23.4.1977", a demonstration that she
4 had attended. By this time "Vince Miller" had been
5 infiltrating the branch for around five months. She
6 states that she would have expected to have featured in
7 reports from before May 1977 and to have been provided
8 with a report in relation to the Duckett's Common
9 demonstration.

10 Ms Poynter expresses surprise at the way that
11 "Vince Miller" characterises the SWP in his reports
12 which in her view suggests, "An underlying agenda in how
13 he presents the Walthamstow branch".

14 She has this reaction to claims made in the reports
15 from 1977 about SWP meetings and talk of armed
16 revolution:

17 "The reporting is laughable and I do not recognise
18 it as remotely accurate or representative of what we
19 were about. Our objective was to build a mass party by
20 talking to people and getting on with daily organising."

21 Ms Poynter notes in the report dated 27 January 1978
22 of an SWP district meeting that she is no longer listed
23 with the reference "mentions re SWP" but with
24 a reference to her own Special Branch registry file.
25 She states that there is nothing that she has seen in

1 the reports that she has been provided with which would
2 justify the creation of a personal file and that she is
3 angry that such detailed information on her personal
4 life has been recorded.

5 She comments upon further reports from
6 September 1980 which record not only personal details
7 but also her future education plans. She states that
8 there could be no good reason why this information was
9 recorded and shared with the police and possibly
10 the Security Services.

11 In relation to another report containing personal
12 information, she states:

13 "I find it disturbing that I was subject to such
14 detailed profiling and investigation by Special Branch
15 at the time. I was not someone engaged in subversion or
16 who posed a public order risk, and I have never been
17 arrested or convicted of any offence. I get the feeling
18 that the reason that I am being profiled in this way is
19 simply for being active on left-wing issues."

20 Other reports from this time record details about
21 her then boyfriend, including his employment details and
22 their domestic arrangements, and she states that this
23 information was so personal that it feels deeply
24 invasive to have been observed and recorded by
25 the police. One particular report reports that her

1 former boyfriend failed to obtain a job, in part because
2 he was colour-blind. This was not information known to
3 her previously and which indicates just how deeply
4 "Phil" had deceived her boyfriend into trusting him with
5 intimate details about his life and demonstrates how
6 close they were as friends.

7 Ms Poynter states that she is surprised that there
8 was such a focus of police resources on a small branch
9 of the SWP in North London whilst no undercover officers
10 appear to have been sent into the National Front, at
11 a time when National Front members were a source of
12 serious violence and public disorder. Julia Poynter
13 expresses concern that the details of 15-year old and
14 a 16-year old schoolchildren were recorded in
15 intelligence reports simply for attending SWP meetings
16 and for being politically active.

17 A report from July 1978 about the SWP district
18 meeting refers to "Vince Miller" taking on leadership of
19 the Industrial Group. Ms Poynter observes that, in
20 taking this role, not only was "Vince Miller" reporting
21 on the SWP but he would be influencing its work and
22 direction, which she views as "obviously inappropriate".

23 Julia Poynter also recalls that "Vince" was branch
24 treasurer, a role that gave him access to the bank
25 details of members and access to the membership lists.

1 Members' bank details, including hers, were included in
2 a report dated 15 August 1978, and she states:

3 "I am really shocked that the police recorded their
4 bank details. I can't see any justification for this
5 further serious invasion of their privacy and of their
6 legitimate expectation of confidentiality."

7 She also comments on a report from April 1978 in
8 which it is noted that it was intended to elect
9 "Vince Miller" as the new treasurer at the following
10 week's meeting, which indicates that he was aware of
11 this but did not take steps to avoid being elected.

12 Her reaction to finding out that "Vince" and "Phil"
13 were undercover officers.

14 Her first reaction to learning that "Vince" and
15 "Phil" were undercover officers was one of upset and
16 which later became anger -- anger at the betrayal of
17 trust and friendship. This feeling was particularly
18 acute in respect of "Vince", who she considered to be a
19 close friend. She finds it hurtful to think that she
20 had trusted him enough to open up and share things with
21 him over the three years of their friendship.

22 Ms Poynter is also very angry about
23 "Vince's" decision to deceive "Madeleine" into
24 a sexual relationship, and she is deeply concerned to
25 learn that notwithstanding a deceit of this nature, he

1 ended up in a position of power and authority as
2 National Director of the NCIS.

3 By way of conclusion, she states:

4 "Overall if the intrusion into people's personal
5 lives, and the resulting damage to them were not so
6 serious, I would feel like the undercover police were
7 a bit of a joke. I am astounded by the sheer volume of
8 reporting and how trivial much of it was. I cannot see
9 why such intrusive reporting was necessary ... they
10 spent years infiltrating a group because of its
11 political ideology rather than any realistic or
12 practical threat of serious violence."

13 Sir, that concludes the summary for Julia Poynter
14 and the evidence for today.

15 THE CHAIRMAN: Thank you very much, and that indeed
16 concludes our proceedings for today.

17 We will resume tomorrow at 10 o'clock when we will
18 hear our first live evidence from Lindsey German. Thank
19 you.

20 (1.11 pm)

21 (The hearing adjourned until 10.00 am on Thursday,

22 12 May 2022)

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