

## Counsel to the Inquiry's Opening Statement for Tranche 1 Modules 2b and 2c

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### Introduction

1. This is the written statement of the Tranche 1 counsel team introducing the evidence for the Module 2b and 2c components of the Inquiry's investigation in the Tranche 1 era.
2. Module 2b concerns the investigation of senior management of the SDS above the unit itself. It also includes the dissemination and use of the SDS's intelligence by the Metropolitan Police Service ("MPS").
3. Module 2c concerns the role of other government bodies insofar as it is relevant to the terms of reference. In the Tranche 1 era we have focused the investigation on the Home Office, Cabinet Office and Security Service<sup>1</sup>. A small amount of material relevant to the role of Her Majesty's Inspectorate of Constabulary (as it then was) and the involvement of other government departments in countering subversion is also being admitted into evidence. It is incidental to the disclosure of documents to the Inquiry by the Home Office, Cabinet Office and Security Service.
4. The Chairman has decided that it is not necessary to call any of the witnesses from whom witness statements have been obtained in relation to this part of the Inquiry's work. Consequently, it will be a paper exercise. We are publishing this opening statement to assist the Chairman, core participants and members of the public who are following the Inquiry. Core participants may make their own observations on the Tranche 1 era Module 2b & 2c ("M2b" & "M2c") evidence in their closing statements for Tranche 1.

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<sup>1</sup> For a full explanation of the Inquiry's different modules see the May 2018 Strategic Review at p.11, para.18: [20180510-strategic\\_review.pdf \(ucpi.org.uk\)](#)

## Module 2b and 2c Evidence Admitted to Date

5. Thus far, the investigation of the SDS in the Tranche 1 era has focused primarily upon the deployments of SDS undercover officers, covering those whose service in the SDS commenced between 1968 and 1982<sup>2</sup> and their managers within the unit. However, we were also able to obtain and admit into evidence some M2b & M2c evidence during the hearings to date. Such evidence has included documents and a witness statement from the Security Service; documents obtained from the Home Office; and evidence from former SDS personnel about matters relevant to M2b & M2c. All of this evidence will be taken into account.

## Module 2b and 2c Issues Lists

6. The issues for the Module 2b component of the Inquiry's investigation are set out in the [Preliminary Module 2\(b\) Issues List - Special Demonstration Squad \(ucpi.org.uk\)](https://ucpi.org.uk). Those for Module 2c were published in the [Module 2\(c\) Issues List for the Tranche 1 Era \(ucpi.org.uk\)](https://ucpi.org.uk)

## Tranche 1 Module 2b & 2c Disclosure Note

7. A [disclosure note](#) relating to the Tranche 1 M2b & M2c bundle ("the Bundle") accompanies this opening statement.

## Module 2b – Senior Police Managers

### *Witness Statements*

8. The approach that the Inquiry has taken during this part of its investigation has been for the Chairman to identify potential witnesses who might assist our work and to request evidence from them. In addition, the Metropolitan Police Service has identified additional witnesses and volunteered witness statements from them. Such witness statements have been considered by the Chairman who has decided to admit them into evidence.
9. Many senior police officers who served in the SDS's chain of command during the Tranche 1 era are no longer able to provide witness statements, either because they

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<sup>2</sup> Save that the investigation of the deployments of a number of former SDS undercover officers who met this definition have been put back to later tranches. The deployments of HN67 "Alan Bond", HN12 "Mike Hartley", HN20 "Tony Williams", HN85 "Roger Thorley", HN65 "John Kerry", HN19 "Malcolm Shearing" and HN83 will be dealt with in Tranche 2. HN86 will be asked to cover his deployment as a UCO when he provides evidence for Tranche 3 (he is an important T3 manager). HN337's deployment is being considered in Tranche 1 but on paper only and in closed. His managerial role will be considered later in the Inquiry.

are deceased or for some other reason. Consequently, the witness evidence obtained has been more limited than would otherwise have been the case. The chain of command is set out in graphical form in the Tranche 1 Timeline which can be found on the Inquiry's website at [Tranche 1 timeline - Undercover Policing Inquiry \(ucpi.org.uk\)](https://ucpi.org.uk)

10. As can be seen from the timeline, there is no surviving senior officer, who served in the SDS's chain of command, during the Tranche 1 era, at any rank above Chief Superintendent. All the former Commanders, Deputy Assistant Commissioners, Assistant Commissioner Crimes and Commissioners are now deceased. The earliest surviving Commander is Peter Phelan who falls into Tranche 2.
11. The following witness statements and associated documents are being admitted into evidence.
  - 11.1. **HN3093 Roy Creamer.** Mr Creamer has already provided the Inquiry with two witness statements and gave oral evidence at the Tranche 1 Phase 3 hearings. He has volunteered a third witness statement which relates mainly to the Metropolitan Police Service's A8 section and to his relevant service with Special Branch's C Squad<sup>3</sup>. A8's functions related to policing for the purposes of maintaining public order.
  - 11.2. **Anthony Speed** - Mr Speed has provided a witness statement which principally relates to his work for A8. He served as a Clerk Sergeant in A8 between 1970 and 1972. He was also the Metropolitan Police's liaison officer for Lord Scarman's inquiry into the disturbance at Red Lion Square<sup>4</sup>. In 1976 he was seconded to A8 to write the report for the Home Office following the Notting Hill riots. Subsequently, he was the Chief Inspector in A8 between 1977-1980, a period which included what became known as the "Battle of Lewisham" and the dispute at Grunwick's factory. As a Superintendent in 1981 he was the Force Liaison Officer to Lord Scarman's Inquiry into the Brixton riots. Finally, Mr Speed went on to hold positions

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<sup>3</sup> We note that in addition to Mr Creamer's statement and associated documents, Mr Speed's documents include a memorandum dated 27 July 1977, written by Mr Creamer, concerning the then forthcoming "Battle of Lewisham": MPS-0748210

<sup>4</sup> At MPS-0748205/37, para.79 of Mr Speed's witness statement, he states: "*I cannot remember Lord Scarman being made aware that undercover officers from the SDS or Special Branch attended the demonstrations at Red Lion Square. I would be surprised if he was not told*". We sought evidence on this issue in the light of Mark Ellison KC's finding that the Stephen Lawrence Inquiry was not made aware of the role of SDS undercover police officers: [The Stephen Lawrence Independent Review - Summary \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) at p.34/43, section 4.4.

which may be of some relevance to later tranches, including Commander (Territorial Operations) between September 1989 and September 1990; Assistant Commissioner responsible public order from 1994 and Chairman of ACPO's public order subcommittee from 1997 until retirement in February 1999.

- 11.3. **HN103 David Smith** – Mr Smith provided a witness statement and gave evidence at the Tranche 1 Phase 3 hearings relating to his role as an SDS office manager in the early 1970s. He has made a further witness statement in which he gives relevant evidence arising from his role as a C Squad manager, including liaising with A8, being on standby nearby to assist HN340 on an occasion when it was feared that the latter's cover might be compromised and the institution of a second SDS safe house.
  - 11.4. **John Cracknell** – Mr Cracknell has volunteered a witness statement relating to his service with A8 and in A District, insofar as it related to public order policing. He served as a Chief Inspector and Superintendent in A8 during the early 1970s. In this role he was a recipient of intelligence, reported by HN347 "Alex Sloan", relating to legal advice given to Ed Davoren of the INLSF<sup>5</sup>. He was later a Commander in A District in the late 1970s and early 1980s.
  - 11.5. **Sir Charles Pollard** – Sir Charles served as a Chief Inspector in A8 between November 1978 and September 1980. His voluntary witness statement and accompanying documents detail the operation of A8 during his time with that section, a period which included the Southall demonstration at which Blair Peach received fatal injuries.
12. A summary of Mr Speed's witness statement, which we consider to be the most significant, is at Annex A.

### *Module 2b Documents*

13. We are introducing into evidence a paper entitled "*Intelligence Gathering Problems for Major Demonstrations*" which we understand to be a written copy of a speech given by Commander Ferguson Smith to the ACPO Conference held on 26 September 1968<sup>6</sup>. The document explained the challenges, from Special Branch's perspective, of gathering intelligence about potentially violent demonstrations and summarised the approach that it was then taking to obtaining intelligence ahead of

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<sup>5</sup> Witness Statement, MPS-0748338 at para.28, read with MPS-0739487/1 & 2.

<sup>6</sup> DOC091. The date and speaker are confirmed in UCPI0000035304.

the October Demonstration. Of note are the wide range of potential sources used by Special Branch listed at paragraph 4 and Commander Smith's comments on the use of infiltration by undercover police officers at paragraph 4(e). He described them as of tremendous value but cautioned that officers needed to be carefully instructed not to get themselves elected to any office in an organisation or to take any active part in planning any operation which might bring the group into contact with the law. These cautions echo those of Chief Inspector Conrad Dixon but, as we have heard, particularly in relation to the taking of office, were not always followed in practice.

14. A second paper from that conference, Mr Thistlethwaite's, on behalf of the Security Service, emphasised the importance of accurately calibrating the policing requirement at demonstrations so as to minimise disorder<sup>7</sup>. He remarked upon the importance of intelligence to inform the policing response:

*"...Good intelligence translated by Special Branches into Police language not only alerts the Uniformed Police of disturbances ahead but enables them to provide sufficient police to protect but not excessive Police to provide the very provocation the opposition seeks. This delicate balance which we have so far been able to achieve has never even been sought on the Continent or in America. [A foreign official] needed a great deal of convincing by me that we were taking seriously the demonstration planned for 27 October because he had read in [a British newspaper] that there would be 6,000 police in the streets, a number he considered to be derisory."*

Assessing the validity of these observations and the contribution made to this task by SDS intelligence are matters which we submit need to be considered and should form a part of the assessment of whether or not the SDS's work was justified. In particular, even if SDS intelligence did assist to calibrate the police response to demonstrations, was that enough to justify the level of intrusion into the lives of those reported on?

15. We have received and are publishing the affidavit of the then Commissioner Sir David McNee produced for the purposes of legal proceedings immediately prior to the "Battle of Lewisham".<sup>8</sup> He explains why he anticipated being able to police the event and opposed banning the National Front. We are also publishing a report produced in the aftermath of the "Battle of Lewisham". It is dated 17 August 1977, four days after the event, and was written by DAC Bryan. It also makes no reference, express or implied, to the SDS. However, it discusses whether the police

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<sup>7</sup> UCPI0000035301, para.10

<sup>8</sup> MPS-0748487

could continue to use traditional methods of public order policing and concluded that the MPS must show itself capable and determined to end calculated violence on the streets<sup>9</sup>. In other words, it touches upon the same issue discussed immediately above: did SDS intelligence assist the police to avoid more draconian policing tactics at demonstrations and, if so, did this justify what the SDS did?

16. Further investigation by the Inquiry Legal Team in relation to the public disorder at Southall during which Blair Peach was fatally injured has led to the discovery of a Special Branch report dated 23 April 1979 (the date of the demonstration) containing an account of events on the day. There is no reference, express or implied, to the SDS in that report<sup>10</sup>.
17. We are publishing a series of documents, extracted from voluntary MPS disclosure, which relate and add detail to the evidence about some of the significant public order events during the Tranche 1 era. Some are SDS documents. Most are not<sup>11</sup>. They are accompanied by a selection of further documents which relate principally to liaison between the MPS, the Security Service and the Home Office<sup>12</sup>.

### Module 2c – Wider Government

#### *Home Office Witness Statements*

18. The Inquiry has been assisted by the Home Office in identifying potential witnesses who can give evidence relevant to Module 2c. The Inquiry has obtained four witness statements from surviving former Home Office officials which are included in the bundle. They are:
  - 18.1. **Sir Hayden Phillips** – Sir Hayden was the Home Secretary’s Principal Private Secretary between 1974 and 1977, at a time when the Home Office was approving aspects of the SDS’s spending on an annual basis. Between February 1979 and spring 1983 he worked in various posts which involved regular contact with Special Branch on various issues including policy on public order. He became involved in the attempt to review the Terms of Reference for Special Branch which had begun in 1978 and concluded, without progress, in 1980. He authorised funding for the SDS in 1981, 1982

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<sup>9</sup> MPS-0748340

<sup>10</sup> MPS-0748296

<sup>11</sup> MPS-0748322 to MPS-0748334 inclusive

<sup>12</sup> MPS-0748348, 0748352, 0735752, 0735758, 0735815, 0735760, 0735761, 0735762, 0735778, 0735788, 0735809 & 0748349

and 1983. Sir Hayden was the secretary to the Cabinet Office's committee on subversion in public life ("SPL") between 1979 and 1982.

- 18.2. **Roy Harrington** – Mr Harrington served as the Head of the Home Office's F4 Division in the Police Department between 1984 and 1987. According to the documents and Mr Harrington's witness statement, he was given sight of the SDS' 1983 annual report at a meeting with Commander Peter Phelan<sup>13</sup>. This is the earliest instance, in respect of which we have evidence, of a Home Office official being made privy to the contents of an SDS annual report. Mr Harrington also signed the confidential letter which accompanied the 1984 Home Office Guidance on the Work of a Special Branch which replaced the April 1970 Terms of Reference for a Special Branch<sup>14</sup>.
- 18.3. **Michael Rumble** – Mr Rumble worked in the F1 Division of the Home Office's Police Department between 1981 and 1986 as a Grade 7 and then a Grade 6 official. His duties primarily revolved around expenditure and accounts. He states that he knew of the existence of the SDS and, with delegated authority from Sir Hayden Phillips, signed the authority for the continuation of the unit for the financial year 1983-4<sup>15</sup>. However, he also states that his knowledge did not extend to the operation of MPSB or the SDS, or of any interaction between the SDS and the Home Office.
- 18.4. **Frederick Warne CB** – Mr Warne served in various posts relevant to the work of the Inquiry however his witness statement has confirmed that the dates of these postings are such that his relevant experience very largely postdates Tranche 1. Helpfully, he does explain in broad terms the relationship between the Home Office and the police<sup>16</sup>. He also gives evidence as to his understanding of the definition of subversion, responsibility for the definition and for the standards to be applied under it<sup>17</sup>.

19. Summaries of the contents of the witness statements and associated documents for Sir Hayden Phillips' and Mr Harrington are included in Annex A.

### *Home Office Documents*

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<sup>13</sup> MPS-0737347/9-10. At paragraph 60 of his witness statement Mr Harrington states that this was the only Annual Report he was ever shown.

<sup>14</sup> UCPI0000004459 (1970 Terms of Reference); and UCPI0000004538 (1984 Guidance)

<sup>15</sup> See especially paragraphs 24-36 of Mr Rumble's witness statement.

<sup>16</sup> See especially paragraphs 22-25.

<sup>17</sup> See especially paragraphs 46-55.

20. The Bundle contains 162 documents relating to the Home Office. 95 of these are new. The remainder were previously published in earlier phases of Tranche 1. We will not revisit here evidence adduced in earlier phases of Tranche 1, the principal elements of which include:
- 20.1. Documents relating to the 1967 review of the respective roles of Special Branch and the Security Service which concluded that they generally complemented rather than duplicated each other's work.
  - 20.2. Documents evidencing the Government's concern about the October Demonstration.
  - 20.3. Documents evidencing the Home Office's role in the continuation of the SDS throughout the Tranche 1 era.
  - 20.4. A document relating to HMIC's 1969 review of Special Branches.
  - 20.5. Home Office circular No. 97/1969 – Informants who take part in crime<sup>18</sup>.
  - 20.6. The 1970 Terms of Reference for a Special Branch and subsequent supplementary letters relating to industrial matters and schools.
  - 20.7. The concerns expressed to the Home Secretary by Members of Parliament about the work of Special Branch in 1974.
  - 20.8. The documents recording the setting up and work of the study group which considered the utility of the SDS in 1976.
  - 20.9. The documents evidencing the inconclusive review of the terms of reference for Special Branch and the definition of subversion between 1978 and 1980<sup>19</sup>.

### Threat Assessments

21. Included in the Home Office documents are threat assessments and associated documents relating to four events. The first event is a mass picket outside the Grunwick factory which occurred on 7 November 1977<sup>20</sup>. We are publishing a C Squad interim assessment dated 1 November 1977 which was sent to the Home Office. There is a further report dated 4 November 1977 and a post event report

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<sup>18</sup> MPS-0727104

<sup>19</sup> There are additional documents on this topic but they do not call for specific comment: UCPI0000035289 & UCPI0000035290

<sup>20</sup> UCPI0000035336

dated 7 November 1977<sup>21</sup>. Reporting relating to picketing outside the Grunwick factory was provided by SDS undercover officers but none that we have published appears to be specifically linked to the contents of the assessments sent to the Home Office by Special Branch.

22. The second event was a demonstration planned for 27 April 1980 by the Friends of Blair Peach Committee. The documents show that the Home Office requested an early assessment from Special Branch which was duly produced and sent not only to the Home Office but also to A8<sup>22</sup>. The report, dated 26 March 1980, concluded that there was a real risk of violence, notwithstanding that it acknowledged that there was no intention on the part of the organisations involved for there to be violence and that it would be counter-productive to their cause if there were to be violence. A8's preparatory paperwork provides a useful example and includes a police estimate that 2,000 demonstrators were likely to attend and not the 5,000 predicted by the organisers<sup>23</sup>. An updated Special Branch assessment, dated 23 April 1980, revised the police estimate upwards to 2,500-3,000<sup>24</sup>. We have published SDS reporting from this period relating to Blair Peach's death but it principally concerns the picketing of police stations on 23 April 1980<sup>25</sup>. Save that the SDS reporting which we have published included leaflets advertising the 27 April 1980 demonstration, it does not cover the demonstration itself.
23. The third event was a National Front demonstration planned for 31 August 1981. There is a Special Branch threat assessment discussing the National Front's plans and the intentions of their opponents, including groups reported on by the SDS<sup>26</sup>. It appears to have been usefully informed by intelligence provided by HN126 "Paul Gray"<sup>27</sup>.
24. The fourth event in relation to which we have obtained a threat assessment for a planned four-day blockade of RAF Upper Heyford which was at that time being used by the United States Air Force and the subject of anti-nuclear protests. This threat assessment appears to have been specifically requested by the Home Office<sup>28</sup>. The

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<sup>21</sup> UCPI0000035337 & UCPI0000035338 respectively

<sup>22</sup> MPS-0733126/1 (minute sheet evidencing the request); MPS-0733126/6 (report dated 26 March 1980); see also a contemporaneous newspaper report immediately following the demonstration, from *The Times*, DOC087.

<sup>23</sup> MPS-0733126/22

<sup>24</sup> MPS-0733126/29

<sup>25</sup> UCPI0000013888; UCPI0000013891; UCPI0000020094; MPS-0733406

<sup>26</sup> UCPI0000035302

<sup>27</sup> UCPI0000015541

<sup>28</sup> UCPI0000035157

assessment itself provides quite specific details of preparations for the blockade and relayed that 1,000 protesters were expected by the organisers from London. It also warned of inevitable public disorder, that organisers were expecting arrests and that they were organising Non-Violent Direct Action training sessions to be held in London<sup>29</sup>. We have recovered some SDS reporting from March 1983 which refers to this then upcoming event<sup>30</sup>. However, whether and to what extent it was taken into account by the threat assessor is unclear. We are publishing the threat assessment and related SDS reporting at this stage because the assessment is a relatively rare surviving example of such a document from this era. Both the report and relevant SDS reporting will be considered further, in context, in Tranche 2.

### The 1981 Brixton Riots

25. We have obtained two reports from Home Office records which were produced in the aftermath of the 1981 Brixton riots. The first was produced by Special Branch and is dated 16 April 1981. It states that: *“There is no indication from any source that any subversive group, black or white, deliberately started or planned the disturbances”*<sup>31</sup>. The second, produced by the Security Service, is dated 5 May 1981 and contains a similar conclusion. However, it adds that: *“The activities of black and white subversive groups in the area over the years must to some degree have contributed to the build up there of tension and antagonism, particularly against the police”*<sup>32</sup>. It is clear from an internal Home Office minute covering the report that the issue was of interest to the then Home Secretary, William Whitelaw<sup>33</sup>. An SDS undercover police officer did report on events in the immediate aftermath of the Brixton riots. In the period between the riots and 5 May 1981 three of HN106 “Barry Tompkins” reports refer to the riots<sup>34</sup>. These reports may have been taken into account by the Security Service in the production of their report, although the Security Service report contains much that is not in the SDS reports and only a little of what is in those reports.

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<sup>29</sup> UCPI0000035158

<sup>30</sup> UCPI0000018823 and UCPI0000018839

<sup>31</sup> UCPI0000035151/2

<sup>32</sup> UCPI0000035152/3

<sup>33</sup> UCPI0000035152/2; there is also evidence of ongoing interest in a series of documents dating from July 1981 which record communications between the Home Office and the Security Service. The latter were to consult with Special Branch on potential targets for intelligence gathering: UCPI0000035296-UCPI0000035300 inclusive.

<sup>34</sup> UCPI0000016611; UCPI0000015249; and UCPI0000015302

## The 1984 Home Office Guidance on the Work of a Special Branch

26. Perhaps the most important documents obtained from the Home Office that we are including in the Bundle concern the replacement of the 1970 “Terms of Reference for a Special Branch” with “Home Office Guidelines on the Work of a Special Branch” which were issued in 1984. The documents evidence a process of discussion and consultation which took place between March 1983 and December 1984<sup>35</sup>. The Home Office, Metropolitan Police Service, Security Service, Her Majesty’s Inspectorate of Constabulary and the Association of Chief Police Officers were all involved. The final draft was approved by the Home Secretary personally<sup>36</sup>.
27. The resurrection of scrutiny of the role of Special Branches, three years after the inconclusive discussions which took place between 1978 and 1980, appears to have occurred in the light of pressure from police authorities for Chief Constables to be more transparent about their Special Branches. It was given further impetus by Home Office concerns about MPS intelligence gathering relating to police monitoring groups<sup>37</sup>. We are including in the Bundle the Special Branch report which gave rise to those concerns and the associated minute sheets<sup>38</sup>. The latter record differing views within Special Branch about gathering intelligence of the kind included in the report. The reasons given for gathering intelligence were assisting with the defence of the MPS from criticism and policing public disorder<sup>39</sup>. The report itself covers, amongst others, elected politicians from the Labour Party. It includes sections on the Greater London Council’s Police Committee as well as police accountability groups (both local authority and unofficial) and other groups stated to be partially funded by the GLC. It lists Labour Councillors on the GLC<sup>40</sup>. Some of those mentioned in the document are core participants in this Inquiry.
28. The report helps to explain why it was felt within the Home Office that there was a need to revisit Special Branch’s terms of reference. Hayden Phillips, as he then was, is recorded in an official minute as having expressed “...our very serious concern at

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<sup>35</sup> Starting with UCPI0000004821 and culminating with the promulgation of the new guidance to Chief Constables (UCPI0000004584/1) and the Home Affairs Select Committee (UCPI0000004621/1).

<sup>36</sup> UCPI0000004539/1

<sup>37</sup> UCPI0000035095/1 read with UCPI0000035096/1, UCPI0000035096/2 and UCPI0000004821/1. See also UCPI0000004667, UCPI0000004658 (at para.3) and UCPI0000004455 for evidence of later ongoing pressure from the Merseyside Police Authority and the Association of Metropolitan Authorities’ Police Panel Working Party on Accountability. We note that the concerns were such that the Home Secretary’s personal approval was sought for the replies to the correspondence referred to in UCPI0000004455.

<sup>38</sup> MPS-0748355 (report); MPS-0748422 (minute sheets)

<sup>39</sup> We do not adopt the same distinction between information and intelligence that Commander Phelan does in the minute sheets (see further below).

<sup>40</sup> See Appendix A to the report

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*the breadth and tone of, and market for, that report” to Deputy Assistant Commissioner Colin Hewett<sup>41</sup>.*

29. The differing views of senior police officers recorded in the minute sheets illustrate where they each considered that the boundaries of Special Branch work should fall. DAC Hewett regarded the report as “*important*” and ensured circulation to the Commissioner, Home Office and Security Service, amongst others<sup>42</sup>. The Assistant Commissioner Crime considered it “*an excellent piece of work*”. Commander J Wilson wrote:

*“In the light of the Commissioner’s (and his senior officers’) need to be kept informed of future developments, the DAC and I have discussed the SB position about these monitoring groups. It is clear that the Branch, in conjunction with the Security Service, is the only department capable of pursuing further enquiries. It is obvious that these groups are interested only in our faults and that a power base is being built from which attacks on the police can be launched. In these circumstances it is right that our senior officers should be briefed in order that they can adequately respond to the criticism. These views were expressed by the Commissioner at his Conference with Commanders on 25<sup>th</sup> March last. There is also a very important public order aspect.”*

30. However, the mood later changed to some extent. For example, Commander Phelan wrote the following:

*“I recognise that A Department sees a need to set up a unit to assist in answering criticism of police; I agree with Chief Supt C that such a unit should not be in SB; I concede that the unit might obtain information which would be of interest to SB and that we might make use of the unit for our own purposes. Special Branch would of course pass to the unit any relevant material which was obtained from overt sources. However, I am quite convinced that the unit should restrict itself to gathering information from overt sources only. The gathering of covert intelligence should not be attempted and in any case such information could not be used in the way envisaged by A and P Departments.”* (Original emphasis)<sup>43</sup>.

31. DAC Hewett was persuaded, writing:

*“I agree with your reasoning here. The excellent “C” Squad paper at 1A set out the background of the monitoring (etc) groups as we saw them then, and we need to*

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<sup>41</sup> UCPI0000035096

<sup>42</sup> MPS-0748422 at p.3/12

<sup>43</sup> MPS-0748422 at p.9/12, para.12

*report any significant developments to the senior officers who need to know. However, this subject is fraught with problems and we must take care not to stray beyond the new guidelines for Special Branches.”<sup>44</sup>*

32. It is important to recognise that the report is not an SDS report, but we note that there is evidence of the SDS reporting on police monitoring and accountability groups. Some has been adduced in Tranche 1<sup>45</sup>. More is to come in later tranches. The fact of this report and the attitudes of senior police officers, which contrast so starkly with their Home Office colleagues, are relevant to the context in which the SDS reported on police accountability groups, justice campaigns involving the police and elected politicians. We will continue to explore this issue in future tranches.
33. Returning to the review of the 1970 Terms of Reference for a Special Branch, progress was slow initially and the balance of opinion seemed to favour keeping any revised guidance from the public. However, that changed in the light of a forthcoming Home Affairs Select Committee (HASC) investigation. Ultimately, it was decided to circulate guidance before the HASC heard evidence from ACPO and the Home Secretary. It was also decided to make the guidance public but with a confidential covering letter. Unlike the 1970 terms of reference, which were circulated by ACPO, the 1984 guidance was promulgated by the Home Office.
34. The 1984 guidance made clear that members of Special Branch were responsible to their chief officers, through the chain of command<sup>46</sup>. The significance of this being to make clear that Special Branches answered to their respective police forces and not to the Security Service. The guidelines stated that the work of Special Branch arises from a chief officer’s responsibility for the preservation of the Queen’s Peace<sup>47</sup>. The first specific role of Special Branch addressed in the guidance was the gathering of information about threats to public order<sup>48</sup>. The second was to assist the Security Service in its task of defending the Realm against, amongst other things, subversion<sup>49</sup>. Both the Maxwell-Fyfe definition of subversion and the Harris definition feature in the guidance. The former in the body of the text and the latter in the definitions section<sup>50</sup>.

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<sup>44</sup> Ibid. at p.9/12

<sup>45</sup> For example, the SDS Annual Report for 1981 lists the Campaign for Police Accountability in Camden as a group which was reported on.

<sup>46</sup> UCPI0000004538/1 at [2].

<sup>47</sup> Ibid. at [4]

<sup>48</sup> Ibid. at [5]

<sup>49</sup> Ibid. at [6]

<sup>50</sup> Ibid. at [6] and [20]

35. The confidential covering letter, signed by Mr Harrington, contains four important paragraphs about the provision of assistance by Special Branches to the Security Service. On the one hand the relevant passages contain much cautionary advice, including stating that it was not the function of Special Branch to investigate individuals or groups: *“merely because their policies are unpalatable, or because they are highly critical of the police, or because they want to transform the present system of police accountability”*. On the other hand, they make clear that both subversive and *potentially* subversive organisations or persons may be the subject of intelligence gathering and recording. They also make clear that legitimate and peaceful organisations could be targeted for investigation if their *“long term aims satisfy the [Harris] definition”*. Whether in fact a *potentially* subversive organisation or person meets the Harris definition or could be the legitimate target for undercover policing are important questions for the Inquiry. So too are whether the long-term aim of a legitimate and peaceful organisation could bring it within the Harris definition or justify it being the object of undercover policing. We also question what was written about industrial militancy because it focuses upon intent rather than the two *separate* elements of the Harris definition: intention and threat. The material paragraphs read as follows.

*“5. When a Special Branch is operating in support of the Security Service chief officers should attach importance to the need to consult that Service and to seek its advice as necessary. This is particularly important when collecting, processing and recording information about subversive or potentially subversive organisations or individuals. Under the definition of subversion given in the Guidelines (paragraph 20), an organisation currently operating within the law may nevertheless be subversive because its long term aims satisfy the definition and therefore be a proper subject of investigation. Senior officers must exercise strict control over the selection of targets for investigation when the current activities of an organisation are legitimate and peaceful. When intelligence is gathered on subversive organisations, very great care should always be taken not to give grounds for Special Branch enquiries being misrepresented as wrongful police interference in the exercise of civil and political liberties. This applies especially to coverage of demonstrations and protest marches, which will often provide an opportunity for the collection of information about subversive elements in a particular organisation.*

*“6. Special Branch investigations into subversive activities in particularly sensitive fields, for example in educational establishments, in Trade Unions, in industry and among racial minorities, must be conducted with particular care so as to avoid any suggestion that Special Branches are investigating matters involving the legitimate expression of views. Enquiries into subversive activities in these fields which may*

*be necessary to meet the requirements of the Security Service should be initiated only after consultation with the Security Service.*

*“7. Care should also be taken to ensure that investigations in relation to industrial disputes are not misrepresented as being aimed at the penetration of trade unions rather than the investigation of subversive groups which may be active in disputes or for public order purposes. Subversion should not be confused with industrial militancy. Industrial militancy is the use or threatened use of strikes sit-ins or other disruptive action in the furtherance of industrial disputes, and an unwillingness to seek or accept compromise solutions through negotiations, conciliation or arbitration. The actions of industrial militants only become subversive when their intent is to threaten the safety and well-being of the State and to undermine or overthrow Parliamentary democracy.”*

*“8. It is not the function of the force Special Branch to investigate individuals and groups merely because their policies are unpalatable, or because they are highly critical of the police, or because they want to transform the present system of police accountability.” (Emphasis added).<sup>51</sup>*

36. The timing of the release of the guidance was the subject of much tactical discussion which is recorded in the papers. Publication appears unlikely to have occurred but for the HASC investigation. It is also very clear from the surviving documents that the contents of the confidential covering letter about potentially subversive organisations and intelligence gathering by police, in relation to those who were law abiding, were recognised as highly controversial: they were likely to provoke an adverse reaction in some quarters if publicised. One of the concerns of the Working Party of the Police Panel of the Association of Metropolitan Authorities on Accountability was that:

*“...instances were quoted where the Special Branch had appeared to involve itself, under (iii) above, in activities of certain “pressure” groups (political and non-political), which on the face of it appeared not to cause any threat to the security of the State”<sup>52</sup>.*

37. The Chief Constable of Humberside specifically raised the issue of potentially subversive organisations and persons during internal discussions in terms which supported collecting, processing and recording information about them<sup>53</sup>. Mr Harrington subsequently wrote:

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<sup>51</sup> UCPI0000004584 at paragraphs 5-8.

<sup>52</sup> UCPI0000004455/5

<sup>53</sup> UCPI0000004637/1

*“...David Hall, who makes the valid point that Special Branches need to study not just existing known subversive groups, but also potentially subversive groups which may develop into new subversive organisations. I doubt however whether it would be wise to draw this out specifically in the Guidelines, which it looks increasingly likely will be made public. I believe that the existing reference in paragraph 6 to “defending the Realm ...from the actions of persons or organisations ...which may be judged to be subversive to the State” is wide enough to cover those who it is reasonably believed may become subversive in the future, even if not at present engaged in subversion”. (Emphasis added)<sup>54</sup>*

38. Although the covering letter was confidential, in 1988, the Rt Hon. Douglas Hurd told Parliament that lawful activity fell within the definition of subversion:

*“It is not sensible to define subversion only in terms of those who breach the criminal law. We must be able to know the plans and intentions of those who abuse the freedom that we provide under the law to infiltrate our institutions and structures. Under the definition, however, the Security Service can take an interest only in people who have a deliberate purpose and intent to undermine parliamentary democracy and who also represent a real threat to the security of the nation.”<sup>55</sup>*

### Responsibility for Defining Subversion, Standards to be Applied Under that Definition and the Application of the Definition

39. Documents sent between the Home Office and HMIC evidence discussion about who was responsible for defining subversion, setting standards to be applied under the definition and applying the definition to specific cases<sup>56</sup>. Both the Home Office and HMIC agreed that a chief officer may decline to provide assistance to the Security Service if what is requested is not considered to come within their responsibilities for law and order and the preservation of the Queen’s Peace. HMCIC expressed the view that:

*“Put another way, everything a Special Branch officer does is within his duties and functions as a constable and under the direction of the Chief Constable as envisaged by the latter’s tortious responsibility. Any Security Service involvement does not affect this basic constitutional principle”.*

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<sup>54</sup> UCPI0000004542/1

<sup>55</sup> UCPI00000034269

<sup>56</sup> UCPI00000035089, UCPI00000035088 and UCPI00000035086

40. The Home Office saw a role for the Security Service in helping “to avoid *Maverick interpretations of the definition [of subversion] by individual police officers*”. F4 Division summarised the division of responsibilities in the following terms:

*“Perhaps the key to all this is the definition and the standards to be applied under it are a matter for the Home Secretary, and for the Security Service with the responsibility that their directive gives them for subversion. But that the application of the definition to particular cases is and must remain a matter for the chief constables”.* (Original emphasis).

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41. Amidst the correspondence about the terms of reference is an internal proposal, within HMIC, to make periodic special reviews of Special Branch operations<sup>57</sup>. In doing so, the proposal refers to previous work, which we assume to be the 1969 HMIC review of Special Branch work, for which we have some evidence<sup>58</sup>. We have not found evidence that HMIC inspected, or was even aware of, the SDS within the Tranche 1 era. That raises the question of what role HMIC (now HMICFRS) should have in relation to undercover policing, an issue to which we shall return in later tranches.

### *Cabinet Office Documents*

42. The Bundle contains documents emanating from Cabinet Office records found both at the National Archives and at the Cabinet Office. Those deemed necessary demonstrate that at the top of Government there was, at times, a considerable interest in and concern about subversion<sup>59</sup>. They record an appetite for more and

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<sup>57</sup> UCPI0000004666/1 (last paragraph on the first page)

<sup>58</sup> UCPI0000035105; see also UCPI0000035108 for a reference to HMIC periodic inspections

<sup>59</sup> For example, the Official Committee on Subversion at Home was established by direction of the then Prime Minister, Sir Edward Heath (UCPI0000035225). When the interdepartmental group to study subversion in public life was created, he was recorded as attaching particular importance to Ministers receiving comprehensive reviews of the position at regular intervals and not merely when some critical situation had developed (UCPI0000035269). Marginal notes to the Security Service’s report entitled “*Subversion in the UK – 1972*”, which appear to be those of Sir Burke Trend, disagree with the Security Service’s sanguine assessment of the number and potency of subversives in the country (UCPI0000035255/5). See also UCPI0000035251. Margaret Thatcher is recorded as having been very interested to read the Security Service’s report on exploitation by subversive groups of 1981’s civil disturbances (UCPI0000035276).

continuous intelligence about subversion, complemented by a desire to take active steps to counter subversion<sup>60</sup>.

43. The Cabinet Office records evidence a plethora of different committees which considered aspects of subversion, with varying terms of reference and membership. Some were extant before Tranche 1 and it is certainly the case that the monitoring of those judged to be subversive long predated the Tranche 1 era. Other committees were created, or renamed, during the Tranche 1 era. Some were suspended upon the change of Government in 1974 but subsequently resurrected in 1976<sup>61</sup>. Annex C to these submissions records the salient details of the main committees referred to in the documents. Annex B lists some of the key personalities found in both the Home Office and Cabinet Office documents that we are publishing.
44. The most senior committee was the Committee of Ministers, formed in 1972, which was chaired by the Prime Minister personally<sup>62</sup>. Others, notably the Official Committee on Subversion at Home (“SH”) and the Interdepartmental Group under the Chairmanship of Mr James Waddell to Study Subversion in Public Life (“SPL”) comprised of very senior officials. A feature of the committees which considered subversion was that they were secret<sup>63</sup>. There was clear recognition that their exposure could cause political damage<sup>64</sup>. The actions taken to combat subversion were also secret. As proposed in one 1972 minute to Prime Minister Sir Edward

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<sup>60</sup> See, for example, UCPI0000035261/7 *“It is this new activity about which the modern state must obtain as much information as possible”*; UCPI0000035261/11 *“Methods could be employed to supply the Government continuously with advance information of plans, the fore-knowledge of which could be of great importance”*; and the terms of reference of the Official Committee on Subversion at Home which included the co-ordination of countermeasures (UCPI0000035225/1). See also UCPI0000035255 per Cabinet Secretary Sir Burke Trend about a proposed Committee of Ministers chaired by the Prime Minister in April 1972: *“I suspect that its outcome would be general agreement that (a) we should know more and (b) we should do more about subversion”* (original emphasis).

<sup>61</sup> The Subversion in Public Life and Industrial Assessment Groups were both suspended in 1974 upon the change of Government (UCPI0000035259). The SPL was resurrected in 1976 (UCPI0000035243).

<sup>62</sup> UCPI0000035279/2

<sup>63</sup> UCPI0000035279/2 at (a) and (b) in relation to the Committee of Ministers chaired by the Prime Minister and the Dean Committee. UCPI0000035269 in relation to the SPL: *“I need not add that both the existence and the work of this group should be regarded as entirely secret ...”*. See also UCPI0000035263/1. UCPI0000035242/2 at paragraph 1 in relation to briefings of the Industrial Research Department being unattributable publicly to an official source.

<sup>64</sup> By memorandum dated 6 February 1973, Sir Burke Trend, Cabinet Secretary, in the context of the recent establishment of the Dean Committee and the SPL, advised the Prime Minister that: *“Ministers should be warned of the importance of maintaining secrecy about this enterprise. Very great political damage indeed could be done if it became known that the Government maintained an organisation which could easily be misrepresented as “spying” on good, honest trade unionists and others who claim to defend the liberty of the subject!”* UCPI0000035264/1.

Heath counter subversion was intended to be as: “...*pervasive, oblique and “unattributable” as the influences which it is seeking to combat*”<sup>65</sup>.

45. Of particular significance for the purposes of the Inquiry is the fact that some of those who sat on these committees knew of the existence of the SDS, albeit there is no explicit mention of the SDS in the Cabinet Office documents. The evidence obtained indicates that at least the following Home Office officials who appear in the Bundle knew about the existence of the SDS: Mr (later Sir) James Waddell<sup>66</sup>, Deputy Under-Secretary of State from 1966-1975; Sir Robert Armstrong<sup>67</sup>, Permanent Under-Secretary of State and later Head of the Home Civil Service; Robert Andrew<sup>68</sup>, Deputy Under-Secretary of State; David Heaton<sup>69</sup>, Assistant Under Secretary of State; Mr (later Sir) Hayden Phillips, Head of F4 Division, later Under-Secretary of the Home Office Police Department<sup>70</sup>; and A. S. Baker<sup>71</sup>. Similarly, at least the following Security Service personnel who attended some of these committees were aware of the SDS: Richard (Dick) Thistlethwaite<sup>72</sup>; Derek A Hamblen<sup>73</sup>, and John Jones<sup>74</sup>.
46. More generally, the fact that the Security Service worked closely with police to monitor groups judged to be subversive was known to senior officials and politicians<sup>75</sup>.

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<sup>65</sup> UCPI0000035253/2 at (b)

<sup>66</sup> MPS-0728973 (earliest evidence of knowledge dates from 1968)

<sup>67</sup> MPS-0730742 (earliest evidence of knowledge dates from 1976)

<sup>68</sup> MPS-0730689 (earliest evidence of knowledge dates from 1977)

<sup>69</sup> MPS-0730688 (earliest evidence of knowledge dates from 1978)

<sup>70</sup> MPS-0731862 (earliest evidence of knowledge dates from 1981)

<sup>71</sup> MPS-0724156 (earliest evidence of knowledge dates from 1974). Mr Baker's exact job title is not known, however, he is believed to be a senior individual in the Home Office.

<sup>72</sup> Mr Thistlethwaite's name was redacted from documents earlier in the Inquiry but has now been agreed open by the Security Service. His name appears under the redactions in circumstances which show that he was aware of the SDS, for example at MPS-0730219/2 (earliest evidence of knowledge dates from 1968).

<sup>73</sup> Mr Hamblen's name was redacted from documents earlier in the Inquiry but has now been agreed open by the Security Service. His name appears under the redactions in circumstances which show that he was aware of the SDS, for example at UCPI0000030045, MPS-0735786/1, MPS0735787, MPS-0735788 (earliest evidence of knowledge dates from 1968).

<sup>74</sup> Mr Jones' name was redacted from documents earlier in the Inquiry but has now been agreed open by the Security Service. His name appears under the redactions in circumstances which show that he was aware of the SDS, for example at MPS-0729093/4, MPS-0735752 (earliest evidence of knowledge dates from 1973).

<sup>75</sup> UCPI0000035230/2 (Minutes of SH Committee's meeting dated 31 January 1969, second paragraph: “*In general, intelligence coverage of subversive groups would at least be maintained, and the close cooperation of the Security Service with both the police and West European security services would continue*”). This committee was chaired by Sir Burke Trend, the Cabinet Office Secretary. See also UCPI0000035255/15 at [29]

## UNDERCOVER POLICING INQUIRY

47. The earlier documents corroborate the evidence admitted in previous phases of the Inquiry to the effect that there was considerable attention given by the Government to the October Demonstration during the months which led up to it<sup>76</sup>. We note the view recorded in the minutes of the meeting of the Official Committee on Communism (Home) Working Group on Counter Measures, held on 15 August 1968, that: *“It would not be practicable to prevent the demonstration taking place. The object should be to allow it to be a demonstrable failure, by encouraging the process of disruption among the organisers and thus minimising its chances of success”*<sup>77</sup>. The evidence adduced in Tranche 1 Phase 1 hearings does not accord with this aspiration. It included SDS reporting on the internal divisions within the VSC but it did not include evidence that SDS undercover police officers had actively promoted such divisions.
48. The Cabinet Office records corroborate the opinion expressed in the press, after the October Demonstration, to the effect that timely and sufficient intelligence enabled the police to restrict themselves to ordinary policing methods when policing demonstrations<sup>78</sup>.
49. Of note is the following passage in the minutes of the SH Committee’s meeting held on 31 January 1969 which might be a cryptic reference to A8 and/or the SDS:
- “On the whole demonstration front, there was no reason for complacency, and the defensive arrangements made last year should continue at least until the summer”* (Emphasis added)<sup>79</sup>.
50. The theory that the above quotation is a reference to the SDS is lent credibility by the fact that the meeting in question was attended by, amongst others, James Waddell

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<sup>76</sup> UCPI0000035234 (Security Service note entitled “*Subversive Influences on Student Protest*” commissioned by the Anti-Communist Committee (Home)) and UCPI0000035232 & UCPI0000035233 (Minutes of the meetings of the Official Committee on Communism (Home) Working Group on Countermeasures held on 24 July 1968 and 15 August 1968).

<sup>77</sup> UCPI0000035233/2 at (b)

<sup>78</sup> UCPI0000035229 at paragraph 6 (Security Service report on Subversion in the United Kingdom, January 1969). See also MPS-0746713 from the Daily Express 29 September 1968, and UCPI0000035228/2, a Security Service Note dated 5 March 1970, in which the author opines that the October Demonstration was a failure.

<sup>79</sup> UCPI0000035230 at sub-paragraph (b).

## UNDERCOVER POLICING INQUIRY

(Home Office) and R Thistlethwaite (Security Service). Both knew of the existence of the SDS<sup>80</sup>.

51. The Bundle contains reports which were variously provided to, commissioned and/or approved by the committees. Many were produced by the Security Service. None refers expressly to the SDS, but several of these reports either cover topics which were the subject of SDS reports provided by the SDS to the Security Service or, in a couple of instances, may be linked with specific intelligence reports adduced into evidence in previous phases.
52. For example, a comparison of the minutes of the SH Committee's meeting held on 11 March 1970, and two briefing notes, each dated 10 March 1970, with the contents of HN135 Mike Ferguson's report dated 9 March 1970, arising from his attendance at the Stop the Seventy Tour's first National Conference held on 7 March 1970, suggest that there might be a link<sup>81</sup>. Unlike other Special Branch officers who had attended and reported on the conference, DS Ferguson appears by virtue of operating undercover to have been able to attend the closed afternoon discussions at which specific plans were discussed and report upon them<sup>82</sup>. The national conference and an outline of the STST's plans are referred to in the Security Service's brief dated 10 March 1970 found by the Inquiry Legal Team at The National Archive and are included in the minutes of the SH Committee's meeting held on 11 March 1970. The brief does not fully correspond with DS Ferguson's report and it is not clear whether his report would have reached the Security Service quickly enough to have informed the brief<sup>83</sup>. Whether or not DS Ferguson's report informed the SH's discussions on

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<sup>80</sup> For example, MPS-0728973/1 & MPS-0728970/7 (Waddell); Mr Thistlethwaite's name was redacted from documents earlier in the Inquiry but has now been avowed by the Security Service. His name appears under the redactions in circumstances which show that he was aware of the SDS, for example at MPS-0730219/2.

<sup>81</sup> UCPI0000035275, Note dated 10 March 1970 from the Secretary to the SH Committee preparatory to its meeting on 11 March 1970 which states: "*Sir Burke Trend may like to ask the Home Office and the Security Service for an up-to-date report on the cricket tour prospects and the development of measures to contain demonstrations*". UCPI0000035275/2, Security Service brief on the Stop the Seventy Tour Committee dated 10 March 1970 which summarises "*...preliminary reports of this meeting...*". UCPI0000035226, Minutes of the SH Committee's meeting on 11 March 1970 which cover the STST at internal page 1 in terms consistent with the Security Service's brief and concludes: "*...The Security Service would keep in close touch with the Home Office in order to advise on the deployment of police resources at demonstrations*".

<sup>82</sup> Compare the report authored by Sergeant Phelan (MPS-0736190) which records his and DC Docker's attendance at the conference with DS Ferguson's report (UCPI0000008660). The former records that Docker and Phelan were unable to attend the closed afternoon session (see the last two paragraphs of MPS-0736190/3). The latter reports on the whole day including (from paragraph 9) on the closed afternoon session.

<sup>83</sup> The Inquiry obtained the report from the Security Service which proves that it did receive the report at some point.

11 March 1970, it is absolutely clear that the SDS was reporting on issues in which a keen interest was being taken by senior officials from different parts of government. Some of whom (in this case Waddell and Thistlethwaite) knew of the existence of the SDS.

53. There is evidence that an interest was being taken in both the Black Power movement and its interplay with the far left<sup>84</sup>: see the 1969 unattributed report entitled "*Black Power: A Survey*"; the references to Trotskyist attitudes to Black Power movement in the unattributed 1970 report entitled "*The Extreme Left in Britain*"; and a section entitled "*Racial Issues*" in the Security Service's 1976 report entitled "*The Threat of Subversion to the UK April 1976*". The latter considered "...the exploitation of racial issues by extreme Left (including Black Power) organisations ...". Their content does not appear to us to derive from SDS reporting but a clear SDS interest in Black Power was evidenced in the Tranche 1 Phase 1 documents. This included the 1971 deployment of HN345 "Peter Fredericks" who reported on Black Power<sup>85</sup>.
54. In 1982 Margaret Thatcher is described as having been "*very interested to read the report by the Security Service on the exploitation by subversive groups of last year's civil disturbances...*"<sup>86</sup> We know from the evidence received in Tranche 1 Phase 2 that the SDS reported on the activities of a number of groups in the aftermath of the Brixton riots of 1981 and that such reporting was sent to the Security Service<sup>87</sup>.
55. More generally, many of the extreme left-wing groups infiltrated by the SDS feature in reports found in Cabinet Office records<sup>88</sup>. However, those reports also frequently cover groups which were not the subject of infiltration by the SDS, particularly the Communist Party of Great Britain.
56. The records suggest that subversion in industry was the principal concern of Government. There was a wish to "...close the gap between knowledge about subversion and action to counter it"<sup>89</sup>. In this connection there are references within the documents to IRIS Ltd. and the Economic League. It seems from the documents that government was aware of these entities, used them to further its agenda,

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<sup>84</sup> UCPI0000035231 (*Black Power: A Survey*); UCPI0000035252 (*The Extreme Left in Britain*); and UCPI0000035247/16 at [37] (*The Threat of Subversion to the UK April 1976*)

<sup>85</sup> MPS-0741109 Witness statement of HN345 "Peter Fredericks" paragraph 66.

<sup>86</sup> UCPI0000035276/1; UCPI0000035276/2. The Inquiry believes that the report referred to is UCPI0000035300 (with appendices at UCPI0000035299).

<sup>87</sup> See paragraph 25, above: UCPI0000016611; UCPI0000015249; and UCPI0000015302.

<sup>88</sup> For example, see the 1974 report on the Ultra Left Wing in the UK at UCPI0000007905 which includes reference and analysis to groups some of which were infiltrated by the SDS.

<sup>89</sup> UCPI0000035278 at paragraph 6.

encouraged their activities and considered them useful. In a memorandum about counter-subversion, dated 27 May 1971, it was stated that: “[*The SH Committee and the Home Regional Meeting*] keep the subversive situation under constant review and have a record of some success, especially in the publicity field and, *via IRIS Ltd., in certain key trade union elections. This is useful support activity which should be both continued and encouraged.*” (Emphasis added)<sup>90</sup>. In July 1972, the Dean Committee specifically invited Mr Maitland (10 Downing Street)<sup>91</sup> to arrange for the Prime Minister’s office to convey to two industrialists: “...*the suggestion that, after considering precisely which elements of industry they wished to exert influence, they should seek the help of the Economic League or Industrial Research and Information Service Limited (IRIS)*”<sup>92</sup>.

57. There is nothing in the Cabinet Office documents to link any specific piece of SDS intelligence to anything leaked to IRIS Ltd. or the Economic League, although the leakage of information to counter subversion was clearly practised as a deliberate tactic<sup>93</sup>. Rather, it appears to us that it is the attitude to those organisations, evidenced in the above documents, which is of relevance. We suggest that this evidence falls to be considered with that admitted earlier in our proceedings which indicated that leaks from Special Branch to industry, whilst formally prohibited, were regarded as likely to occur in practice<sup>94</sup>. The evidential picture is therefore that SDS officers reported the political activities of members and supporters of extreme left-wing organisations. These details were filed on Special Branch records. It cannot be ruled out that such intelligence was later leaked, contrary to formal procedure, to organisations which would have used them to inform industry of potential troublemakers<sup>95</sup>. The operations of such organisations, but not the leaking of information to them by police officers, are expressly condoned and encouraged in Cabinet Office records.

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<sup>90</sup> UCPI0000035277/2. See also UCPI0000035278 at paragraph 2.

<sup>91</sup> UCPI0000035250

<sup>92</sup> UCPI0000035279/5. In a similar vein, see UCPI0000035279/7 at paragraph 4 but note the appropriate qualifications at subparagraphs (a) and (b) to the effect that official information could not be made available merely to protect private industrial interests.

<sup>93</sup> For example UCPI0000035277/3 Note on Counter Subversion, 27 May 1971: “[*The proposed Co-ordinating Group*] would analyse the problem as a whole and study the range of possible counter-subversion measures, *including the dissemination and leakage of information at present practised...*” (emphasis added). See also UCPI0000035264/2 at [6] where the tension between leaks and the protection of the Security Service’s sources is discussed.

<sup>94</sup> UCPI0000004545, discussed at para. 141 of CTI’s T1P3 opening

<sup>95</sup> See UCPI0000034699 and para.141 of our Opening Statement for the Tranche 1 Phase 3 Hearings [Counsel to the Inquiry’s Opening Statement for the Tranche 1 Phase 3 Hearings \(ucpi.org.uk\)](https://ucpi.org.uk)

58. The focus on subversion in industry was not to the exclusion of all else and the documents record concerns about subversion in other areas of public life. The remit of almost all the committees referred to in the Bundle was wider than just industry. In the case of the SPL, the words “*particularly in industry*” were consciously deleted in the revised terms of reference which were adopted in 1976 when that committee was revived<sup>96</sup>. There are, amongst others, reports in the Cabinet Office records covering the wider activities of Trotskyists<sup>97</sup>, Maoists and Anarchists<sup>98</sup>, followers of Chinese Communism<sup>99</sup>, those campaigning against Apartheid<sup>100</sup>, Black Power and others campaigning on racial issues<sup>101</sup>. All of these were either infiltrated or reported on by the SDS. In relation to any given field, where the report has emanated from the Security Service, after the SDS began reporting on the field in question, it seems reasonable to infer that the author/s may have relied at least in part upon files containing SDS reporting<sup>102</sup>.
59. Some of the concerns which seem to have led to the Security Service’s 16 December 1975 letter to Chief Constables on Subversive Activities in Schools<sup>103</sup> feature in the reports in the Bundle<sup>104</sup> both before and after the date of the letter. There is, however, nothing in the documents which specifically indicates any knowledge within the Cabinet Office that the SDS was reporting on children.
60. The fact that the Security Service took care to record individual membership or sympathy with subversive groups was expressly communicated to both the Home Office and the Cabinet Office<sup>105</sup>. However, there is no written evidence that these parts of government knew specifically that SDS reporting was being used for this purpose during the Tranche 1 era.
61. Of background relevance for our Tranche 2 investigation, in which we will be examining the SDS’ infiltration of the Campaign for Nuclear Disarmament, is the fact

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<sup>96</sup> UCPI0000035245 & UCPI0000035243

<sup>97</sup> UCPI0000035236/7 at [21] being the first of many examples

<sup>98</sup> UCPI0000035228/3 at [4]

<sup>99</sup> For example UCPI0000035236/5,6 & 7 at [15 onwards];

<sup>100</sup> UCPI0000035228/2

<sup>101</sup> For example UCPI0000035235/7

<sup>102</sup> All of the reports footnoted in this paragraph did emanate from the Security Service.

<sup>103</sup> UCPI0000034698

<sup>104</sup> UCPI0000035230/3, SH Committee minutes of 31 January 1969 meeting, at subparagraph (c): “...A disturbing new feature was the increased interest by the Trotskyists and the pro-Chinese communists in secondary school children, and the report that Granada TV had paid the expenses of some delegates to a national conference of sixth form pupils...” See also UCPI0000035247, Security Service report entitled The Threat of Subversion to the UK, April 1976, at paragraph 31.

<sup>105</sup> UCPI0000035267

that in 1968 the Foreign Office advised the Prime Minister that its English Section had: *“since 1959 ... had frequent occasion to explain that the Campaign against Nuclear Disarmament is not, and never has been, a Communist front organisation”*<sup>106</sup>.

62. There is evidence within the Cabinet Office records relevant to how subversion was defined both formally and in practice. It is consistent with the Home Office documents on the same issue already discussed above. The formal position prior to and at the start of the Tranche 1 era was that set out in the Security Service’s 1952 General Directive. Namely, it was for the Security Service to judge what was subversive of the security of the State<sup>107</sup>. Lord Denning, when inquiring into the Profumo Scandal, had used a definition of subversion which focused upon an intention to overthrow Parliamentary democracy by unlawful means: *“(The operations of the Security Services) are not to be used so as to pry into any man’s conduct, or business affairs; or even into his political opinions, except in so far as they are subversive, that is, they contemplate the overthrow of the Government by unlawful means”* (emphasis added)<sup>108</sup>. However, the Inquiry’s understanding is that this definition was never adopted by the Security Service.
63. In practice both subversive and potentially subversive persons and groups seem to have been the subject of counter subversive activity. Moreover, subversion appears in fact to have been judged according to the intentions of persons or groups in question. There does not seem to have been a de facto change in who was regarded as subversive when the Harris definition was introduced: a definition which was acknowledged in Parliament as requiring not only that a person or group have the requisite intention but also to threaten the safety or wellbeing of the State.
64. There are references to the definition of subversion in the Cabinet Office records, pre-Harris, which specifically focus upon motive. A record of a Counter-Subversion (Home) meeting chaired by Sir Burke Trend in 1971 states: *“Subversive people and organisations were considered to be those who did not believe in evolutionary parliamentary government but preferred to work towards a revolutionary situation and a revolutionary moment at which the traditional rulers would be unable to govern and the governed would be in a position to overthrow them”*<sup>109</sup>.
65. In April 1972 Sir Burke Trend sent the Prime Minister, Sir Edward Heath, a minute about subversion which, we suggest, elided motive and threat whilst focusing on the

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<sup>106</sup> UCPI0000035238/6 (end of paragraph 6)

<sup>107</sup> UCPI0000035253/4 at [2]

<sup>108</sup> UCPI0000035261/8 at [3]

<sup>109</sup> UCPI0000035278 See also UCPI0000035250

distinction between conscious and organised activity on the one hand and an unconscious, disorganised threat<sup>110</sup>. Sir Burke appears to have felt that it was the latter situation which was then confronting the country. The same minute also touched upon another theme to which we will return further below, namely the tension between the limits of the Security Service's remit and what Government wanted from it:

*"The Charter implies certain limits to the assistance which the Security Service can provide in dealing with the problem with which we are concerned. The Home Secretary will probably seek an opportunity to make these limits clear to his colleagues. Even so, it is for consideration whether, without infringing them, MI5 could perhaps adopt a rather more "aggressive" attitude in this field; and it is possible to detect between the lines of their memorandum that they would not be wholly averse from an invitation to do so".*

66. The Harris definition is set out in a report approved by the SPL, dated October 1972 and entitled *"The Impact of Subversive Groups on Trade Union Activity"*<sup>111</sup>.
67. In December 1972, Sir Burke Trend wrote a minute to Robert Armstrong about industrial intelligence. The minute noted that the Security Service's remit was limited to maintaining the system of Parliamentary democracy and prohibited it from dealing with mere industrial militancy. However, Sir Burke expressed the view that there was a grey area between the two and noted that the newly appointed Head of the Security Service would exercise his judgment in this area in favour of the interests of the Government. In these circumstances Sir Burke Trend advised against any attempt to amend the terms of the Security Service's Charter. He was reinforced in his view by a Note on Subversion sent by Lord Rothschild to the Prime Minister which is also in the Bundle. The terms in which Sir Burke expressed himself demonstrate that he clearly understood that this was highly sensitive ground. They appear to us to have a conspiratorial flavour:

*"More important is the fact that the essential terms of the charter are public knowledge (having been disclosed practically in full in the Denning Report on the Profumo case); and that they have been formally approved, without alteration, by successive Prime Ministers at the outset of each Government's terms of office for a good many years. To amend them, therefore, would be a matter of considerable political significance; indeed, we doubt whether it would be either proper or possible to do so without consultation with the Opposition and, probably, some kind of public*

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<sup>110</sup> UCPI0000035253/1

<sup>111</sup> UCPI0000035263/3 at [5]

*statement. One hesitates before the prospect of the probable consequences. On balance, therefore, we suggest that they should remain as they are but that the Director General of the Security Service should be advised that they are to be interpreted as to do full justice to the real objects of the Government's concern".*<sup>112</sup>

68. The Security Service's response to Lord Rothschild's note is dated 12 January 1973. It recites the Harris definition but makes clear that the Service did not interpret its Charter "*in a legalistic manner*". It also makes clear that the Service was doing all that it could to improve coverage of the New Left: "*At present we are very conscious that there is an area of subversive activity on which it is difficult to fasten precisely, e.g. the activities of some of the New Left groupings. We shall be doing all we can to improve our coverage in this area*"<sup>113</sup>.
69. The reports in the Cabinet Office records describe the groups infiltrated by the SDS in terms which add to the evidence admitted in previous phases which calls into question whether those groups in fact met the Harris definition of subversion. Parliament was informed that: "*The definition is such that both limbs must apply before an activity can properly be regarded as subversive*"<sup>114</sup>. Less than a year before the formation of the SDS the subversive threat was assessed by the Security Service in 1967 as diminishing and more diffuse than it had been<sup>115</sup>. By the spring of 1968, the Service's assessment focused upon the outbreak of protest demonstrations, some of them violent, which had since occurred and especially the role of the Vietnam Solidarity Campaign and the Radical Student Alliance. However, it cautioned that the demonstrations needed to be put into "*the right perspective*" because the organisers were aware of the dangers of alienating public opinion as a result of the violent activities of an extremist minority<sup>116</sup>. Although other concerns were ventilated, including the explosive mix of far left and far right activism, the impression created does not appear to be of a substantial threat to the safety or wellbeing of the State arising from the Extreme Left Wing.
70. The Security Service's January 1969 report entitled "*Subversion in the UK*" was dismissive of Trotskyist groups as a revolutionary force when considering the impact of the mass demonstrations which they had organised:

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<sup>112</sup> UCPI0000035261 (see especially pages 3 & 4). Lord Rothschild's note starts at UCPI0000035261/8. Its circulation to the Prime Minister is evidenced at UCPI0000035261/6

<sup>113</sup> UCPI0000035267

<sup>114</sup> UCPI0000034265 (Lord Harris - 1975); UCPI0000004431/6-7 (Rt Hon. Leon Brittan – 1979 – the quoted passage is at page 7); and UCPI0000034269 (Rt. Hon. Douglas Hurd – 1988).

<sup>115</sup> UCPI0000035236 (paragraphs 1 & 34)

<sup>116</sup> UCPI0000035235 (see especially paragraphs 1-3, 11 & 12)

*“At no time was the aim of some of the organisers, namely to bring about a “revolutionary situation”, within measurable distance of attainment and the fragmentation of the Trotskyists suggest that they would not have been able to exploit it even if it had been”<sup>117</sup>.*

71. An unattributed 1970 report entitled *“The Extreme Left in Britain”* assessed that there were no more than 5,000 Trotskyists and concluded:

*“...there are few spheres of British life where Trotskyists, however few, are not active and where they do not present a more immediate problem, because of their greater militancy, than the Communists whom they would like to supplant”<sup>118</sup>.*

72. Another unattributed report dated 27 May 1971, entitled *“Counter Subversion”*, which is recorded as having emerged from correspondence and conversations between No.10 Downing Street and the Foreign and Commonwealth Office, describes the New Left as the most immediate but not the principal threat<sup>119</sup>.

73. The above unattributed reports do not appear to us to be as nuanced in their assessments as those attributed to the Security Service. The Security Service’s June 1971 report entitled *“Subversion in Industry and the Mass Media, 1965-1971”* reported an increase in the extent of Trotskyist influence on industrial relations and their indifference to causing economic harm to the country. However, it concluded that:

*“The Communist subversive threat within the mass media appears to be slight and the threat from the activities of individual Trotskyists cannot be regarded as substantial. Their efforts are subject to the normal restraints of a free society and their ability to propagate subversive ideas undetected is probably limited. They can compensate for this by pursuing an easier but perhaps equally subversive policy of destroying confidence in society. The subversive threat from the Underground Press is similar but so far is limited by the small size of its circulation”<sup>120</sup>.*

74. We were somewhat nonplussed to read in the same report the following passage which may nevertheless help to calibrate the mindset of the author/s:

*“The magazine Private Eye is a satirical journal which specialises in deriding institutions and the personalities of what it considers to be the Establishment. It has*

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<sup>117</sup> UCPI0000035229/4 at [6]

<sup>118</sup> UCPI0000035252 (first and last paragraphs in the document)

<sup>119</sup> UCPI0000035277/2 at internal p.4 UCPI00000035277/5

<sup>120</sup> UCPI0000035278 at [9] and [25]

*developed an outlook which is largely destructive and which is often aimed at reducing public confidence in national institutions. It is distinguished from the so-called Underground Press by having in general competent and experienced journalists on its staff with reasonably well informed sources. Paul FOOT, a regular contributor, is a close associate of Trotskyists.”<sup>121</sup>*

75. A further report from the Security Service, dated July 1971, concluded in terms which sharply contrasted subversive intent with subversive potency that:

*“None of the subversive groups active in the United Kingdom has the resources in money or staff to make available itinerant full-time agitators in any significant numbers. This is not to say that the major subversive groups do not aspire to exploit industrial unrest to suit their own purposes. The Communist Party’s purpose is to strengthen its position in the trade unions; the Trotskyists groups’ purpose is to foment industrial unrest so as to bring nearer the achievement of a revolutionary situation”<sup>122</sup>.*

76. The Security Service’s report entitled “*Subversion in the UK – 1972*” is noteworthy because the qualified assessments of the author/s are expressly questioned in the marginal notes (which we understand to be those of Sir Burke Trend)<sup>123</sup>. The marginal notes disagree with the assessment that subversive groups did not play a decisive role in then recent major issues, such as the miners’ strike. They also take issue with the observation that committed supporters of subversive organisations and violent anarchists comprised of well below 0.1% of the population. This example is consistent with the general impression gained from the documents that the Government and senior officials perceived the threat from subversive groups to be greater than did the Security Service<sup>124</sup>. In the Government’s case, this may be because it would naturally have been concerned about its own survival whereas the concern of the Security Service was the survival of the State.
77. An annex to the report referred to immediately above refers to Maoists having some influence in the AUEW, through Reg Birch, but otherwise being of little significance in industry<sup>125</sup>.

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<sup>121</sup> Ibid. at [22]

<sup>122</sup> UCPI0000035257/4 at [10]

<sup>123</sup> UCPI0000035255/5

<sup>124</sup> See, for example, UCPI0000035257/1 in which the then Prime Minister, Sir Edward Heath, is recorded as describing the analysis about subversion in industry with which he had been provided as “*rather naïve*” in some respects.

<sup>125</sup> UCPI0000035255/27

78. The Security Service's report on the threat of subversion to the UK in April 1976 assessed the main threat to be via the activities of subversive groups within trade unions and the Labour Party. It described subversive influence within the public service as less immediate and better contained. Subversion in education and in the media was described as a threat in the longer term, as was the exploitation of racial issues<sup>126</sup>. The level of influence which Trotskyist groups had secured within the Labour Party was however assessed as limited:

*"Trotskyist groups have little influence amongst MPs or the national officials of the Labour Party. Their contacts tend to be opportunist. Nevertheless, through campaigns on particular issues, such as the Shrewsbury pickets, they are able to add to the subversive pressures upon and tensions within the Labour Party at all levels."*

79. As late as May 1979, the emphasis was very much on subversive intention rather than potency. A paper on subversion which appears to have been considered by Margaret Thatcher shortly after she became Prime Minister set out the full Harris definition. However, there was no examination in the document about the level of threat required to meet the definition. Rather, the author explained that the definition was wide enough to encompass lawful activity and opined that:

*"The heart of the definition lies in its reference to an intention to undermine or overthrow Parliamentary democracy ..."*<sup>127</sup>

### **Further Module 1 and Module 2a Documents from the Tranche 1 Era**

#### *Allegation that HN126 "Paul Gray" was involved in an intimate relationship with Ros Gardner*

80. The Inquiry was contacted by Mr Neil Hardie who had evidence to give about the deployment of HN126 "Paul Gray". A statement has consequently been obtained from Mr Hardie<sup>128</sup>. He states that he was an Anti-Nazi League activist, but not himself a member of the SWP when he met "Paul Gray". Amongst other things, Mr Hardie includes in his witness statement his reasons for believing that there was a deceitful intimate relationship between "Paul Gray" and a now deceased activist, Ros Gardner. The Inquiry has afforded HN126 the opportunity to respond to Mr Hardie's allegation which he categorically denies in a lengthy and detailed second witness

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<sup>126</sup> UCPI0000035247 at [2-4], [13-15]

<sup>127</sup> UCPI0000035314 at p.5 paras.3-4

<sup>128</sup> UCPI0000035163

statement<sup>129</sup>. The Chairman has decided that it is not necessary to call either witness to give oral evidence. Both Mr Hardie's and HN126's witness statements are being published at the same time as the Module 2b and 2c bundle. They are accompanied by re-published documents<sup>130</sup> which evidence that HN126 mixed in the same circles as Ros Gardner whilst deployed.

### *Metropolitan Police General Orders and Regulations 1979*

81. We are admitting into evidence, for completeness, Section 49 of the Metropolitan Police General Orders and Regulations 1979, entitled "*Public and Other Events*"<sup>131</sup>. We made observations on the 1967 and 1982 editions of the General Orders and Regulations in our opening statement for the Tranche 1 Phase 3 hearings. We draw attention to the following provisions in the 1979 edition:

- 81.1. Paragraph 62, read with paragraph 59, which provides for the use of plain clothed police officers at meetings of "*Communists, Fascists or other similar organisations*". The wording does not extend far enough on our reading to cover long term undercover deployments of the kind which the SDS developed.
- 81.2. Paragraph 67(2), concerning entry into private premises which is worded identically to the 1967 and 1982 editions.
- 81.3. Paragraph 76A concerning racial incidents which is more developed than the 1967 edition but less developed than the 1982 edition.

### *Tricontinental and Other Documents*

82. We are publishing a small number of further Tranche 1, Module 1, documents relating to the deployments of HN155 "Phil Cooper", HN326 "Douglas Edwards" & HN348 "Sandra" which are considered necessary. Those relating to HN326's deployment help to clarify the identity of the Tri-Continental Committee, reported on by HN326, which renamed itself the Britain Tricontinental Organisation. It did so in order to distinguish itself from its international parent body.

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<sup>129</sup> MPS-0748266

<sup>130</sup> With privacy redactions removed.

<sup>131</sup> MPS-0748337

## Miscellaneous

83. The Inquiry has obtained and is publishing a copy of Lord Scarman's report resulting from his inquiry into the Red Lion Square disorders of 15 June 1974<sup>132</sup>. Of note, from our perspective, are the following:
- 83.1. Lord Scarman succinctly explained the proper role of the police in maintaining public order at political demonstrations<sup>133</sup>. It must be apolitical.
  - 83.2. The report makes clear that the potential for disorder was well known from sources other than the SDS<sup>134</sup>.
  - 83.3. The findings placed the blame for the initiation of violence firmly on the IMG, as was quoted in the SDS's 1975 annual report<sup>135</sup>.
  - 83.4. There is no reference in the report either to the SDS or from which it could be inferred that Lord Scarman was aware of SDS involvement relevant to his terms of reference.
  - 83.5. Mr Cracknell gave evidence to Lord Scarman<sup>136</sup>.
84. We have previously published a copy of Lord Scarman's August 1977 report into the Grunwick dispute<sup>137</sup>. This report was the product of an inquiry conducted under the Industrial Courts Act 1919. Of particular note for the purposes of the Inquiry is paragraph 63 of the report which records the finding of the Court of Inquiry that:
- "The union, we are satisfied, had no intention of provoking violence and civil disorder by calling for a mass picket. Nevertheless, it cannot be denied that the risk of a mass picket getting out of control was known. A mass picket allows violent extremists to participate. Such people cannot be prevented from joining it and will use the opportunity it presents to provoke civil disorder which in itself is sure to prejudice the very cause for which the picket was called to promote." (Emphasis added).*
85. Finally, we are publishing the witness statement of Inspector Steven Proctor, a member of the MPS' Public Inquiry Liaison Team and an historic note produced by

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<sup>132</sup> DOC088

<sup>133</sup> P.8/64 at para.7

<sup>134</sup> Paras.8-13

<sup>135</sup> Paras.22-23; see also MPS-0747788/5 (1975 Annual Report) and CTI's T1P3 Opening Statement at para.95

<sup>136</sup> See, for example, paras.59 and 105

<sup>137</sup> DOC082

the Special Branch Records Section<sup>138</sup>. Mr Proctor's statement explains a significant aspect of the Special Branch filing system, namely the meaning of the prefix numbers within registry file numbers. Of particular relevance to Tranche 1 are the following prefixes.

*"346 – Meetings, demonstrations and conferences..."*

*"348 – Strikes and disturbances..."*

*"400 – Organisations..."*

*"402 – Extreme Left Wing – inc. Communist / Marxist Leninist and Maoist groups..."*

*"405 – Personal files – non specific".*

### **Overarching Observations on Module 2b & 2c in the Tranche 1 Era**

86. We suggest that a number of overarching observations can be made on the basis of the Module 2b & 2c evidence. The SDS did not operate in a vacuum. Nor was it a rogue unit. It was one part of a larger intelligence gathering apparatus which gathered intelligence about political activists on what was termed the Extreme Left Wing. Its distinguishing feature was the method that it used to gather intelligence: the long-term deployment of undercover police officers into groups about and from which they gathered that intelligence. Unlike other parts of the intelligence gathering machine, the SDS did not target the Communist Party of Great Britain or, at this time, the Extreme Right Wing. Its existence was known to the chain of command within the MPS, to the Security Service, to the Home Office and possibly within the Cabinet Office. Its contribution was valued by senior police officers, up to and including the Commissioner of Police for the Metropolis. The unit was also considered useful by the Security Service. The Home Office, despite some reservations, consciously supported and funded the continued existence of the SDS throughout Tranche 1.
87. There is very little evidence that those whom we have investigated in Tranche 1 Modules 2b & 2c knew that some SDS undercover officers were having sexual relations with members of the public in their undercover identities. The Security Service understood from the SDS that managers believed that HN106 "Barry Tompkins" had slept with an activist.
88. There is no evidence that the Home Office knew about the practice of using aspects of deceased children's identities to build cover identities. Nor is there evidence that

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<sup>138</sup> MPS-0748130 (Mr Proctor's witness statement); and MPS-0748348 Records Section Note. See also MPS-0748349 (p.4/15 onwards) for a further note on Records Section policy and procedure.

## UNDERCOVER POLICING INQUIRY

anyone outside the MPS knew of the conduct that led to miscarriages of justice in this era arising from the way in which the SDS operated.

89. SDS targeting decisions were not out of kilter with those of the rest of the intelligence gathering apparatus of which the unit was a part. The targets infiltrated were of interest to Special Branch and, in most cases, also to the Security Service. They were very often the kind of groups which were considered by high level counter subversion committees comprising of Ministers and/or senior civil servants.
90. SDS intelligence was filed within Special Branch and, in most cases, was also sent to the Security Service. It was used by the Metropolitan Police to assess the risk of public disorder at political demonstrations, pickets and the like. It was but one source of such intelligence and was often routed, in sanitised format, to A8, via C Squad. SDS reports, on Special Branch files, are likely to have been consulted and relied upon when relevant reports for the Home Office were prepared by Special Branch. Such reports typically related to public order issues. SDS intelligence is likely to have assisted with policing arrangements at numerous events. It might have contributed, or reinforced, decisions not to use more draconian policing at events such as the October Demonstration. However, it does not follow automatically that the SDS' work was justified. Whether it was must be considered having regard to the level of intrusion into the lives of those reported upon and the tactics used.
91. SDS intelligence reports on individuals, once filed in Special Branch records, may have been consulted for vetting purposes. It cannot be ruled out that some were leaked to organisations which used them for blacklisting purposes. The concerns that Richard Chessum and Roy Battersby have raised are plausible. Any such leaks were contrary to established rules. However, it is striking that the rules conflicted with the desire within Government to counter subversive individuals and groups.
92. SDS intelligence reports shared with the Security Service may have been used for vetting purposes. They may also have been used to inform reports made by the Security Service to committees comprising of Ministers and senior officials with remits to counter subversion.
93. The Security Service discussed intelligence "coverage" with the SDS both directly and indirectly through Special Branch's chain of command. On occasions, it made specific requests for intelligence.
94. The secrecy which surrounded the SDS was part of a wider picture: Special Branch and the Security Service were secretive. Activity to counter subversion conducted by the Home Office, the Cabinet Office and representatives from some other Departments of State was also carried out secretly.

95. The content of the confidential 1970 ACPO Terms of Reference for a Special Branch was wide enough to permit the investigation not only of those judged to be subversive but also those considered to be potentially subversive. The Terms of Reference were not updated to reflect the Harris definition until they were replaced by the Home Office Guidelines on the Work of a Special Branch in 1984. This occurred notwithstanding the fact that the Harris definition was introduced internally by the Security Service in 1972 and first communicated to Parliament in 1975. Serious and understandable reservations within the Home Office about the Terms of Reference led to the initiation of a debate between the Home Office, HMIC and the Security Service which was conducted between 1978 and 1980. However, nothing was changed at that stage.
96. A second review of the 1970 ACPO Terms of Reference was initiated in 1983 in response to pressure from Police Authorities and concerns within the Home Office about the propriety of Special Branch gathering intelligence about police monitoring groups. It led to the 1984 Guidelines which, in response to a HASC investigation, was made public. However, the 1984 Guidelines was accompanied by a confidential covering letter which expressly permitted investigation of those considered to be only potentially subversive and those who were acting lawfully if their long-term aims “*satisfy the definition*”.
97. Chief Constables were ultimately responsible for the actions of their officers, including in relation to their counter subversion work in support of the Security Service. In practice, however, the Security Service was regarded as the subject matter expert on subversion. SDS managers and their superiors appear to have deferred to the Security Service as to which groups were subversive. There is a strong and consistent theme within documents emanating from ACPO, the Security Service, Home Office and Special Branch which place emphasis on subversive intent. There is no equivalent focus on the phrase “*activities ...which threaten the safety or well-being of the State*”. There is also no discernible change between those groups which were considered subversive before and after the introduction of the Harris definition: it appears to have made no difference.
98. Parliament was informed that the Harris test comprised two limbs both of which had to be satisfied: intention and threat. Read on this basis and in the light of the evidence it is hard to see how the SDS’ targets fell within *both* limbs of the Harris definition. Unless an individual or group could reasonably be suspected of meeting the definition, there can be no question of its infiltration being justified on the grounds of subversion.
99. Special Branch commissioned a study group formally to review the activities and objectives of the SDS in 1976 but its terms of reference were limited. The Home

## UNDERCOVER POLICING INQUIRY

Office had the opportunity to consider whether or not to permit the continued existence of the unit every time it was asked for funding. Senior police officers visited the SDS, were aware of its existence and, at least in broad terms, how it operated. However, no one appears to have considered whether the level of intrusion occasioned by SDS long-term undercover police deployments was justified. No one appears to have addressed their mind specifically to the legality of the SDS' operations. No one appears to have considered whether (after its introduction) both limbs of the Harris definition were met. Had they done so, there is a strong case for concluding that they should have decided to disband the SDS.

DAVID BARR KC  
REBEKAH HUMMERSTONE  
HARRY WARNER  
ELIZABETH CAMPBELL

27 January 2023

## Annex A: Witness Summaries of Sir Gerald Hayden Phillips, Roy Alistair Harrington and Anthony Speed

*Sir Gerald Hayden Phillips: Principal Private Secretary to the Home Secretary 1974 – 1976; F4 division of the Home Office Police department and subsequently Under-Secretary of the Police Department from 1979 to 1983.*

1. Sir Gerald Hayden Phillips began his civil service career in 1967. Between 1974 and 1977 he was Principal Private Secretary to the Home Secretary and later, in 1979, he joined the F4 Division in the Home Office in charge of public order, terrorism and royal protection. He was subsequently promoted to Under-Secretary in the Police Department in charge of both F1 (Metropolitan Police manpower and equipment and financing) and F4. He left the Police Department in the spring of 1983 for a role in the Immigration Department of the Home Office<sup>139</sup>. Sir Hayden has provided a witness statement to the Inquiry dated 13 October 2022. He has not been required to give live evidence.
2. In his witness statement Sir Hayden explains that between 1979 and 1983 his responsibilities included government policy on public order and terrorism. He was regularly in communication with the Metropolitan Police Special Branch ('MPSB') and played a co-ordinating role between MPSB and the Home Office<sup>140</sup>. His interactions with MPSB were largely with the head of Special Branch or other senior Special Branch supervisors<sup>141</sup>. He understood that the role of Special Branch was to provide intelligence concerning public order and terrorism<sup>142</sup> and that they also supported the Security Service in countering subversion.
3. Sir Hayden describes the nature of the relationship between the HO and MPSB in the following terms: "*the Home Office had a role in both overseeing what MSPB did and to provide a degree of accountability to inform the Home Secretary...the Home Office had an operational role working alongside MPSB dealing with incidents and events related to public order and terrorism. The Home Office would take part in exercises with police, MPSB and the Security Service*"<sup>143</sup>.
4. Sir Hayden Phillips was in post in F4 at the time of the demonstrations at which Blair Peach was fatally injured and during the riots that took place in Brixton in 1981. He had sight of MPSB and Security Service assessments regarding the disturbances in

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<sup>139</sup> Phillips WS, paras 7-12

<sup>140</sup> Ibid, para 14

<sup>141</sup> Ibid, para 19

<sup>142</sup> Ibid, para 16

<sup>143</sup> Ibid, para17

Brixton<sup>144</sup>, and the MPSB assessments regarding demonstration to be held by justice campaigners following the death of Blair Peach<sup>145</sup>. In his statement Sir Hayden says that the Home Office would have considered the justice campaign which followed the death of Blair Peach a justified target of MPSB attention insofar as any MPSB attention may minimise any public disorder. Sir Hayden states that assessments were prepared by MPSB for the Home Office, sometimes at the request of the Home Office, which summarised events and intelligence in order to keep the Home Office up to date with important public disorder events. These provided the basis for any further policy decisions which may have needed to be taken by the Home Office<sup>146</sup>.

5. During his time in post at F4 Sir Hayden Phillips signed off expenditure for the SDS, thereby authorising the continuation of the squad for a further year. He states that this was the extent of his knowledge of the SDS. He had no knowledge of their operations or influence over them and no concerns about the behaviour of members of the SDS was ever raised with him, nor would he necessarily expect it to be, unless it may have affected the Home Secretary's accountability to Parliament<sup>147</sup>.
6. Sir Hayden was secretary to the Committee on Subversion in Public Life from 1979 to 1982. He cannot recall any detail regarding the work of the Committee and states that it did not meet many times during the period of his involvement<sup>148</sup>. The Inquiry is not in possession of any document generated by the Committee during Sir Hayden's period as secretary.
7. Disquiet as to the adequacy of the Terms of Reference for a Special Branch issued by the Association of Chief Police Officers ('ACPO') in 1970<sup>149</sup> (and supplemented by Security Services circulars dealing with subversive activities in industrial disputes in 1974<sup>150</sup> and subversive activities in schools dated 1975<sup>151</sup>) pre-dated Sir Hayden's

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<sup>144</sup> UCPI0000035151. It is evident from a manuscript note that Sir Hayden was shown this Special Branch intelligence report. The report contains details of the activities of local branches of left-wing groups, some of which may have been based on SDS reporting. UCPI0000035152. Some of the detail included in this report is likely to be based on SDS reporting.

<sup>145</sup> MPS-0733126

<sup>146</sup> Phillips WS, paras 20-22

<sup>147</sup> Ibid, paras 96-131

<sup>148</sup> Ibid, para 143-147

<sup>149</sup> UCPI0000004459

<sup>150</sup> UCPI0000004545

<sup>151</sup> UCPI0000034698

time in post at F4<sup>152</sup>. The documents indicate that Sir Hayden played a significant part in the ongoing debate and negotiation of fresh guidance for Special Branches which was completed after he had left the Police Division<sup>153</sup>. It is this aspect of his term in office and also his role in the continued authorisation of the SDS that is of chief interest to the Inquiry. What follows is a chronological consideration of the correspondence and documentation from the period of Sir Hayden's tenure at F4 on which he was asked to comment in his witness statement.

8. On 2 April 1979 Mr Phillips (as he then was) was written to by a representative of F4 suggesting the setting up of a working party incorporating members of the police and Security Services to consider detailed written guidance to the police on the work of Special Branch<sup>154</sup>. The note enclosed a copy of the 1970 Terms of Reference for Special Branches and the Security Service circulars on subversive activities in industrial disputes and subversive activities in schools, then the only guidance in operation. The writer highlighted the absence of any specific guidance in the Terms of Reference (*"which talk only about Special Branches collecting information about subversive and potentially subversive organisations and individuals, in consultation with the Security Service"*) on the extent of any assistance given by Special Branch to the Security Service or any guidance as to whose responsibility it was to direct this.
9. Some months later Sir Hayden began this process of review: in a letter dated 20 August 1979 to the Deputy Assistant Commissioner, Robert Bryan<sup>155</sup>, he wrote that, following increased publicity about the existence of special branches but regional variation in the extent of information disclosed about their function, the time had come to consider publishing a *"basic document about the role of Special Branches which might act as terms of reference akin to the Maxwell Fyfe directive to the Security Service"*. His letter weighs up the pros and cons of publishing such a document. One of the *"powerful"* disadvantages of publication of a document about the functions, responsibility and accountability of Special Branch highlighted by Sir Hayden was that *"the text of the document might be open to misinterpretation of a*

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<sup>152</sup> See UCPI0000004721, a memo dated 8 September 1978 from F4 to David Heaton and Mr Angel attaching a the 1970 Terms of Reference "if we wish to give further thought to these terms of reference, no doubt it can be done in consultation with interested parties.." and UCPI0000035083 and in particular the memo (at page 3) from David Heaton to HMCIC copied into the file entitled 'Review of Special Branch Duties and Liaison with Security Service' dated 2 October 1978. The file front sheet indicates that this file was in the possession of Sir Hayden on 2 April 1979.

<sup>153</sup> UCPI0000004538 (published Guidelines) and UCPI0000004584 (confidential letter accompanying the Guidelines). The Guidelines are dated 19 December 1984.

<sup>154</sup> UCPI0000004719.

<sup>155</sup> UCPI0000004718

*damaging and constricting kind*". The letter highlights that another factor motivating the issuance of guidance to Special Branches was "*what Robin Cook calls "disturbing" incidents*", in other words incidents where Special Branch had been accused of exceeding their authorisation. Sir Hayden concluded that "*paper guidance is no substitute for proper supervision and experience on the job*", and set out provisional thoughts on instituting a training programme for all Special Branch officers to ensure consistency of standards across Special Branches<sup>156</sup>.

10. The DAC responded to this letter on 6 September 1979<sup>157</sup>. He supported the concept of a written guidance for Special Branches but cautioned against publication at the present moment, because it was not currently necessary and furthermore "*it might assist the drift towards excessive freedom of information such as has emasculated and embarrassed the FBI...also, by detailing constraints of SB work there might well be an inhibiting influence on any necessary extension of that work in the future*". He forwarded copies of training programmes provided by the MPS in conjunction with the Security Service currently undertaken by Special Branch officers.
11. In his witness statement Sir Hayden states that the Home Office had very little involvement with Special Branch recruitment, training or deployment because these were considered operational matters which fell within the remit of the police<sup>158</sup>.
12. On 18 September 1979 Her Majesty's Chief Inspector of Constabulary ('HMCIC'), having been copied into both Sir Hayden's letter to the DAC and his response, responded to Sir Hayden<sup>159</sup>. In the letter HMCIC agreed that the circulation of a basic document about the role of Special Branches to Chief Constables might be helpful but stated that "*it would not be prudent to publish what is bound to be a sensitive document*". As to the contents of such a document, it would be "*inviting trouble to mention threats to public order posed by pickets and the undermining of parliamentary democracy by industrial means*". HMCIC appears defensive of the current state of special branches: the current training programme for special branch officers is effective; the reports on police forces with special branches by the Inspectorate have contained no adverse comment but he conceded that the HMIs are not able to pay as close attention as they might wish to this aspect of force inspections. In his comments on this letter in his witness statement Sir Hayden states that whilst he could not speak to the wider Home Office reaction to the HMCIC

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<sup>156</sup> See also Phillips WS, paras 71-74

<sup>157</sup> UCPI0000035109

<sup>158</sup> Phillips WS, para 75

<sup>159</sup> UCPI0000035108

letter, in contrast to the views expressed by HMCIC in this letter, he tended to be in favour of openness and therefore publication of a revised terms of reference, although he concedes that he was “*not always in the majority*”<sup>160</sup>.

13. On 1 November 1979 David Heaton, who appears to have been Sir Heydon’s superior, wrote to the Security Services forwarding a copy of a draft revised Terms of Reference for Special Branch<sup>161</sup>. He acknowledged that this draft is little more than a reissue of the original Terms of Reference incorporating the Security Services circulars of 1974 and 1975. The renewed scrutiny brought to bear on the original Terms of Reference appears to have caused some anxieties to surface about the breadth of activity which may fall under the remit of Special Branch:

*“I should draw your attention to two phrases taken over from the existing guidance which I think are now questionable. The first is the phrase “potentially subversive” in paragraph 5. If this means simply those organisations whose long-term aim, rather than short-term tactic, is subversive, then it seems redundant in the light of the definition in the preceding paragraph. If it is different from this, then I think we shall need to make a clear case for retaining these words, given the sensitivity in this field. The second is the word “political” in paragraph 6. Might this be omitted?”*

14. There was no response to David Heaton’s letter until 6 December 1979<sup>162</sup>. In the response the Security Service state that after internal discussions their conclusion is that “*little advantage would be gained from putting forward a redraft of the kind you propose*”. The Security Service remind the Home Office that previous discussions on this topic in 1978 had concluded that the only reason to revise the 1970 guidance would be if there was a change of Home Secretary following a General Election who may “*have doubts about the work carried out by Special Branches including that for the Security Services*”. There being no such doubts entertained by the current Home Secretary, the Security Service state that there is no need to revise the guidance and “*no virtue in reopening the matter with ACPO*”. Far from encouraging greater openness about the work of Special Branch, tentatively advocated by the Home Office, the Security Service suggest that the HMCIC could give “*broad advice to Chief Officers concerning the limits of what should be said about Special Branches and their functions in the Police Annual Reports*” but the Security Service would prefer that any reference to the work Special Branches do for the Security Service be omitted. In manuscript David Heaton has written on the letter “*Mr Phillips, I rather*

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<sup>160</sup> Phillips WS, paras 77-79.

<sup>161</sup> UCPI0000004716

<sup>162</sup> UCPI000004426

*expected this reaction. [SyS officer] has discussed this approach with HMCI, with whom we had best discuss”.*

15. The Security Service letter did not put an end to Home Office attempts to grapple with inadequacies in the terms of reference. In a letter to David Heaton dated 14 December 1979, Sir Hayden referred to a recent report by a Mr Horan which highlighted a difficulty faced by Special Branch officers in determining where *“legitimate political activities end and subversion begins”*<sup>163</sup>. Sir Hayden identified this as being of relevance in considering the revised Terms of Reference for a Special Branch in which a particular difficulty would be in defining ‘unlawful’ or ‘illegitimate’ political activity. He suggested that the ‘Harris’ definition of subversion was the basis of any understanding of what may constitute unlawful behaviour:

*“you will recall that before the debate on SBs on 7 November, Mr Brittan and I discussed how that definition fitted with the argument that SBs in carrying out their State security functions were acting properly within the police objectives of maintaining the peace and preventing and detecting crime. The answer which Mr Brittan used in the debate was to say that the “definition is such that both limbs must apply before an activity can properly be regarded as subversive”. In other words, there has to be an actual or potential threat to the safety or well-being of the State which in police terms will mean the detection of an illegal act or the prevention of a possible illegal act.”*

16. In this letter Sir Hayden Phillips suggested that the word ‘lawful’ might be preferable to the word ‘legitimate’ but stated that even the use of this word might require a re-consideration of the definition of subversion to adequately cover the general need for intelligence about subversion.
17. Commenting on David Heaton’s letter and this letter to David Heaton, in his witness statement, Sir Hayden confirms that the definition of subversion which was then current (the Harris definition) precluded MPSB targeting of *potential* subversives because this was not consistent with the requirement that there be an *actual* threat to the safety or well-being of the State<sup>164</sup>.
18. Following the views expressed by the DAC, HMCIC and the Security Services, in an undated memo, Mr Heaton sought the views of Sir Brian Cubbon, the Permanent Under-Secretary of State to the Home Office, on whether to continue an examination

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<sup>163</sup> UCPI0000035107

<sup>164</sup> Phillips WS, paras 53-54. See also paras 47 and 48 in relation to the two limb test for subversion.

## UNDERCOVER POLICING INQUIRY

of the Terms of Reference for Special Branches<sup>165</sup>. Mr Heaton made the case for a complete revision of the Terms of Reference rather than a consolidating document on the basis that a consolidating document would leave, among others, the following questions open:

- “a. How can the work of police officers (which all members of Special Branches are) in investigating subversion, as currently defined, be justified given that the definition covers some activities which are not, as such, unlawful?....*
- b. How valuable is the work which Special Branches do on behalf of the Security Service...?*
- c. [...]*
- d. Who should have effective control over individual Special Branches and decide on the extent of their activities; the chief officer of the force concerned or the Security Service?”*

19. On 1 April 1980 David Heaton authorised continuation of the SDS for a further year *“in view of your assurances about security and supervision”*<sup>166</sup>. The authorisation of the SDS being contingent on the supervision of the SDS officers has particular resonance in the light of the view expressed in correspondence as to the importance of supervision of Special Branch officers to ensure that they were operating within their authorised remit.
20. It appears that Sir Brian Cubbon agreed with Mr Heaton that a complete revision of Special Branch Terms of Reference was required because a first draft of such a revision was forwarded to Sir Hayden under cover of a memo dated 15 April 1980<sup>167</sup>.
21. In October 1980 F4 prepared a discussion paper on Special Branches which provided an overview of *“the problems we face and will face in this area”*<sup>168</sup>. In a memo dated 8 October 1980 forwarding the paper to Sir Brian Cubbon, David Heaton acknowledged the difficulties faced by the Home Office but stated *“the issues are too important to allow us to do nothing”*. David Heaton suggested that Sir Brian

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<sup>165</sup> UCPI0000004715. For Sir Hayden’s endorsement of this colleague’s views set out in this document see Phillips WS, paras 84-86

<sup>166</sup> MPS-0728963

<sup>167</sup> UCPI0000004714. The draft of the revised Terms of Reference would appear to be the document at UCPI00000034701 (appendix B of the F4 discussion paper at UCPI0000004437)

<sup>168</sup> UCPI0000004437

Cubbon have the issues in mind when he visits the Security Services on 22 October 1980 with the Home Secretary and thereafter holds a meeting with Sir Hayden, Mr Andrew and himself to consider how best to proceed.

22. In his witness statement, Sir Hayden states that the F4 paper accurately reflected the issues behind attempts to update and publish Terms of Reference for Special Branch at the time<sup>169</sup>. The paper stated that as Special Branches have grown in both size and responsibility so too has the criticism of their methods and lack of accountability. There had been some indications that some Special Branch officers themselves were unclear as to the proper extent of their role. The report stated:

*“10....Rising unemployment, a sharpening of the conflict between Government and organised labour, and tensions involving ethnic minorities in the inner cities seem likely to provide increased opportunities for subversive exploitation of difficult problems. A continued growth in the work of Special Branch in its most sensitive area therefore seems likely...”*

*11. Criticism and questioning of the role of Special Branches also seem unlikely to slacken. Pressure for greater openness will probably increase.*

*12. In these circumstances, it seems important, if the essential work of Special Branches is to be best defended and preserved, to try to clarify those issues on which there is at present uncertainty and to prepare answers to those on which there is criticism.”*

23. The paper drew attention to the draft revised Terms of Reference<sup>170</sup> but stated that the draft shared the limitations of the original 1970s Terms of Reference (indicated by underlining on the 1970s Terms of Reference<sup>171</sup>). The limitations were then outlined. These echoed those set out by David Heaton to Sir Brian Cubbon in his undated memo<sup>172</sup>. First the value of Special Branch work undertaken for the Security Service, second the absence of a reference to unlawful activities in the currently definition of subversion. The paper referenced the difficulties Special Branch officers had in identifying where legitimate political activity ends and subversion begins. On this topic the paper concluded:

*“Neither the present definition of subversion nor the 1970s terms of reference assist officers in resolving this dilemma. Nor do they provide Ministers or chief officers*

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<sup>169</sup> Phillips WS, para 83

<sup>170</sup> UCPI0000034701

<sup>171</sup> See UCPI0000004459 which appears to be the copy referred to

<sup>172</sup> UCPI0000004715

*with a water-tight basis on which to justify the work of police officers in investigating and recording activities of subversives.”*

24. The paper also highlighted anxieties about the extent and nature of information recorded by Special Branches, an anxiety which may diminish if the proper extent of Special Branch interests in subversion were defined, making it easier for officers to judge what they should record and what they should not record.
25. Accountability was also raised in the paper: whilst Special Branch officers are police officers and therefore answerable to the chief officer of police, the fact that much of Special Branch work was carried out on behalf of the Security Service means that the Security Service had an important say in what work Special Branch actually did *“indeed it appears that some chief officers may find difficulty in evaluating the work they are being asked to do on behalf of the Service”*. Additionally, the paper pointed out that in practice, supervisory responsibility in the police is generally delegated to an Assistant Chief Constable or Detective Chief Superintendent. *“One practical problem is ensuring effective supervision within forces may be that it is possible to acquire responsibility for supervising SB work without previously having had any direct experience of it”*.
26. The definition of subversion in the draft revised Terms of Reference<sup>173</sup> annexed to the F4 discussion paper indicated an attempt to resolve the Special Branch officers’ dilemma outlined above: the individual or organisation who operates within the law but whose long-term aim is subversive.

*“Subversive activities are defined as those which threaten the safety or well being of the state, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means. This includes the activities of organisations or individuals which, whilst operating within the law, have as their long term aim the overthrow of Parliamentary democracy.”*

27. Commenting on the F4 discussion paper in a memo to Mr Andrew dated 14 October 1980 (copied to David Heaton and Sir Hayden)<sup>174</sup>, Sir Brian Cubbon stated that his *“immediate reaction”* was that there was *“nothing fundamentally wrong with the task at present set for special branches”*. He agreed however that an understanding of the value of the work undertaken for the Security Services by Special Branch and clarity about the nature of the role were needed. He invited those copied into the

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<sup>173</sup> UCPI0000034701

<sup>174</sup> UCPI0000004427

memo to come up with a proposal for a way forward in advance of his meeting with the Security Service on 22 October 1980.

28. The work on a revised guidance for special branches was then paused. In his witness statement Sir Hayden states that the point reached in the development of revised guidance “*did not justify us going forward given the reticence from the Security Service and HMIC*”<sup>175</sup>. In the meantime, on 26 March 1981 David Heaton approved the continuation of funding for the SDS for a further year<sup>176</sup>. The letter seeking this authorisation set out the activities of the SDS over the previous tax year in two brief paragraphs<sup>177</sup>. This funding was increased in a letter signed by Sir Hayden on 13 November 1981<sup>178</sup>. In February 1982 the MPS once again sought authorisation for the continued funding of the SDS. The letter seeking authorisation contained no details as to the activities of the SDS over the previous year, merely stating “*the intelligence which this small group provides is as vital to police operations now as it ever has been*”<sup>179</sup>. This request was granted in a letter signed by Sir Hayden<sup>180</sup>.
29. Sir Hayden addresses his knowledge of the activities and remit of the SDS in his witness statement<sup>181</sup>: his knowledge was limited to signing off expenditure claims and he had no knowledge of their operations; he assumes that he must have thought that the SDS were part of the operational framework for the prevention of riots and public disorder. He also says this: “*All I knew was that the SDS had been part of the system for many years, and I was aware that my previous and immediate superiors had been happy to sign off expenditure for this branch...all I recall was that my predecessor and immediate superior had taken the view that our role was to support the MPSB and I authorised continued funding accordingly*”<sup>182</sup>.

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<sup>175</sup> Phillips WS, para 87. See also paras 77-79

<sup>176</sup> MPS-07231871

<sup>177</sup> MPS-0728962

<sup>178</sup> MPS-0731862

<sup>179</sup> MPS-0728985

<sup>180</sup> MPS-0728985/1

<sup>181</sup> Phillips WS, paras 96-132

<sup>182</sup> Ibid, para 97, 107. It is interesting in the light of these comments that in the following year Roy Harrington, Sir Hayden’s successor in his post, visited MPSB at Sir Brian Cubbon’s instruction to ensure that the SDS could be “*defended as a current response to current problems and was not just something which had been allowed to drift on after having been set up for a specific purpose in 1968*”. These fears were allayed by sight of the SDS Annual Report, never before disclosed to the Home Office (see MPS-0737347/9-10)

30. 1983 saw a resurrection of the process of revision of guidance for Special Branches. The catalyst, in part, according to Sir Hayden<sup>183</sup>, was a Special Branch report on Political Extremism and the Campaign for Police Accountability in the Metropolis, circulated to the Commissioner, the Home Office and the Security Service<sup>184</sup>. The report is an analysis, utilising Special Branch intelligence, of the political motivations and associations of those that sat on police monitoring groups in London. The report covers the GLC Police Committee, local authority accountability groups and other groups partially financed by the GLC. It contains references to elected politicians from the Labour Party.
31. The response to the Special Branch report was uncompromising. In a memo to Sir Brian Cubbon dated 11 March 1983<sup>185</sup>, Sir Hayden referred to a meeting between Home Office officials (including Sir Hayden) and the DAC Mr Hewett, during which the Home Office officials' *"very serious concern at the breadth and tone of, and market for, that report"* was discussed. Sir Hayden enclosed a letter received following this meeting from the DAC in which the DAC purported to provide an explanation of the objective of the report on police monitoring groups, which was said to give an overview of monitoring groups and the *"motivations of those supporting them"* in order to allow senior officers to be *"better prepared for any dialogue"* with them and aware of their *"potential to create such an atmosphere of dissatisfaction with the police that it could, due to some police misconduct or even at the slightest pretext, be expressed by anti-police or indiscriminate violent behaviour"*. In his letter, the DAC acknowledged that this was a contentious area because it related to *"political extremism which is closely connected with elected GLC members openly carrying out their publicised policies"* and that *"we are dealing here with a broader concept of public order intelligence, and on this particular aspect have probably gone as far as a Special Branch should go"*. The DAC justified the use of Special Branch in the compiling of the report on the basis that it contains information from secret sources and the Security Service and so could not be delegated to another division of the MPS and also *"because we are not talking about 'subversion' in the accepted definition of the word, I would not have expected a Security Service initiative...however, we are talking about political extremism..."*.
32. In his memo to Sir Brian Cubbon, Sir Hayden criticised the use of Special Branch to collate such a report which could have been done by others in the police from open information. It is clear from the memo that Sir Hayden believed the reprimand received from the Home Office to have been effective: He stated that he strongly

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<sup>183</sup> Phillips WS, para 25-27

<sup>184</sup> MPS-0748355

<sup>185</sup> UCPI0000035096

doubted “*whether they will be tempted to paint on such a broad and sensitive canvas again*” and in the meantime the report highlighted the need for revised Terms of Reference for Special Branch. Sir Hayden stated that in his response to Mr Hewett he would tell him that the Home Office “*hold to the view that the only safe and practical course is to keep the public order focus of their work reasonably tightly defined and ...will probe the ‘concept of public order intelligence’ in our review of the role of Special Branches*”.

33. On 18 March 1983 Sir Hayden held a meeting with representatives from ACPO. A letter to Ken Oxford, Chief Constable of Merseyside<sup>186</sup>, following this meeting confirms that during the meeting the Chief Constables were reminded of the continued applicability of the 1970 Terms of Reference for a Special Branch (and of the intention to discuss a revision of the terms) and also of the Harris definition of subversion together with Leon Brittan’s endorsement of this definition on the floor of the house on 7 November 1978.
34. Sir Hayden’s memo of 31 March 1983 to Sir Brian Cubbon gave a more comprehensive overview both of the 18 March meeting and of the intended action following the meeting<sup>187</sup>. It appears that both ACPO and the MPS agreed that “*some modest revision*” of the Terms of Reference were required and that there was a suggestion that the Security Service no longer opposed this course. The memo also explained that following the F4 discussion paper on Special Branches no further work had been done because the matter was not judged to be high priority enough to allocate staff resources to it. In the memo, Sir Hayden suggested that any revision to the Terms of Reference should come from the Home Office on behalf of the Home Secretary rather than from ACPO or the Security Service (as previously). Sir Hayden also highlighted the lack of any formal public statement about the duties of Special Branch and suggested as a possible approach a “*short summary statement which could be made public and a longer commentary which would be intended to remain confidential*”<sup>188</sup>. To appease anticipated Security Service objections to any publication whatsoever on the topic of the work of Special Branch, Sir Hayden suggested that publication be delayed until a “*current row made it politically advantageous*”. The first step however would be a discussion to “*persuade the Security Service to remove their veto*”<sup>189</sup>.

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<sup>186</sup> UCPI0000004821

<sup>187</sup> UCPI0000035095

<sup>188</sup> This was the form that the Guidelines eventually took. In this witness statement Sir Hayden states that he “always tended to be in favour of publishing and being honest”. His suggestion of a confidential commentary in 1983 would appear to be a compromise.

<sup>189</sup> See Phillips WS, paras 88-90 for his comment on this document.

35. Amidst the renewed interest in the remit of Special Branch, on 5 April 1983, at the direction of Sir Hayden, Michael Rumble approved the continuation of funding for the SDS for a further year<sup>190</sup>. The letter seeking the continued authorisation contained a single paragraph concerning the work of the SDS in the previous year and the work it anticipated carrying out in the future (now set to include the gathering of intelligence about *“white extremists who are attempting to foment black discontent and about members of the animal liberation movement who are committing criminal offences”*.)<sup>191</sup>
36. It is apparent from minutes of a meeting<sup>192</sup> which took place on 22 April 1983 between Sir Brian Cubbon, Sir Hayden, Mr Andrew and Mr Pilling that there was agreement that, because there was no public pressure which might urge the revision of the Terms of Reference for Special Branches and the opposition had changed focus from Special Branch to the Security Service, the revision could wait until after the election, although some discussions should commence before that time. Contrary to Sir Hayden’s view expressed in the memo to Sir Brian Cubbon on 31 March 1983, it was agreed at this meeting that it would be desirable to aim at a revised document which could be published in full.
37. On 28 April 1983 Sir Brian Cubbon wrote to the Security Service<sup>193</sup>, copying in Home Office officials including Sir Hayden, inviting them to participate in a meeting to discuss the revision of Terms of Reference which had earlier been shelved after the letter from the Security Service of 6 December 1979 in which they expressed their opposition to any revision. This was an enterprise given impetus by a meeting with Ken Oxford, the Chief Constable of Merseyside. Sir Brian Cubbon referred to *“modest improvements which might be achieved without any risk of putting fresh vigour into the public debate about the work of Special Branches”*.
38. The Security Service responded on 5 May 1983<sup>194</sup>, a letter forwarded to Sir Hayden, agreeing to participate in a discussion but stressing that, in the view of the Security Service, the guidance on subversion on industrial disputes had stood the test of time and that in the consultation and eventual promulgation of a revised guidance risked

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<sup>190</sup> MPS-0730904/1

<sup>191</sup> MPS-0730904/2

<sup>192</sup> UCPI0000035094

<sup>193</sup> UCPI0000004431

<sup>194</sup> UCPI0000035092

*“fuelling public debate and local authority concern about our work in the politically delicate area of subversion”.*

39. In a letter to Mr Pilling dated 25 May 1983<sup>195</sup>, the DAC, Mr Hewett, stated that in his view the 1970 Terms of Reference for a Special Branch were *“outdated mainly because of the emergence of international terrorism and the increasing need for better intelligence on public order (or rather potential public order)”*. It is unclear what is meant by this.
40. Mr Pilling was sent a draft of a proposed revised Terms of Reference undercover of a memo dated 1 July 1983<sup>196</sup>. Notwithstanding the previous agreement that it would be desirable to have a document that could be published in whole, this had guidance notes in the form of a confidential annex, as Sir Hayden had suggested in his memo of 31 March 1983<sup>197</sup>
41. The revised terms of reference document, now re-named ‘Guidelines for running a Special Branch’ was sent out to Ken Oxford on 9 August 1983<sup>198</sup> and a meeting of those involved in negotiating the final document fixed for 3 October 1983. This letter and the enclosures were sent to Sir Hayden Phillips<sup>199</sup> however, it would appear that by this time he had begun a new posting in the Immigration Office.

*Roy Alistair Harrington: Principal in Police Department of the Home Office 1972 – 1974; Head of F4 division of the Police Department 1984 – 1987.*

42. Roy Harrington began his civil service career in 1967 and served in a variety of posts including as Principal in the Police Department between 1972 and 1975 and from March 1984 to 1987 as Head of the F4 Division in the Police Department of the Home Office. It was during his time as head of F4 that the Home Office finally issued revised guidance for Special Branches. His department remained responsible for approving the funding which permitted the continuation of the SDS. Mr Harrington has been provided with the documents touching on Home Office involvement in matters relevant to the Inquiry during the Tranche 1 period and has provided a witness statement dated 8 November 2022 in which he sets out the extent of his knowledge on those matters highlighted by the documents. He is not required to give

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<sup>195</sup> UCPI0000004632

<sup>196</sup> UCPI0000004631

<sup>197</sup> UCPI0000035095

<sup>198</sup> UCPI0000004417

<sup>199</sup> See UCPI0000004416

oral evidence. What follows is a summary of the documents relevant to Mr Harrington and his comment on them.

43. In his witness statement Mr Harrington explains that the F4 department had responsibility for, amongst other things, policy on legislation relating to terrorism and counter-terrorist contingency planning and advising ministers on matters relating to large-scale public order problems<sup>200</sup>. He had a close working relationship with the MPSB in particular in matters related to terrorism and public order but he was not responsible for any operational decisions taken by the MPSB which was the role of the Commissioner. His closest contacts in MPSB were the DAC, Colin Hewett and the Commander (Ops), Peter Phelan. He also worked closely with relevant members of the Security Service on matters relating to terrorism. Members of F4 would often attend intelligence assessment groups in the Cabinet office<sup>201</sup>.
44. When Mr Harrington came into his post in F4 a draft of the revised terms of reference for Special Branch, now renamed 'Guidelines for the running of a Special Branch' had been existence for nearly a year<sup>202</sup> but, further progress on them had stalled because proposed amendments by the Security Service were still awaited<sup>203</sup>. An earlier memo from Joe Pilling dated 26 January 1983, then the outgoing head of F4, indicates that although in April 1983 no specific timetable had been stipulated in the finalising of the revised guidance due to a lack of public pressure or "*interest by the Opposition*" about the activities of Special Branch, by January 1984 "*the climate [had] changed markedly*"<sup>204</sup>.
45. In April 1984 the Home Affairs Select Committee announced its intention to investigate the role and accountability of Special Branches. A note dated 11 May 1984 sets out an overview of the progress of Home Office guidelines for the benefit

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<sup>200</sup> Harrington WS, para 15

<sup>201</sup> Ibid, para 16, 28

<sup>202</sup> See UCPI0000004631 which is a note to Joe Pilling (the previous head of F4) enclosing a draft of the revised terms of reference and the confidential annex. It has not been possible to identify which version of the drafts was attached to this note, although it appears that the UCPI0000035286 is a relatively early Home Office draft.

<sup>203</sup> See UCPI0000004654, UCPI0000004653, UCPI0000035090

<sup>204</sup> UCPI0000004434. In this document indicates that the draft guidance was not considered to be in a fit state to show to the Home Secretary for his comments so that these could be fed into discussions with the Security Services and ACPO. In his statement, Roy Harrington observes that in his view it was unsurprising that the revision to the draft had taken place without the Home Secretary being informed but that he was consulted about the draft guidance in good time and regarded the process as of assistance in enabling him to prepare to answer questions from the Home Affairs Select Committee inquiring into the work of Special Branch (Harrington WS para 40).

of Mr Harrington<sup>205</sup>. The documents on this topic in the possession of the Inquiry indicate that, having had only sporadic attention over the previous three years, the Guidelines and accompanying explanatory notes now received the focussed attention of all parties, a process driven by the F4 division under the leadership of Mr Harrington<sup>206</sup>.

46. In the midst of this renewed pressure to agree revised Guidelines, on 29 May 1984 a Home Office representative once again authorised the continuation of the SDS. Once again an emphasis is laid on the “*close supervision it receives*”. On this occasion however, the Home Office add this:

*“Without in any way making that authority provisional, I think it would be helpful for us in due course to know more about which groups and activities are the current focus of the Squad’s work and how that is carried out. Both on resource grounds, and in view of the sensitivity of such undercover work, it would be desirable to have this indication of how the Squad’s task and role has adapted to current circumstances since the days of the Vietnam war demonstrations when it was set up. A brief account of this in a report or by way of a discussion between Colin Hewett and Roy Harrington here would be very helpful”.*

47. The authority for the continuation of the SDS was demonstrably not provisional on such information being disclosed to the SDS because a conversation took place between Commander (Ops), Peter Phelan and Roy Harrington just days later. On 5 June 1984 Mr Harrington visited MPSB at Sir Brian Cubbon’s instruction to ensure that the SDS could be “*defended as a current response to current problems and was not just something which had been allowed to drift on after having been set up for a specific purpose in 1968*”. These fears were apparently allayed by sight of the SDS Annual Report, never before disclosed to the Home Office<sup>207</sup>. On 16 July 1984, Mr Harrington wrote to Peter Phelan to confirm that he had reported to his superiors after his discussion with the Commander and his examination of the Annual Report and they were “*entirely content with the way the Squad’s role has been adapted to changing circumstances, and with the arrangements for liaison with the Security Service*”<sup>208</sup>.

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<sup>205</sup> UCPI0000004651

<sup>206</sup> At para 41 of his witness statement Mr Harrington states that “the announcement is likely to have given an urgency to the completion of revising and issuing the guidelines”.

<sup>207</sup> MPS-0737347/9-10. In his witness statement at para 60 Mr Harrington states that this was the only Annual Report he was ever shown and was not the basis upon which further expenditure was granted.

<sup>208</sup> MPS-0734164

48. In his statement Mr Harrington explains that until his appointment to F4 he had no knowledge of the SDS whatsoever and first heard of its existence by chance when he noticed a scruffily dressed individual when visiting MPSB and was told by Peter Phelan about an undercover squad on special operations<sup>209</sup>. He was not involved in the consideration of approval for the continuation of the SDS in 1984 because shortly after his appointment PC Yvonne Fletcher was murdered outside the Libyan Embassy and the first few weeks of his tenure at F4 were taken up carrying out Home Office responsibilities in response to this event. He recalls that once he returned to the office he had a meeting with Sir Brian Cubbon at which Sir Brian requested that he visit MPSB to find out “*more about how MPSB was managing the tasking and deployment of the SDS, given the sensitivity of its operations*”. Mr Harrington believes that Sir Brian’s primary concern was with the security of the unit. He then met with Commander Peter Phelan at which he was told about the supervisory arrangements for undercover officers. He cannot recall any detailed discussion about the groups targeted by the SDS and in any event would have regarded the selection of these groups as being operational matters for the police. He speculates that the reason for Sir Brian’s request was connected to the Home Affairs Select Committee’s impending investigation into Special Branch. He does not know what, if any, information was provided to the Home Secretary about the authorisation or operation of the SDS. He has no recollection of any suggestion of sexual misconduct conducted by SDS officers at any time whilst he was at F4 nor of any use of the identities of dead children<sup>210</sup>.
49. On 15 June 1984 the Security Services finally wrote to the Home Office with their suggestions for amendments to the Guidelines for Special Branch and the confidential covering letter which was to be circulated to Chief Officers<sup>211</sup>. Their amendments supported an expansive application of the definition of subversion to include organisations currently acting within the law who may nevertheless fulfil the subversion criteria due to their long-term aims. They also supported the caution against giving grounds for an accusation of wrongful police interference in the exercise of civil and political liberties which they expanded by adding that particular vigilance should be exercised in police coverage of demonstrations and protest marches. The Security Service also extended the list of those particularly sensitive fields of inquiry to include schools, educational establishments, Trade Unions, industry and racial minorities in which especial care should be taken to avoid suggestions that Special Branch are investigating matters involving legitimate

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<sup>209</sup> WS Harrington, para 46-47

<sup>210</sup> Harrington WS, paras 48, 51, 66-67, 73-81

<sup>211</sup> UCPI0000004651

expression of views. Such inquiries should only be undertaken after consultation with the Security Services. They supported the directive that it was not the function of Special Branch to investigate individuals “*merely because their policies are unpalatable, because they are highly critical of the Police, or want to transform the present system of police accountability*”<sup>212</sup>.

50. On 16 July 1984 Mr Harrington chaired a meeting of representatives from ACPO, the Home Office, the Security Services and representatives from various police forces to discuss the guidelines for Special Branches<sup>213</sup>. Whilst the timing of publication of the Guidelines themselves was given consideration, the meeting re-affirmed that the covering letter would “*under no circumstances*” be published. Following this meeting various parties made further suggestions for amendment which were responded to by, or on behalf of, Mr Harrington<sup>214</sup>.
51. In a letter dated 26 September 1984, Peter Imbert, on behalf of the ACPO Crime Committee, passed on a query from the Chief Constable of Humberside: the reference to *potentially* subversive organisations and individuals, included in the original terms of reference, was missing from the revised Guidelines which may make it difficult for Special Branches to detect new subversive organisations<sup>215</sup>. A newly revised draft of the Home Office Guidelines on the Work of a Special Branch was forwarded to the Immigration Department of the Home Office on 30 October 1984. The reference to ‘potentially subversive organisations’ had not been replaced in the Guidelines themselves but now features in the classified covering letter to Chief Constables<sup>216</sup>. This decision was explained in a letter to ACPO’s Maurice Buck dated 3 December 1984<sup>217</sup>. In that letter Mr Harrington acknowledges “*the valid point that Special Branches need to study not just existing known subversive groups, but also potentially subversive groups*” but states that it would not be wise to refer to this in a document likely to be made public. He sets out his view that the words “*that may be judged to be subversive of the state*” are wide enough to cover potential

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<sup>212</sup> UCPI0000004651

<sup>213</sup> UCPI0000004645

<sup>214</sup> UCPI0000004644 (Scottish Home & Health Department); UCPI0000004639 (HO letter to Ken Oxford, ACPO); UCPI0000004640 (HO letter to Peter Imbert, ACPO Crime Committee); UCPI0000004641 (HO letter to Scottish Home & Health Department); UCPI0000004638 (from Maurice Buck, ACPO Crime Committee); UCPI0000004637 (Peter Imbert, ACPO Crime Committee)

<sup>215</sup> UCPI0000004637

<sup>216</sup> UCPI0000004415

<sup>217</sup> UCPI0000004542

subversion and this view had been made more specific in the covering letter<sup>218</sup>. This version of the covering letter (retained in the final iteration) provided to the Immigration Department also provided an expanded definition of subversion:

*“Under the definition of subversion given in the Guidelines ... an organisation currently operating within the law may nevertheless be subversive because its long term aims satisfy the definition and therefore a proper subject of investigation”.*

52. Once there was broad consensus as to the text of the Special Branch guidelines there followed a discussion about the most advantageous point at which to make them public. In a letter to Ken Oxford, copied to the Security Services, DAC Colin Hewett and others, Mr Harrington suggested that since the Home Affairs Select Committee would inevitably question the Home Secretary on the guidance he gives to Special Branches, that might be an opportune moment to offer to share the new guidelines with the Committee<sup>219</sup>. This suggestion was reconsidered however when it was learned that the Home Affairs Select Committee was likely to hear evidence from those bodies which were likely to be highly critical of Special Branches first and then from the police bodies and here from the Home Secretary himself towards the end of the Inquiry. The F4 memo dated 8 November 1984<sup>220</sup> makes a series of alternative suggestions about disclosure of the Guidelines, favouring waiting until pressure is brought to bear to disclose, offering disclosure when the Home Secretary gives evidence, if asked, and providing the Guidelines as part of the response to the Select Committee’s report.
53. In a minute dated 3 December 1984<sup>221</sup> enclosing a copy of the Guidelines and the accompanying classified letter for the Home Secretary’s approval, Mr Harrington states that the revision of the Guidelines was required, in part, *“to give a clearer and more explicit guidance on the relationship between the Security Service and Special Branches and on enquiries relating to subversion and industrial disputes”*. In this document he endorses the proposal only to publish the Guidelines as a response to the Home Affairs Select Committee’s report.

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<sup>218</sup> In his witness statement at para 44 Mr Harrington states that “the content of the confidential covering letter was intended to reflect the existing practice of the Security Service and special branches...it was not intended to provide any authorisation for wider activity.”

<sup>219</sup> UCPI0000004678

<sup>220</sup> UCPI0000035129

<sup>221</sup> UCPI0000004541

54. The Home Secretary's response to this minute is set out in a note dated 6 December 1984<sup>222</sup>. The Home Secretary was concerned to define more precisely the category of those about whom Special Branch reported to Security Services: rather than the term "extremists" he favoured "*those concerned with subversive activity or something similar*". Mr Harrington counselled against such an amendment:
- "It is difficult to think of an alternative formula that quite gets the flavour we want – activities going beyond normal political activities but stopping short of actual terrorism – without raising too many awkward questions"*.
55. The Home Secretary "*reluctantly*" agreed to the use of the term 'extremist' but it was made clear to Mr Harrington "*he would, however, find the word difficult to defend himself*"<sup>223</sup>.
56. The Guidelines were issued on 19 December 1984<sup>224</sup>. Prior to their distribution the Public Relations branch of the Home Office were informed by F4 that "*the main purpose of the revision was to take account of the developments since 1970, particularly the growth in terrorism and the new responsibilities placed on Special Branch by the prevention of terrorism legislation*"<sup>225</sup>. Other, perhaps more pressing reasons, for a re-consideration of the guidance for Special Branches, were not alluded to. The PR branch was also informed that when responding to press enquires it should be borne in mind that the review of the guidelines pre-dated the Home Affairs Select Committee investigation of Special Branch and that the new guidelines were not a response to pressure or an admission that "*recent allegations about Special Branch are true*".
57. The finishing touches to the Guidelines and accompanying letter were being made whilst preparations were being made for the Home Secretary's appearance in front of the Home Affairs Select Committee. On 7 December 1984, Mr Harrington chaired a meeting attended by representatives of the Home Office, the Security Service, ACPO and the MPSB, the purpose of which was to ensure that a consistent approach to the evidence likely to be given by chief officers and the Home Office to the Home Affairs Select Committee.
58. On 10 December 1984 Sir Brian Cubbon wrote to Mr Harrington in order to record in writing a conversation of the previous week regarding accountability for the work of

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<sup>222</sup> UCPI0000004413

<sup>223</sup> UCPI0000004627

<sup>224</sup> See UCPI0000004539 and for final version of the Guidelines UCPI0000004538 and the covering letter UCPI0000004584

<sup>225</sup> UCPI0000004540

Special Branch<sup>226</sup>. Sir Brian queried whether a chief constable could, in theory, decline to agree to undertake a task the Security Services had requested of Special Branch given that the chief constable is responsible for everything done by his Special Branch. He also queried how the payments made by the Security Service to the chief constables for the use of Special Branch could be explained if Special Branch activities are governed solely by his duties and functions as a constable. The answer came from HMIC<sup>227</sup>:

*“a Chief Constable can, and occasionally does, decline a task which the Security Service wish his Special Branch to carry out. Put in another way, everything a Special Branch officer does is within his duties and functions as a constable and under the direction of the Chief Constable as envisaged by the latter’s tortious liability. Any Security Service involvement does not affect this basic constitutional principle.”*

59. This point was later highlighted by F4 in a minute for the attention of the Home Secretary prior to his evidence to the Home Affairs Select Committee<sup>228</sup>. The minute also pointed out that the *“definition [of subversion] and standards to be to be applied under it are a matter for the Home Office and for the Security Service ... but that the application of the definition to particular cases is and must remain ultimately a matter for the chief constables”*.

**Anthony Speed:** Metropolitan Police Clerk Sergeant, A8 1970 - 1972; MPS liaison officer for the Lord Scarman’s inquiry into the demonstration in Red Lion Square in 1974; Inspector and subsequently Chief Inspector A8 1976 - 1980; MPS liaison officer to Lord Scarman’s inquiry in to the Brixton Riots in 1981; as Chief Superintendent between 1982-1983 he set up and ran a public order training section at Hendon; as Commander in 1986 he took charge of specialist training including on public order and riot control at Hendon; Commander (Territorial Operations) 1989 - 1990; Deputy Assistant Commissioner 1990 - 1993, Assistant Commissioner 1994 to 1999.

60. Anthony Speed has provided the Inquiry with a witness statement dated 10 August 2022 in response to a Rule 9 request. He has not been required to give oral evidence. He began his career in 1960 in the Metropolitan Police Service (‘MPS’) and served in a variety of uniform roles before becoming a Clerk Sergeant in A8 (public order branch) between 1970 and 1972<sup>229</sup>. This was largely an administrative role and allowed Mr Speed to develop a feel for the unit. He was charged with

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<sup>226</sup> UCPI0000035089

<sup>227</sup> UCPI0000035088

<sup>228</sup> UCPI0000035086

<sup>229</sup> Speed witness statement (MPS-0748205), para 8.

forwarding paperwork (including Special Branch assessments of events) and ensured that resulting orders for policing demonstrations were clear and accurate. His interaction with Special Branch itself was minimal.

61. Mr Speed recalls that A8 was established in the summer of 1968 to deal with the October VSC demonstration, which he attended as a Sergeant<sup>230</sup>. Its role was to monitor events throughout London and to plan the operational response for those which would be beyond the resources of local divisions. A8 would also keep a watch over smaller events so that they would know not to call on the resources of those policing them. During the 1970's the strength of A8 itself was around a dozen officers, ranging in rank from Constables to a Chief Superintendent<sup>231</sup>.
62. A8 were a customer for Special Branch threat assessments, which were received in advance of demonstrations or other events<sup>232</sup>. These varied in type between general and specific detail and were extremely valuable for planning purposes<sup>233</sup>. In terms of accuracy, Mr Speed recalls that they "*got it right far more than they got it wrong*", although he notes they occasionally overstated matters<sup>234</sup>. These would be requested by A8, some on an urgent basis. They were also used as a "*second opinion*" to test the accuracy of the indication of the scale of an event provided by local divisions who intended to police it themselves. Special Branch officers may have also attended briefings prior to large events or seconded an officer to the control room on the day to provide up-to-date information.
63. Thereafter, he was promoted to Inspector and subsequently became the MPS liaison officer for Lord Scarman's inquiry into the disturbance at Red Lion Square in June 1974<sup>235</sup>. This position required him to work closely with the Treasury Solicitor to provide advice on possible witnesses and the direction of the investigation. He suspects he worked with Special Branch to arrange for witnesses to attend. He does not recall Lord Scarman being informed that undercover officers attended the disturbances, but notes he would be surprised if this did not take place<sup>236</sup>.
64. In 1976 Mr Speed returned to A8 to draft a report to the Home Office concerning the disturbances which occurred at the Notting Hill Carnival that year<sup>237</sup>. This report was

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<sup>230</sup> Ibid., para 28.

<sup>231</sup> Ibid., para 33.

<sup>232</sup> Ibid., para 55.

<sup>233</sup> Ibid., para 42.

<sup>234</sup> Ibid., para 57.

<sup>235</sup> Ibid., para 10.

<sup>236</sup> Ibid., para 79.

<sup>237</sup> Ibid., para 11.

primarily based on his experience at the event in command of other officers, but would also have included the experiences of others present. He notes that A8 would send a report of this nature to the Home Office after any event where there was significant disorder which necessitated their involvement<sup>238</sup>.

65. He was then promoted and became the Chief Inspector in A8 between 1977-1980<sup>239</sup>. This position required Mr Speed to plan operations for large demonstrations and provide assistance to others policing such events. Special Branch assessments would come to Mr Speed in this role, and he would inform his senior officers if necessary. He considers that these were imperative to his job<sup>240</sup>.
66. This role coincided with a period during which significant public order incidents occurred, including what became known as the “Battle of Lewisham” and the dispute at Grunwick’s factory. Regarding the latter, Mr Speed supervised police planning in response to this unrest and notes that that Special Branch would provide assessments on a daily basis, if necessary<sup>241</sup>.
67. Mr Speed was also involved in the A8 operational planning for the demonstration at Lewisham in August 1977<sup>242</sup>, and recalls that an assessment was requested from Special Branch which forecasted the disorder which, in fact, occurred. Shortly before the event, he attended a ‘strategy’ meeting with Special Branch and Assistant Commissioner Gibson (whose presence was indicative of the seriousness of the matter) which considered the question of whether to ban the march<sup>243</sup>. The minutes of this meeting make clear that, inter alia, Special Branch contributed towards the discussion of what was noted to be a “*political decision*”.
68. During this period Mr Speed also recalls that valuable Special Branch assistance was provided in advance of another National Front demonstration (this time in Barkingside), which allowed A8 to accurately calibrate its response to potential public disorder which again occurred. Notably, the Inquiry has received evidence that an SDS officer, HN13, was arrested outside Barking Police Station in autumn 1977, having attended a march in opposition to the National Front<sup>244</sup>. It is uncertain whether this arrest was at the same incident.

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<sup>238</sup> Ibid., para 40.

<sup>239</sup> Ibid., para 12.

<sup>240</sup> Ibid., para 74.

<sup>241</sup> Ibid., para 12.

<sup>242</sup> Ibid., para 58.

<sup>243</sup> MPS-0748210.

<sup>244</sup> MPS-0722618

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69. Later, in 1981, he again became the police liaison officer to Lord Scarman's Inquiry into the Brixton riots<sup>245</sup>. Mr Speed considers that the recommendations which resulted from both of Lord Scarman's reports were of substantial value to the police<sup>246</sup>. This included setting up training in public order for senior officers, which Mr Speed personally established and delivered.
70. Mr Speed went on to hold positions which may be of some relevance to later tranches, including Commander (Territorial Operations) between September 1989 and September 1990; Assistant Commissioner responsible public order from 1994 and Chairman of Association of Chief Police Officers' public order subcommittee from 1997 until retirement in February 1999<sup>247</sup>.
71. Mr Speed states he has no knowledge of the SDS from his career, nor does he recall having any interaction or dealings with them. He makes the point that A8 had no detailed knowledge of how Special Branch obtained the intelligence which informed their threat assessments, although they assumed this could have included undercover police officers.

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<sup>245</sup> Speed witness statement, paragraph 14.

<sup>246</sup> *Ibid.*, para 15.

<sup>247</sup> *Ibid.*, paras 20-24.

# UNDERCOVER POLICING INQUIRY

## Annex B: List of Key Personalities in the Cabinet Office and Home Office Documents

Name	Role/s <sup>248</sup>
Sir Philip ALLEN	Home Office, Permanent Under-Secretary of State 1966–1972  Member, Official Committee on Subversion at Home
Robert ANDREW	Home Office, Deputy Under-Secretary of State
G L ANGEL	Home Office  Secretary, Interdepartmental Group on Subversion in Public Life
Sir Robert ARMSTRONG	Principal Private Secretary to the Prime Minister 1970–1975  Permanent Under-Secretary of State at the Home Office 1977–1979  Cabinet Secretary 1979–1987  Head of the Home Civil Service 1981–1987  Chairman, Inter-Departmental Group for Long-Term Intelligence reports on Subversion in Public Life  Member, Dean Committee
Sir William ARMSTRONG	Head of the Home Civil Service 1968-1974
A S BAKER	Home Office  Member, Interdepartmental Group on Subversion in Public Life

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<sup>248</sup> Descriptions of roles and titles have been limited to the time period contemporary to the T1 Module 2b/2c papers.

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Peter BRODIE	Assistant Commissioner "C" (Crime), Metropolitan Police 1966-1972
Robert P BRYAN	Deputy Assistant Commissioner, Special Branch 1977-1981  Member, Interdepartmental Group on Subversion in Public Life
Maurice BUCK	Chief Constable of Northamptonshire Police 1979-1986
Sir Lawrence BYFORD	HM Chief Inspector of Constabulary for England and Wales 1983-1987
Sir Brian CUBBON	Permanent Under-Secretary of State, Home Office 1979-1988
B M DAY	Cabinet Office  Secretary Official Committee on Subversion at Home (after Waddell)
Sir Patrick DEAN	Chairman, Dean Committee
H DOYNE-DITMAS	Cabinet Office  Secretary of the Interdepartmental Group on Subversion in Public Life from 1977
Vic GILBERT	Deputy Assistant Commissioner, Special Branch 1972-1977  Member, Interdepartmental Group on Subversion in Public Life
Sir Leslie GLASS	Senior Diplomat  Joint Secretary of the Counter Subversion Committee  Member of the Information Research Department (IRD)
Derek A HAMBLÉN	Security Service

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	Member, Interdepartmental Group on Subversion in Public Life
Sir Michael HANLEY	Deputy Director General of the Security Service 1971-1972  Director General of the Security Service 1972-1978
Roy A HARRINGTON	Head of F4 Division, Police Department, Home Office 1984-1987
David HEATON	Cabinet Office, then Home Office c. 1970  Secretary, Official Committee on Communism (Home) Working Group on Countermeasures  Secretary, Official Committee on Subversion at Home  Retired as Assistant Under-Secretary of State 1983
Sir Conrad HERON	Permanent Secretary of the Department of Employment 1973–1976  Member, Official Committee on Subversion at Home  Member, Dean Committee  Head of the Heron Sub-Group on Industry
Colin HEWETT	Deputy Assistant Commissioner, Metropolitan Police as of 1981
Sir John HUNT	Cabinet Office, Cabinet Secretary 1973-1979  Member, Dean Committee  Chairman, Official Committee on Subversion at Home
Peter IMBERT	Chief Constable of Thames Valley Police 1979-1985  Chairman of the Association of Chief Police Officers (ACPO) 1983-1985  Commissioner of the Metropolitan Police 1987-1992

## UNDERCOVER POLICING INQUIRY

R A (Jimmy) JAMES	Home Office, F4 Division, Police Department, Receiver for the Metropolitan Police District 1977-80
John JONES	Deputy Director General of the Security Service 1976-1981  Director General of the Security Service 1981-1985  Member, Dean Committee  Member, Interdepartmental Group on Subversion in Public Life
Sir Martin Furnival JONES	Director General of the Security Service 1965-1972  Member, Official Committee on Subversion at Home
Donald MAITLAND	Downing Street Press Secretary 1970-1973  Member, Dean Committee  Member, Official Committee on Subversion at Home
Sir Robert MARK	Commissioner of the Metropolitan Police 1972-1977
D A NICHOLLS	Cabinet Office  Secretary, Interdepartmental Group on Subversion in Public Life from 1976
Ken OXFORD	Chief Constable, Merseyside Police 1976-1989  Chairman, Association of Chief Police Officers (ACPO) 1982-1983
S PANTON	Clerk to the Home Affairs Select Committee
Sir Arthur PETERSON	Home Office, Permanent Under-Secretary of State 1972-1977
Peter PHELAN	Commander Special Branch, Metropolitan Police 1987-1991

## UNDERCOVER POLICING INQUIRY

G Hayden PHILLIPS	<p>Principle Private Secretary to the Home Secretary 1974-1977</p> <p>Under-Secretary, Police Department</p> <p>Police Department, Home Office, 1979-1983</p>
Joseph G PILLING	F4 Division, Home Office
Norman REDDAWAY	<p>Foreign and Commonwealth Office, Assistant Under-Secretary of State 1970-74</p> <p>Co-founder of the Information Research Department (IRD)</p> <p>Member, Official Committee on Subversion at Home</p> <p>Member, Dean Committee</p> <p>Member, Home Regional Committee</p> <p>Member, Interdepartmental Group on Subversion in Public Life</p>
Lord Victor ROTHSCHILD	<p>Head of the Central Policy Review Staff 1971-1974</p> <p>Member, Official Committee on Subversion at Home</p>
Michael RUMBLE	F1 Division, Police Department, Home Office 1981-1986
Sir Joseph SIMPSON	Commissioner of the Metropolitan Police 1958-1968
Ferguson SMITH	Deputy Assistant Commissioner, Special Branch 1969-1972
H H TAYLOR	Principal Private Secretary to the Home Secretary
Richard (Dick) THISTLETHWAITE	<p>Security Service</p> <p>Member, Official Committee on Communism (Home)</p> <p>Working Group on Countermeasures</p>
Sir Burke TREND	<p>Cabinet Office, Cabinet Secretary 1963-1973</p> <p>Chairman, Official Committee on Communism (Home)</p> <p>Working Group on Countermeasures</p>

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	Chairman, Official Committee on Subversion at Home
Sir James WADDELL	<p>Home Office, Deputy Under-Secretary of State 1966-1975</p> <p>Member, Official Committee on Communism (Home)</p> <p>Member, later Chairman, Official Committee on Subversion at Home</p> <p>Member, Official Committee on Communism (Home) Working Group on Countermeasures</p> <p>Chairman, Waddell Committee, Interdepartmental Group on Subversion in Public Life</p> <p>Member, Dean Committee</p>
Frederick John WARNE	Head of F8 Division, Police Department, Home Office 1986-1989
J S WILSON	<p>Deputy Assistant Commissioner (Crime), Metropolitan Police 1972-1975</p> <p>Assistant Commissioner "C" (Crime), Metropolitan Police 1975-1977</p> <p>Member, Interdepartmental Group on Subversion in Public Life</p>
Sir Colin WOODS	<p>Assistant Commissioner "C" (Crime), Metropolitan Police 1972-1975</p> <p>Deputy Commissioner, Metropolitan Police 1975-1977</p> <p>HM Chief Inspector of Constabulary for England and Wales 1977-1979</p>

# UNDERCOVER POLICING INQUIRY

## Annex C: List of Key Committees in the Cabinet Office Documents

Committee	Description
Committee of Ministers	<p>A committee set up in 1972 and chaired by the then Prime Minister, Sir Edward Heath. Members included the Home Secretary, Foreign and Commonwealth Secretary, Secretary of State for Defence, the Lord President of the Council and the Secretary of State for Employment.</p> <p>Its remit was to: “...keep under review the problem of subversion in modern society”.<sup>249</sup></p>
The Dean Committee	<p>An interdepartmental official group set up in July 1972 chaired by Sir Patrick Dean and including members from the Prime Minister’s Office, the Home Office, the Foreign and Commonwealth Office, the Department of Employment and the Security Service.</p> <p>Its terms of reference were: “Under the direction of the Lord President of the Council, to develop methods, including appropriate publicity and exposure, by which certain types of subversive activity can be countered; to implement, subject to Ministerial approval, specific projects for this purpose; and to make periodical reports to the Ministerial group.”<sup>250</sup></p> <p>It last sat on 17 December 1973<sup>251</sup>.</p>
The Heron Sub-Group on Industry	<p>Set up by the Dean Committee in July 1972 and sat, almost weekly, until February 1974.<sup>252</sup></p>

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<sup>249</sup> UCPI0000035279/2

<sup>250</sup> UCPI0000035279

<sup>251</sup> UCPI0000035244/9

<sup>252</sup> UCPI0000035244/8

## UNDERCOVER POLICING INQUIRY

<p>Information Research Department's English Section (later International Movements Section)<sup>253</sup></p>	<p>Part of the Foreign Office, established in 1948.<sup>254</sup>  The OCC(H) set the terms of reference for the Foreign Office's Information Research Department's English Section<sup>255</sup>.</p> <p>Remit: "...to act as the focus for the collation and dissemination of intelligence about Communist activities on the home front".<sup>256</sup></p> <p>"...the enquiry point within the Foreign Office on Communist activities in the United Kingdom and on such subversive organisations as the Bertrand Russell Peace Foundation, and other Trotskyist, Fascist and anarchist bodies."<sup>257</sup></p>
<p>The Interdepartmental Group under the Chairmanship of Mr Waddell to Study Subversion in Public Life</p>	<p>A group set up under the chairmanship of Sir James Waddell in September 1972 to study subversion in public life. Known as the SPL. Representatives of the Home Office, Foreign and Commonwealth Office, Department of Employment, Scottish Office the Security Service, the Cabinet Office and Special Branch sat on the committee.</p> <p>Its terms of reference were: "To supervise and direct the collection of intelligence about threats to the internal security of Great Britain arising from subversive activities, particularly in industry; and to make regular reports to the Ministers concerned."<sup>258</sup></p> <p>Suspended in 1974 due to a change in administration<sup>259</sup>, revived in 1976<sup>260</sup> to be chaired</p>

<sup>253</sup> UCPI0000035242/8 at [3]

<sup>254</sup> UCPI0000035242/1

<sup>255</sup> UCPI0000035238/2

<sup>256</sup> UCPI0000035238/3

<sup>257</sup> UCPI0000035238/5

<sup>258</sup> UCPI0000035269

<sup>259</sup> UCPI0000035259

<sup>260</sup> UCPI0000035246

## UNDERCOVER POLICING INQUIRY

	<p>by R T Armstrong with revised terms of reference which read: <i>“To give guidance on the collection and to co-ordinate the assessment of intelligence about threats to the internal security of Great Britain arising from subversive activities and to make periodic reports to the officials concerned”</i>.<sup>261</sup></p>
<p>Official Committee on Communism (Home)</p>	<p>The OCC(H)’s terms of reference were to: <i>“focus all available intelligence about Communist activities in the United Kingdom, and to recommend to Ministers what action can properly be taken to counter such activities”</i><sup>262</sup>.</p> <p>Includes the Official Committee on Communism (Home) Working Group on Countermeasures</p> <p>Name changed in 1968 to Official Committee on Subversion (Home)<sup>263</sup> (see below)</p>
<p>Official Committee on Subversion at Home</p>	<p>Successor to the Official Committee on Communism (Home)<sup>264</sup>. Sometimes referred to as SH. Chaired by Sir Burke Trend, Cabinet Secretary (later Sir John Hunt). Met at “regular intervals”.</p> <p>Included representatives at various points from the Cabinet Office, Home Office, Foreign and Commonwealth Office, Department for Employment and Productivity, Department of Education and Science, and the Security Service.</p> <p>Its terms of reference were:</p>

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<sup>261</sup> UCPI0000035243

<sup>262</sup> UCPI0000035238

<sup>263</sup> UCPI0000035237

<sup>264</sup> UCPI0000035238 The Official Committee on Communism (Home) had itself previously been known as the Anti-Communist (Home) Committee. The original AC(H) committee was established in 1950 (see UCPI0000035277/2 at [2]).

## UNDERCOVER POLICING INQUIRY

	<p><i>“To focus intelligence about communist and other subversive activities in the United Kingdom, to advise Ministers on appropriate measures (other than those in relation to the public service, which are within the purview of the Official Committee on Security) to counter these activities, and to co-ordinate such counter-measures.”<sup>265</sup></i></p>
Joint Intelligence Committee (JIC)	<p>An inter-agency body to coordinate the collection, assessment and dissemination of intelligence. Served to distribute reports from the SH and SLP Committees<sup>266</sup></p>

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<sup>265</sup> UCPI0000035225/1

<sup>266</sup> UCPI0000035251