



HOME OFFICE
POLICE ACT 1964

**THE RED LION SQUARE
DISORDERS OF 15 JUNE 1974**

REPORT OF INQUIRY

BY THE RT. HON. LORD JUSTICE SCARMAN, O.B.E.

Presented to Parliament by the Secretary of State for the Home Department

by Command of Her Majesty

February 1975

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WARRANT OF APPOINTMENT

In pursuance of the powers vested in me by section 32 of the Police Act 1964, I, the Right Honourable Roy Jenkins, one of Her Majesty's Principal Secretaries of State, hereby appoint the Right Honourable Lord Justice Scarman to review the events and actions which led to disorder in Red Lion Square on 15 June 1974 and to consider whether any lessons may be learned for the better maintenance of public order when demonstrations take place.

AND I further appoint D. J. Belfall, Esq., of the Home Office to be the Secretary of the Inquiry.

AND I direct, under subsection (2) of section 32 of the said Act, that the Inquiry shall be held in public, save in so far as in the opinion of the tribunal it is in the public interest expedient that part of the Inquiry should be held in private.

(*Sgd.*) ROY JENKINS,

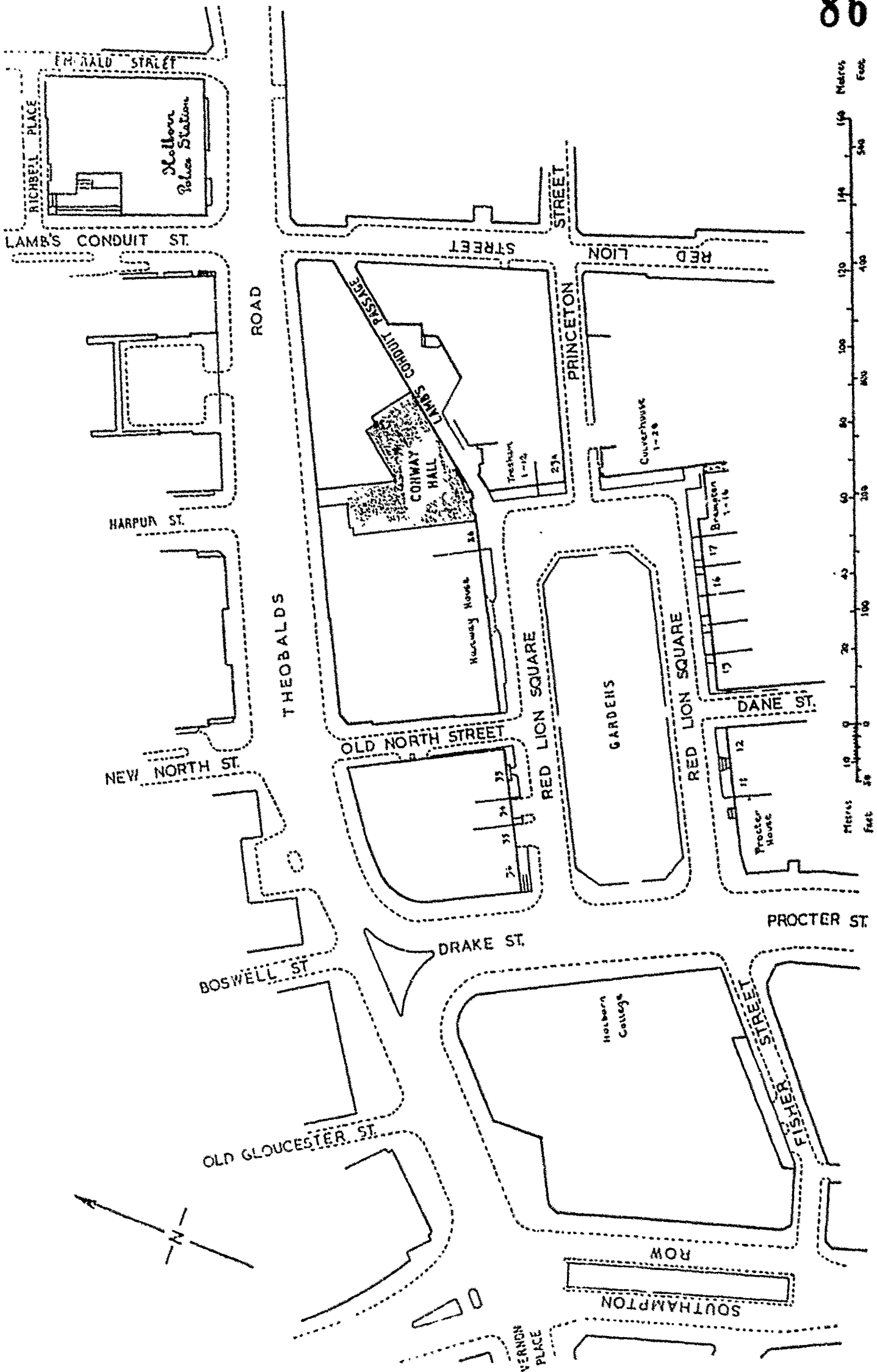
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

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Map of Red Lion Square/Theobald's Road area

Report to the Right Honourable Roy Jenkins, M.P., Secretary of State for the Home Department, on the Red Lion Square disorders of 15 June 1974

PART I—FIRST PRINCIPLES

Introduction

1. On 28 June 1974 I was appointed by you pursuant to Section 32 of the Police Act 1964 to “review the events and actions which led to disorder in Red Lion Square on 15 June and to consider whether any lessons may be learned for the better maintenance of public order when demonstrations take place”. I now submit my report.

2. The first phase of the Inquiry was concerned with the facts: it began at Church House, Westminster on 2 September and finished on 2 October. Twenty-three days in all were spent on this investigation.

3. The second phase, concerned with the lessons to be drawn, was much shorter, the decision having been taken to invite the submission of representations in writing—an invitation accepted by all except one of those represented at the Inquiry and by some others (for the invitation was extended to members of the public). So it happened that the second phase took 4 days of the week beginning on 18 November; the hearings were at the Law Courts in the Strand.

4. It has been a public inquiry into one aspect and one incident of policing—the maintenance of public order in the metropolis when bitterly opposed political factions were demonstrating and counter-demonstrating on the same Saturday afternoon and in the same part of London. On the afternoon of 15 June 1974 public order broke down in Red Lion Square: one young man, a student at Warwick University, died: 46 policemen were injured: and, while it is known that at least 12 members of the public were injured, many more must have suffered unpleasant injuries of greater or less severity which were never reported. Public order broke down at 3.38 pm on the corner of Old North Street and Red Lion Square: it was restored by 4.26 pm, the last disorderly incident being an affair involving members of the International Marxist Group (IMG) and police in Boswell Street. The disorders, though they did reach a peak of vicious violence and encompassed the tragedy of Kevin Gately's death, were confined in area and limited in time. Whatever be the criticisms that can legitimately be made of police action, the Metropolitan Police are to be congratulated on their success in containing the disorders and bringing them quickly to an end.

First principles

5. Amongst our fundamental human rights there are, without doubt, the rights of peaceful assembly and public protest and the right to public order and tranquillity. Civilised living collapses—it is obvious—if public protest becomes violent protest or public order degenerates into the quietism imposed by successful oppression. But the problem is more complex than a choice between

two extremes—one, a right to protest whenever and wherever you will and the other, a right to continuous calm upon our streets unruffled by the noise and obstructive pressure of the protesting procession. A balance has to be struck, a compromise found that will accommodate the exercise of the right to protest within a framework of public order which enables ordinary citizens, who are not protesting, to go about their business and pleasure without obstruction or inconvenience. The fact that those who at any one time are concerned to secure the tranquillity of the streets are likely to be the majority must not lead us to deny the protesters their opportunity to march: the fact that the protesters are desperately sincere and are exercising a fundamental human right must not lead us to overlook the rights of the majority.

6. This Inquiry has been concerned to discover where the balance should be struck, and the role of the police in maintaining it. Indiscipline amongst demonstrators, heavy-handed police reaction to disorder are equally mischievous: for each can upset the balance. Violent demonstrators by creating public disorder infringe a fundamental human right which belongs to the rest of us: excessively violent police reaction to public disorder infringes the rights of the protesters. The one and the other are an affront to civilised living.

The role of the police

7. The police are not to be required in any circumstances to exercise political judgment. Their role is the maintenance of public order—no more, and no less. When the National Front marches, the police have no concern with their political message; they will intervene only if the circumstances are such that a breach of the peace is reasonably apprehended. Even if the message be “racist”, it is not for the police to “ban the march” or compel it to disperse unless public order is threatened. If, of course, the message appears to infringe the race relations legislation, the police have a duty to report the facts so that consideration may be given to subsequent prosecution: moreover in such circumstances a senior police officer, accompanying the march, might think it wise to warn the organisers of the march that, if it proceeds with its slogans, he will report the fact. But it is vital, if the police are to be kept out of political controversy, that in a public order situation their sole immediate concern is, and is seen to be, with public order.

The setting of the scene

8. On 30 April 1974 the National Front (a political group on the extreme right wing of politics with an address in Croydon) booked the large hall at the Conway Hall, premises of the South Place Ethical Society, at 25 Red Lion Square. The booking was for a meeting between the hours of 2 pm and 5 pm on the afternoon of 15 June. The purpose of the booking was to provide a meeting-place after a march through central London. The march and the meeting were planned as a protest against the Government's decision to grant an amnesty to illegal immigrants and to allow them to bring their relatives into the United Kingdom.

9. On 7 May Mr Martin Webster of the National Front wrote to the Metropolitan Police a letter in which he gave details of the plan and made it quite clear that the organisers were ready to consult with the police before the event and to co-operate with them on the march. He said expressly that the possibility of disruption could not be ruled out.

10. In the first few days of June Miss Kay Beauchamp, Secretary of the London Area Council of Liberation, learnt of the National Front's intentions. Liberation is an organisation, left-wing in outlook, that is deeply concerned with the problems of immigration and racial discrimination. Its President is Lord Brockway, and it includes at least two Labour members of Parliament amongst its officers, one of whom, Mr Sydney Bidwell, was in Red Lion Square on the afternoon of 15 June. On 4 June Mr Hart, General Secretary of Liberation, booked by telephone the small hall at Conway Hall for the afternoon of 15 June. The lady who accepted the booking did not recognise Liberation for what it was: nor did anyone in authority at the Conway Hall appreciate why the small hall was being booked. It is absolutely clear that one purpose for the booking was to provide good grounds for organising not only in the hall but also in the adjoining streets a counter-demonstration to the National Front.

11. The police first heard of Liberation's plans on 9 June. They were apprehensive. They knew that on previous occasions in London and elsewhere National Front demonstrations had aroused vigorous, and in some instances, violent, opposition. They appreciated that the double booking of the Conway Hall presented particular problems because it meant that the hall would be the *terminus ad quem* for both marches. And they were aware that since the small hall only accommodated 100 people they would probably also have to cope with a Liberation overflow meeting.

12. Mr Cadogan, General Secretary of the South Place Ethical Society, learnt of the implications of the Liberation booking from the police on 10 June. He was indignant and fearful of the consequences, and went so far as to issue on 11 June a press statement which, under the title "Freedom of Speech", defended their acceptance of the National Front booking and gave notice that "those who make or threaten any assault upon it (ie freedom of speech at Conway Hall) will forfeit their own right to meet here". He also sought and obtained assurances from Liberation and the National Front that neither meeting would

interfere with the other, and arranged that while the National Front would use the main entrance in Red Lion Square, Liberation would use the side entrance in Theobald's Road. Furthermore, on the basis of previous experience, he sent a registered letter to the International Marxist Group (a predominantly student organisation of the extreme left wing, which had been invited to participate by Liberation), warning that any interference with the National Front meeting would lead to loss of access to the hall. To this letter he received no reply.

13. The risk of public disorder was known to all concerned. The executive of the National Union of Students was anxious and urged that the Liberation demonstration be cancelled. Within the ranks of Liberation itself Lord Brockway was concerned about the possible action of "fringe elements". He dissented from the proposal to organise a counter-demonstration, but did not feel that he could publicly dissociate himself from what was proposed. Having decided upon their counter-demonstration Liberation advertised their intention and sought to make it as large and as impressive as they could.

14. Liberation now sought a meeting with the police. It took place at New Scotland Yard on 11 June. After discussing possible routes those present at the meeting believed they had settled a route acceptable to the police and Liberation. But, as the event proved, there was a serious misunderstanding. The police representatives believed they made it clear that when those attending the Conway Hall meeting had detached themselves from the march in Theobald's Road the rest would turn left into Old North Street, and upon reaching Red Lion Square, turn right into the north-west part of the square where an open-air meeting would be held. Mr Hart (who, with Miss Beauchamp, represented Liberation) believed that they were told that the march was to turn left into Red Lion Square, proceed past the main entrance of Conway Hall, and end in an open-air meeting in the south-eastern part of the square. Nothing was put into writing: and the only possible finding is that the parties misunderstood each other. Much was made in argument before me of this misunderstanding: indeed it was said to be the explanation for the assault upon the police at the corner of Old North Street and the square. But it is necessary to bear in mind that Miss Beauchamp, Mr Hart, and their colleague Mr Gilbert, recognised that the police might well change the route in the course of the march and that, if they did, it would be the duty of the Liberation stewards to ensure compliance. Moreover Liberation experienced no difficulty in directing the head of the march to the right, even though Mr Gilbert and Mr Hart had been expecting it to turn left.

15. The meeting disturbed the police. They were by no means sure that Liberation would be able to control some of the more extreme elements who were expected, and indeed were being invited, to join the demonstration. Superintendent Diver, one of the policemen at the meeting, noted in a memorandum he prepared the same day:—

"Mr Hart again said that although they agreed with police proposals, it was not possible to ensure compliance by their supporters.

Without doubt a violent confrontation can be anticipated."

16. That afternoon a representative of the International Marxist Group (IMG) telephoned Liberation to inquire as to the proposed route, but got no answer. The following day (Wednesday 12 June) after a further unsuccessful telephone call he visited the Liberation office where he was told that the route agreed with the police included the turn to the left at the bottom of Old North Street into Red Lion Square. This unexpected news was confirmed at a further meeting on the Thursday. I have no doubt that the IMG were at first astonished and then delighted: for it offered them the opportunity of mounting a "mass picket" outside the Conway Hall which would deny the National Front access to the hall.

17. Meanwhile the police made their preparations. On 13 June they had a meeting with Mr Martin Webster to discuss and agree the National Front route. Though it played no part in the causation of the disorders, it should be noted that there also seems to have been a misunderstanding between the police and the National Front. The police intended that the National Front march should turn right at Vernon Place into Southampton Row, left into Fisher Street, and along the southern and eastern carriageways of Red Lion Square to the main entrance of the Conway Hall in the north-eastern corner of the square. But the National Front was apparently left with the impression that they would enter the square via Dane Street (it is almost conceivable in that the police could have made or accepted any such proposal). Again the route was not confirmed in writing.

18. The Liberation march moved off from its assembly point on the Embankment near Charing Cross underground station at 2.48 pm. The National Front moved off from its assembly point in Tothill Street, Westminster at 2.59 pm. The combined effects of these timings and the routes was that the two demonstrations were kept separate in time and place without denying to either the right to march through central London to the Conway Hall on the same Saturday afternoon. The details of the routes and the timings are set out in appendix A, the police dispositions in appendix B, and a map of Red Lion Square and its adjoining streets is at page v of this report. The police expected 1,000 to 1,500 counter-demonstrators with Liberation and a National Front march of 1,000 or a little less: these estimates proved to be reasonably accurate. The total number of police made available to maintain public order was 711 foot police and 25 mounted police.

The assault upon the police

19. The Liberation march was orderly and well-organised. Co-operation with the police was excellent. Estimates vary as to the number of marchers: I put it at about 1,500. Most of them were in their late teen-age or early twenties: very many of them were students (the Warwick University Students Union provided a minibus to take some of its members to London; among them was Kevin Gately). A journalist thought there were 40 to 50 followers of the banner of the Communist Party of England (Marxist-Leninist), an organisation which I understand is distinct from and to the left of, the Communist Party of Great Britain; 400 or 500 followers of the banner of the IMG; and a number (not so many) following the banner of the International Socialists. The IMG contingent was not at the head of the march: there were at least 500 marchers, owing all

sorts of allegiances, ahead of them. In front of the march there was a police vehicle which was followed by a Liberation loudspeaker van. Liberation marshals, including Mr Gilbert, who was in overall charge, and Mr Hart, were much in evidence, watching and controlling it. A journalist, Mr Chippindale of *The Guardian*, described in evidence how the marchers were shouting "The National Front is a Nazi Front" and "Smash the National Front". He went on:—

"... I took 'smash' to mean politically, rather than physically. On the other hand, the general tenor of the march was aggressive, particularly this slogan and the way it was shouted... The march seemed quite orderly and was moving very slowly."

Many banners were carried: some were stretched between poles carried by two or more demonstrators marching abreast, others were more in the nature of placards carried on single staves, some of which were stout pieces of wood. There were also some staves, two inches by two inches thick, with small red flags on the top, which were noticed by journalists but not by the police or the demonstration organisers.

20. All went well until the march reached the Theobald's Road entrance of the Conway Hall, where it stopped. Only 30 or 40 people left the march to go to the meeting in the small hall, although the hall can accommodate 100 people—an indication that the major purpose that afternoon was to demonstrate on the streets and in Red Lion Square against the National Front.

21. After the pause in Theobald's Road the march resumed its progress. It turned left into Old North Street. This street is some 50 yards long and (including the pavements) about 30 feet wide at the Red Lion Square end: it is a short, narrow street. When the march was some way down it, Mr Hart noticed a police cordon at or near the corner of the street and Red Lion Square, barring a turn left into the square and preventing access to the main entrance of the Conway Hall, and to the eastern side of the square. He was surprised, because he had expected the march to turn left, as agreed (so he thought) with the police: but he readily admitted in evidence that the decision to turn the march right into the north-western part of the square, which was now made clear to him, caused no difficulty. He and Mr Gilbert gave their directions, and the head of the march turned right as it entered the square. Some of the Liberation marshals went ahead and set up a platform for their meeting near the crown of the road not far from the junction of the square with Drake Street. As the meeting began Mr Bidwell (who had just arrived) became aware of some sort of skirmish behind him in the direction of Old North Street.

22. Perhaps as many as 500 marchers had followed the directions of Mr Hart and Mr Gilbert, turning right into the square. A gap opened up between the rear of those 500 and those following the banner of the IMG. I have no doubt that this gap was deliberately created by the IMG slowing its pace a little. The gap having appeared, the IMG banner (mounted on three poles carried by demonstrators spread across the width of the roadway) was removed to the side, leaving a front line of determined-looking young men with their arms linked. Disregarding the direction taken by the march ahead of them they

led a charge round the corner to the left into the police cordon. Thus began what Mr Hawser (leading counsel for the Inquiry) in his final speech accurately described as “a deliberate, determined, and sustained attack” on the police cordon. It was unexpected, unprovoked, and viciously violent. It was the beginning of the afternoon’s violence in the course of which one young man sustained a fatal injury, and an unknown number of demonstrators and 46 policemen were injured. A heavy responsibility rests on those who instigated and led that assault.

23. Time was spent in the course of the Inquiry upon such questions as to whether the assault was “pre-planned” or a thing of the moment, a spontaneous outburst at finding their expected route blocked. The assault was inexcusable, whatever the degree of premeditation. The explanation which I accept is that the IMG, believing (because Mr Hart had told them so) that they would be turning left, had planned a “mass picket” outside the entrance in the square to Conway Hall. This unlawful tactic is not to be confused with the lawful process of peaceful picketing in the course of a trade dispute. In this case the IMG’s purpose was by the obstacle of their presence in mass to deny the National Front, when they arrived, access to the hall—unless the police were prepared to use force to disperse the “picket”, in which event it would not be difficult to set up the cry of police “brutality”. The turn to the right at the foot of Old North Street deprived them of this opportunity.

24. One of their leaders, Mr Bailey, was in the square and nearby when Mr Hart was told that the march had to turn right and, I am satisfied, knew at that moment where the police wished the march to go. His reaction, as he explained it to the Inquiry, was that:—

“the police had broken the agreements that were made, and from there on everything was very much up for grabs, I would say.”

He went back to the IMG who were in Old North Street, and spoke some words to Mr Heron, the man in charge of the IMG that afternoon. At this moment or a few seconds afterwards Mr Heron must have realised that the march was now turning right not left into the square. If, as he says, he was unable to hear what Mr Bailey was saying he had the evidence of his eyes as to what was happening a few yards ahead. The truth is that the IMG were determined, by force if necessary, to turn left and to “picket” (ie to obstruct), if they could, the main entrance to the Conway Hall, and were not going to be deterred by what they no doubt regarded as a last minute change of plan by the police: everything was “up for grabs”.

25. Mr Heron did say in evidence that the IMG’s intention was simply to try to persuade the demonstrators assembled in open-air meeting to accept the picket plan, and not to picket unless their proposal was accepted. I reject this piece of evidence: he never mentioned any such proposal to Liberation, or in the course of a broadcast the day after the event. And why did they turn left, when the easiest way to the meeting was to follow the march and turn right?

The police response—they clear the square

26. When the IMG assaulted the police cordon there began a riot, which it was the duty of the police to suppress, by force if necessary. Every other person present in the square was, as a matter of law, under the duty of assisting the police: but common sense suggests that discretion was for them the better part of valour. The law-abiding public is wise to leave the quelling of a riot to the police unless their assistance be directly sought—which in Red Lion Square it was not. The riot therefore developed into a violent clash between two “sides”—the rioters and the police—giving to some the impression of police pitching into the demonstration.

27. This impression was strengthened by the fact that inevitably many law-abiding members of the demonstration found themselves sucked, or pressed, into the battle and its aftermath: for the police were under a duty not only to contain the riot but to disperse it. It is understandable that many innocent demonstrators thought that they and their friends were the victims of selective police violence: but I am satisfied that, even if there were lapses by individual policemen which, if proved, are not to be excused, this was a false interpretation of events. The police were not politically motivated for or against the Liberation march, or for or against the National Front: their concern was with the maintenance of public order.

28. The cordon of foot police took the shock of the assault, the weight of which forced the cordon back in a bulge near the north-eastern corner. At first a pushing affair—the weight of a small number of determined demonstrators concentrated upon part only of the cordon—it soon developed into a vicious scrimmage which spread from the corner towards the garden of the square. Some placard staves and banner poles were used as offensive weapons against the police. The horses of the mounted police (one serial of which, ie some 10 horsemen, were drawn up in line immediately behind the foot police cordon) reared up and swerved in fright, but were not yet committed to the melee.

29. Mr Gerrard, the Deputy Assistant Commissioner in charge of the operation, was in the square and saw what was happening. He decided to bring forward the mounted police in support of the foot police cordon and for a time the horsemen added the weight of their horses in support of the foot police line. Two units of the Special Patrol Group (SPG) were also summoned from Richbell Place where they had been held in reserve.

30. Although it was a close run thing the first surge of the demonstrators was contained and then pushed back, and the police cordon restored to its original position. For a few moments there was a lull while the demonstrators faced the police and drew breath. There then began a second major surge against the police line. I am satisfied that on this occasion the foot police cordon was broken momentarily at a point to the east of the junction and in the centre of the northern carriageway of the square. The mounted police were here in direct contact with the crowd for a period until the foot police cordon could be restored.

31. The SPG units (over 40 men in all) now arrived. Mr Gerrard gave the order to "clear the square now and make arrests". Following the instructions of Chief Superintendent Adams, their commanding officer, the SPG units advanced into the crowd in a "wedge" (a V-shaped formation, with the point of the V entering the crowd first) directing their effort from the garden side of the square towards the western corner of the junction with Old North Street. Some mounted officers who had moved round from the east of the junction also took part in the operation. This police manoeuvre effectively divided the rioters. Most of them were left in Old North Street and the rest were pushed west along the northern carriageway of the square.

32. The SPG units now led the foot police (with support from the mounted police) up Old North Street, forcing the crowd back towards Theobald's Road. The pressures upon individual members of the crowd in Old North Street, the majority of whom were demonstrators who had not participated in the riot in Red Lion Square, were alarming—and only too easily referable to "police brutality". The movement was, however, slowly carried out, and necessary if the square was to be cleared and the riot dispersed. Some arrests were made.

33. Meanwhile foot and mounted police were clearing the north-western part of the square, forcing the turbulent elements back towards Drake Street. This operation inevitably interfered with the quiet, orderly meeting that Mr Gilbert, Mr Hart, Mr Bidwell and others of Liberation were attempting to hold. When Mr Bidwell had the microphone, he called on the extremists to calm down. Perturbed also by the use of mounted police, he asked more than once to speak to a senior police officer, but without success. The sense of frustration and the alarm felt by those who were trying amid the turbulence and the confusion to keep a peaceful meeting going are understandable; but I am satisfied that the police operation which cleared this part of the square was a necessary one, given the need to disperse the rioters and was carried out with no more interruption of the open-air meeting than was inevitable in the circumstances. By or about 3.50 pm the square was clear of rioters. It remained free of trouble for the rest of the afternoon.

34. It was the involvement of the mounted police in dealing with the riot which aroused most criticism after the event, and in evidence before the Inquiry. Mr Hart for instance did not regard either the use of horses or the way they were used as justifiable: a student, Mr Martinez, described them as driving the demonstrators back and then "clubbing down indiscriminately on people's arms, shoulders, and heads": Mr Heron, the IMG leader, made the significant comment that the horses moved in before it was clear that the police were trying to clear the junction (ie between the square and Old North Street).

35. The commitment of the mounted police was a strong measure. On at least two occasions—when the foot cordon was broken, and on the west side of the junction when the crowd was being divided—they were in direct contact with the demonstrators. On other occasions they were within range, though behind the foot cordon. If this contact was accompanied by an excessive use of force, particularly a brutal "clubbing down" of demonstrators with

truncheons, it would have been inexcusable. To this charge I return later, saying no more at this stage than that there is evidence, which I accept, that some mounted officers did draw and use their truncheons: their explanation was that it was necessary to do so in self-defence.

36. The riot was short-lived and order was restored in Red Lion Square within 15 minutes. Nevertheless it was to prove the fiercest fight of the day, and there were many injuries. In all, 31 policemen were injured as a result of blows on the head, body punches, kicks and falls under pressure of the crowd. A number of demonstrators suffered similar injuries. But by far the most serious consequence was the injury from which Kevin Gately so tragically died some hours later.

The death of Kevin Gately

37. The coroner made available to me a transcript of the evidence taken at the inquest on Kevin Gately. In view of the impressive and painstaking investigation he had already conducted I restricted my own inquiries, merely inviting evidence from eye witnesses to the injury and to the recovery of the body from the crowd. I have to report that no evidence was proffered to my Inquiry which would enable me to make any definite finding as to the specific cause of the fatal injury. But the general conclusion reached by Mr Gerrard cannot, in my judgment, be challenged: it was the riot situation and the build-up of pressure that led to the injury which caused his death. Those who started the riot must, therefore, carry a measure of moral responsibility for his death: but on the evidence available legal responsibility cannot be attributed to anyone.

38. There is no evidence that he was struck any blow by any policeman or injured in any way by a police horse: it is not even possible to say whether it was a blow, a fall, a kick, or being trampled on which caused the superficially tiny injury that led to his fatal brain haemorrhage. Mr Bailey of the IMG clearly recognised the absence of any direct evidence as to the cause of the injury when he made his remarkable declaration that political responsibility for the death lay firstly with the National Front (who were a mile or so away at the time); and secondly with the authorities for allowing the National Front to march—a declaration which, though it may have some emotive political value, is nonsense, if it be judged against the background of what happened and the responsibilities of those who were there and took part in the events.

39. A few significant positive findings can be made about Kevin Gately's movements during the last few minutes of his conscious life. With some of his friends from Warwick University he marched not far behind the IMG contingent. There is no evidence that he was a party to the assault upon the police: but he was near and—probably without fully comprehending the situation—he followed those in front round the corner in the immediate wake of the assault. He was a noticeable figure (by reason of his height—well over 6 ft) and, as under police pressure the first surge of the assault recoiled, moved back with the crowd into the mouth of Old North Street. The last photograph of him shows him towering above his fellow-demonstrators as they retreated

into Old North Street: in it he is facing up Old North Street and appears unscathed and in full control of his faculties. Thereafter nothing is known until, unconscious and prone, he emerged from the crowd in the roadway on the garden side. Mr Gerrard first saw him lying face downwards underneath the front rank: he had noticed people in the crowd stepping over him (not *on* him). Mr Chippindale of *The Guardian* saw him lying face downwards emerging from under the feet of demonstrators and police: he thought it quite impossible for him not to have been trampled on by the crowd.

40. There is a strong probability that whatever caused his death happened between the time the photographer's camera caught a glimpse of him at the bottom of Old North Street and the moment Mr Chippindale and Mr Gerrard saw his body in the roadway of the square on the garden side of the road. During this short interval of time there occurred the second major surge of the assault upon the police cordon. Its onrush probably carried Gately with it. Something happened: either he stumbled and fell or a flying stave or pole caught him a glancing blow just behind his left ear. It is possible, though very unlikely, that in the melee he was hit by a police truncheon—unlikely for two reasons; the total absence of any direct evidence (he was very tall and it is unlikely that such an incident would have passed unnoticed); and the fact, which the photographs disclose, that he was never in the front rank of demonstrators, never amongst those who were directly assaulting the police and against whom the police were fighting to defend themselves. All the indications are, and upon a balance of probabilities I so find, that there occurred some unnoticed minor accident—a fall or an apparently minor glancing blow: unfortunately it set up, as such minor injuries sometimes do, a fatal brain haemorrhage. He was not the victim of a brutal policeman, nor of a criminal demonstrator, but of the situation in which he found himself. That is why, in my judgment, those who started the riot carry a measure of moral responsibility for his death; and the responsibility is a heavy one.

The movement from Red Lion Square to Vernon Place

41. The inevitable result of the clearance of the square was that demonstrators emerged into Drake Street and Theobald's Road. It was not long before a substantial number of people were standing or moving about near the junction of Drake Street and Theobald's Road: there was also considerable activity in Drake Street itself.

42. The picture revealed by the evidence is confused. Police were in some strength in the square: they had the important task of preventing a breakthrough to the point where it was planned that the National Front, emerging from Fisher Street, should cross the road into the southern part of the square. Parties of demonstrators were roaming about, some of them in ugly mood. At one point it seemed likely that there might be an attempt to reach the southern side of the square, but the threat never developed into a serious attack. Nevertheless there were scuffles between the police and some demonstrators in Drake Street, and some arrests were made. The arrests were not attractive to look at, and enhanced the impression gained by some observers at the time of the clearance of the square that the police were over-reacting. I consider this question later.

43. The time was now about, or shortly after, 3.50 pm. The drums of the National Front were heard in the distance, as their march moved along Bloomsbury Way to Vernon Place. A cry went up, and the demonstrators moved away from Drake Street towards Vernon Place, where occurred the second major confrontation of police and demonstrators in the course of the afternoon's disorders.

The confrontation at Vernon Place

44. The National Front had moved off from their assembly point in Tothill Street SW1 shortly before 3 pm. In numbers they were about 1,000, or perhaps slightly less. They had come prepared for trouble. Towards the front and at the rear there were "defence parties" of 100 and 80 men respectively. Scouts were sent ahead to observe any groups of potential assailants lurking in side streets. The march was conducted in silence except for the accompaniment of a bass drum, four side drums and a fife. The demonstrators were carrying placards with slogans such as "Send Them Back", and there was a profusion of Union flags carried on flagpoles with pointed aluminium tips. It must have been a colourful sight, impressive to some, sinister to others. Scattered among the demonstrators were at least half a dozen who were wearing black shirts; they were noticed by journalists but not by the police. I also heard from journalists of a number of occasions on which individuals or small groups of demonstrators shouted or chanted insulting remarks at coloured people whom they passed; wisely these remarks were dismissed with the contempt they deserved, and no disorder ensued. By the standards of political demonstrations the demonstration was regarded by the police as orderly and well-disciplined.

45. The head of the National Front march reached the junction of Shaftesbury Avenue and New Oxford Street at 3.41 pm, and stopped there to allow those behind to close ranks. Commander Bundock, in charge of the accompanying police, had heard radio messages about the assault on the police cordon in Red Lion Square, and consulted Mr Gerrard by radio before restarting the march at 3.45 pm. The route now lay along Bloomsbury Way and Vernon Place, turning right into Southampton Row and left into Fisher Street, thus reaching the south side of Red Lion Square. As the march moved along Bloomsbury Way Mr Bundock saw in the distance a crowd of left-wing demonstrators coming towards the National Front.

46. At this point, at about 3.52 pm, Chief Superintendent Cracknell and Superintendent Diver arrived in a car in the centre of the Vernon Place/Southampton Row/Theobald's Road crossroads. Mr Cracknell was in charge of the foot police reserves and was on his way to Bloomsbury Square where most of them were stationed; but what he saw from his position in the centre of the crossroads caused him to stop. On one side was the National Front approaching on the planned route. On the other side approaching along Theobald's Road at a jog-trot (known, I understand, as the Ho Chi Minh shuffle) was what Mr Cracknell described as "an unaccompanied mob of several hundred people"; they were spread across the roadway (and it is a very wide roadway), and had linked arms. Mr Cracknell and Mr Diver got out of their car, and sent it away, together with some traffic policemen who had been in the junction. They were now the only police officers between the two converging groups. It was a dramatic moment.

47. Mr Cracknell and Mr Bundock sent radio messages to the Operations Room at New Scotland Yard asking for assistance. While they were waiting for it to arrive they saw with astonishment, and no doubt relief, that the left-wing crowd had stopped on reaching the mouth of Theobald's Road. I heard conflicting views on the reasons for this action, which undoubtedly averted a very ugly incident. Mr Diver believed that the group lacked leadership and hesitated when confronted with the strength of the National Front. However Mr Chippindale (who soon arrived on the scene) thought it was an organised crowd, and noted that the front line was very straight indeed. Mr Bailey was unequivocal; it was a "mass picket", he said. I have no doubt that it was an organised crowd, and that the organisers halted it at the mouth of Theobald's Road because they believed they were astride the National Front route, and therefore could, by remaining where they were, achieve their hitherto thwarted plan of placing a "mass picket" in a position where the police would either have to turn away the National Front or else clear a way for them (with all the opportunities for allegations of police partiality and brutality which that would entail).

48. The National Front reached the mouth of Vernon Place at about 3.53 pm, and were halted there by the police. Some of Mr Bundock's accompanying foot police officers came forward and formed a cordon in front of them. The two groups of demonstrators were now shouting at each other across the width of the crossroads, but soon the National Front began to chant "The Reds, the Reds, we've got to get rid of the Reds" (to drum accompaniment), and the left-wing crowd replied with the Internationale, Fascist salutes and chants of "Sieg Heil". Individuals from both sides came forward into the central area and yelled abuse. Some in the left-wing crowd began throwing earth, pebbles and metal and wooden objects. Two smoke "bombs" (of the kind used in pantomimes) were thrown—indicating that at least someone on the left wing side had come prepared for trouble. None of these missiles seems to have reached the National Front but before the traffic had been stopped one object hit a yellow car which was crossing the junction with a heavy thump; the occupants looked alarmed and the car slowed down, but then drove on without stopping.

49. In his original radio message Mr Cracknell had asked for five serials (some 110 men in all) to be placed between the two groups. Only two serials were at first made available and then another two at his further request. As these officers arrived they were drawn up across the centre of the crossroads, facing the left-wing crowd. By 3.59 pm they were all in position and Mr Cracknell reported to the operations room: "I would say that we have probably got enough to arrest most of the Liberation, who appear to be the aggressors in this situation". There were now some 80–90 foot police in the centre of the roadway and another 40–50 in the cordon in front of the National Front. Estimates vary as to the size of the left-wing crowd; I believe that by this stage there were between 300 and 400 demonstrators on that side, though not all were taking part in the display of hostility towards the National Front.

50. The police had now regained control of the situation—for the moment—and were faced with the problem of handling the confrontation. A number of witnesses took the view that the left-wing crowd would not make a further advance, and that it would have been sufficient for the police to establish a

cordon between the two groups to protect the National Front as it moved away down Southampton Row. Mr Cadogan for example had “the marked impression” that if the National Front march had proceeded on its way there would have been no interference from the left-wing crowd. Mr Lay of the BBC, while regarding the atmosphere as “electric”, at no time thought that the left-wing crowd would attack the National Front. In Mr Hart’s view there was absolutely no chance that the left-wing demonstrators would go forward once the foot police had arrived in strength in the centre of the crossroads. I am not myself convinced that the organisers of this “mass picket”—who had already led a charge on one police cordon—would have permitted the National Front peacefully to evade them, thus again thwarting their plans. However this is an issue which can now never be resolved because Mr Cracknell, who bore the responsibility, was not prepared to run the risk involved in leaving the left-wing crowd intact while the National Front moved off down Southampton Row. His view was that the mood of the left-wing crowd was hostile, and intensifying to near hysteria level. He believed that there was a high risk of a left-wing attack and if this materialised, “there would be an incident of major proportions that would make the Red Lion Square [incident] in hindsight appear to be something of a Sunday afternoon tea party”. He would be a “moral coward” if he did nothing to prevent this; in the circumstances he saw no alternative to dispersing the left-wing crowd.

51. With Mr Cracknell in this frame of mind just before 4 pm a mounted serial (some 12 officers in all) which had been sent by Mr Gerrard approached from the south up Southampton Row. They took up position in front of the foot police in line abreast, facing the left-wing demonstrators who greeted them with chants of “Sieg Heil”. Mr Cracknell sent a radio message to Mr Gerrard: “The mounted have arrived. Is it your intention to clear them [ie the left-wing crowd] from Theobald’s Road?”. Mr Gerrard replied to the Operations Room (but the message was overheard by Mr Cracknell) “Yes it is, yes it is”. It was 4 pm. Mr Cracknell went forward to Inspector Moore, in charge of the mounted police, and directed him to clear the left-wing demonstrators onto the pavements. Inspector Moore gave signals to his men, and they advanced into the crowd at a fast walk. No warning was given.

52. The manoeuvre which the police now embarked upon was not a simple one. As Inspector Moore had seen and Mr Cracknell knew, there were railings around each corner stretching some distance along Theobald’s Road. If the crowd was to be cleared onto the pavements it would have to get over or through these railings. Also, at points on both sides of the road there were rather more elaborate barriers guarding flights of steps into a subway; any demonstrators surmounting these barriers would be confronted with a nasty drop of up to 20 feet. Furthermore, in addition to these fixed hazards (but unknown to Mr Cracknell and Mr Gerrard and unseen by Inspector Moore) there were at the rear of the crowd a considerable number of foot policemen who had followed the demonstrators from the Red Lion Square area. On the northern side of the road perhaps ten yards back from the rear of the crowd, to the west of Old Gloucester Street, there was part of an SPG unit (some 10 or 12 men in all) under Sergeant Farmery. On the southern side a little further back was a serial (over 20 men) under Inspector Howard; he had come forward

to the crossroads along the southern pavement, had formed the view that the police in the centre of the crossroads were in control, and was about to take his men back to Drake Street when he saw the mounted police enter the crowd. Still further back was an SPG unit (some 25 men) under Inspector Turpin. In all, as Mr Hawser concluded in his closing address to the Inquiry, there may have been up to 90 police officers at the rear of the crowd.

53. The mounted police penetrated the centre of the crowd without much difficulty. It was a sudden and unexpected manoeuvre. Some were alarmed, even to the point of panic: others reacted with indignation, as is clear from photographs which show one young man brandishing a stick at a mounted officer, and another seizing hold of a horse's reins. Some mounted officers had drawn their short truncheons; they explained that this was necessary for defensive purposes. The foot police came forward from the centre of the crossroads, and Sergeant Farmery, having obtained authority by radio from Chief Superintendent Adams, led his men into the rear of the crowd in wedge formation towards the mounted officers.

54. By 4.02 pm the police had divided the crowd into two sections, and the foot police, with the close support of the mounted, moved them north and south. I heard a good deal of evidence suggesting that it was a dangerous manoeuvre to push the demonstrators against the barriers, with the risk of inflicting injuries by crushing or falls down the subway steps. The police reply is that the event proves exactly the opposite. There were no reported injuries caused by crushing or falls into the subway. Within a few minutes both sections of the crowd had been moved onto the pavements, first on the north and then on the south side.

55. The police at the rear did not remain inactive. After reaching the mounted police Sergeant Farmery's men assisted in clearing people onto the pavements. Inspectors Howard and Turpin also sent their men to assist in this operation. I was assured by all the witnesses I heard from among the policemen at the rear of the crowd that they would have allowed any demonstrator who wished to get away peacefully to go through their lines. But this was not readily apparent to the demonstrators, and there can be no doubt that the police action at the rear added to the bottling-up effect of the operation. Their contribution was unexpected and unco-ordinated. I say no more at this stage except that Mr Gerrard accepted that their position at the rear of the crowd was a matter for criticism; if he had known of their presence he would have moved them back to the top of Drake Street.

56. With the dispersal of the left-wing crowd there again occurred a number of individual struggles similar to those which had taken place earlier in the course of, and following, the clearance of Red Lion Square. Journalists and others saw a number of incidents in which police seemed to be using an unnecessary degree of force. Allegations were made to me of indiscriminate and violent arrests. On the other hand police officers told me that nearly all those arrested were struggling violently and had to be restrained, though excessive force was not used. I defer consideration of this question until a later stage.

57. Meanwhile the National Front had moved away down Southampton Row as the mounted police advanced into the left wing-crowd. The rest of their passage to the Conway Hall was relatively uneventful. Some abuse was shouted at them in Red Lion Square, and I understand that one marcher was injured by a half-brick thrown from the gardens in the centre of the square. But by about 4.20 pm those attending the meeting were all safely inside the Conway Hall.

58. No police action in the course of 15 June attracted more widespread criticism before my Inquiry than the action which the police took to deal with the confrontation at Vernon Place. Many observers thought that the police action against the left-wing crowd was unjustified. Mr Hart could see no need whatsoever for it. In Mr Chippindale's view there was absolutely no justification for the action, and he disagreed strongly with the way it was done. Mr Lay of the BBC thought that the action was unnecessary. Mr Herbstein of the *Sunday Times* was surprised. Mr Cadogan did not dispute the correctness of the operation but criticised the way it was executed. I reserve these criticisms for consideration later merely observing here that, once determined upon, the operation was carried out quickly (by 4.07 pm order had been restored to the point where Theobald's Road could be re-opened to traffic) and with a minimal number of injuries (9 police officers were injured, and the police know of only 2 injuries suffered by demonstrators, though there must have been some other, minor injuries which were not reported).

The Boswell Street incident

59. After the disruption, containment and eventual dispersal of the left-wing crowd in Theobald's Road the police control of events was not further challenged. The police began to collect the debris—placards, banners and banner poles, helmets, ties and shoes; in Theobald's Road three lengths of guardrail had been wrenched away in the struggle—though there is no evidence of their use as weapons. By about 4.20 pm the National Front had entered the Conway Hall. The Liberation meeting was continuing in the western part of the northern carriageway of the square; Miss Beauchamp gave evidence that after the clearance of Red Lion Square many people had returned to the meeting and when it closed—peacefully—at 4.50 pm there were 400–500 people present. Others were leaving the area individually or in groups. The police were alert, and regrouping their serials; for there was still the possibility of disorder when the National Front left the hall. Mr Cracknell noted a group of demonstrators going north along Southampton Row away from the area; they were behaving peacefully and he took no action. Mr Bailey helped to disperse the demonstrators left on the northern corner of the Southampton Row/Theobald's Road junction; then he sensibly went off to a restaurant and took tea.

60. But Mr Heron (who had been in the front rank of the left-wing crowd confronting the National Front) remained in the Theobald's Road area. He explained in evidence that in his view it was necessary to reassemble the IMG members so that they could leave the area in a group in order to prevent harass-

ment by the police. Accordingly he moved about in Theobald's Road, collecting demonstrators together. This development was observed by the police with concern, and the movements of Mr Heron's group were reported to the Operations Room. At about 4.18 pm the group arrived at the northern end of Drake Street. Here they were within the view of Chief Superintendent Adams who was standing with a police line of some 60 men in Drake Street just south of the junction with the northern carriageway of Red Lion Square. He estimated that the group were 70 in number, and they appeared to him to be militant and hostile; his immediate impression was of an intention to challenge the police line in Drake Street. Mr Adams described in evidence how they had their arms linked and some were carrying poles. He gave directions to Inspector Finch, in charge of No 4 SPG unit, to disperse them.

61. Mr Adams' description of the group is disputed by other observers. Mr Heron was not aware of any banners, placards or poles, and nor were Sergeant Hillyard (one of Inspector Finch's officers), two journalists, and two students/demonstrators who were nearby. Since the conclusion of the hearings of evidence I have seen one photograph in which one placard can be seen, but there is no photographic evidence known to me of any other objects. Some witnesses also dispute the suggestion that the activities of the group were threatening and alarming, but this view was not shared by Mr Peak, a journalist from *Time Out*, who said that when he saw the group he thought that there was a possibility of violence, though he did not expect an attack on the police line in Drake Street which would have been "suicidal". As to numbers, estimates vary; I accept Mr Adams' figure of 70.

62. Mr Heron's group now moved off up Boswell Street; after Mr Finch had moved forward with his unit, according to the police; before the police had made a move, according to Mr Heron and other observers. They had linked arms and were spread across most, if not all of the narrow roadway. Mr Heron explained in evidence that his aim was to get the group away from the area; they had linked arms to restore morale and to support people who were hurt or dazed. He was possibly going to hold a small rally and give a short speech in Queen's Square at the northern end of Boswell Street; then he would disperse the group northwards.

63. Inspector Finch led his serial of over 20 officers across the traffic island at the northern end of Drake Street and up Boswell Street. Both groups accelerated and a little more than halfway along Boswell Street there was a clash. Accounts of its cause differ. Mr Heron said that the police simply assaulted the demonstrators from the rear. Mr Peak agreed that the demonstrators were not the first to offer violence. However, Inspector Finch said that most of the demonstrators had suddenly turned round, and although they did not commence any physical action against the police he decided to disperse them, and therefore led his men directly into the group. It was a decision which he had to take there and then. Sergeant Hillyard agreed that the demonstrators had turned round and said that, in the place where he was, they had initiated violence against the police; his helmet was knocked off and he was kicked on the leg.

64. Some of the demonstrators resisted the dispersal operation, while others went on to Queen's Square where they scattered. There were a number of struggles towards the northern end of Boswell Street, and some arrests were made, most of them involving a considerable degree of force. Those arrested were taken back towards Drake Street. At the southern end of Boswell Street there seems to have been something of an attempt to release them, and further arrests were made. I heard allegations of police violence at this point which, if proved, would be very disturbing. It is clear from photographic evidence that there were a number of forceful arrests involving in some cases three, four or five police officers, and a number of incidents in which prisoners were held by the hair. I consider later these incidents and allegations together with those relating to earlier events.

65. The Boswell Street incident (which was resolved by 4.26 pm) was the final disorder. Although fewer demonstrators and police were involved than in the previous incidents some observers took the view that it was the most disturbing, claiming that here was the most obvious example of police over-reaction. The incident is pointed to by those who seek to secure the disbandment of the SPG. I consider these claims later. But I dismiss here and now the suggestion that the police knew the identity of the group they dispersed. I am satisfied that they did not. If they had known its identity, and the part played by its members in the events of the afternoon they would have had more cause for concern, and more justification for their action than they realised at the time.

The cost

66. It took some time for the police to assemble the details but by the end of the day they knew that one person had died, and at least twelve other demonstrators had been injured; 46 police officers had been injured, eight of whom were to be off duty for periods between 3 and 32 days. Twenty-five policemen had lost their helmets and 23 their ties. Fifty-one people had been arrested on charges ranging from insulting or threatening words and behaviour to assaults on the police. New Scotland Yard later assessed the financial cost of the police operation at £15,000.

PART III — CRITICISMS OF THE POLICE

67. In the course of the Inquiry the police were heavily criticised for their handling of the disorders. Criticism, expressed with bitterness by some, ranged from accusations of political motivation manifesting itself in unnecessary and brutal interference with a peaceable and orderly left-wing demonstration to complaints of errors of judgment in police planning and tactics. I propose to state my findings on the criticisms which in my judgment call for consideration and the reasons for each finding.

1. Political motivation

(a) the police attacked and broke up the left-wing demonstration for political reasons

68. I wholly reject the accusation; and deal with it only because the public should have my express finding. I am satisfied that police action was conditioned by the behaviour of the demonstrators and not by their politics. One of many indications confirming this is the fact that notwithstanding very serious disorder in the square, the police never intervened to stop the Liberation meeting, which, though threatened at one stage by action taken to quell the disorders, did continue throughout the events of the afternoon and within a few hundred yards of the Conway Hall until its organisers closed it at 4.50 pm.

(b) in view of its political character and provocative nature the National Front march should have been prevented by the police, not protected by them

69. This criticism, though in many cases it springs from deeply and sincerely held convictions, is misconceived. The police are not concerned with the politics of a demonstration: if they were, we should be a police state. Their duty is to maintain public order and to act, if need be, to prevent or suppress a breach of the peace. Offensive to many as were the slogans and chants of the National Front, their march was orderly and appears to have been treated by the public with indifference: some may have felt contempt, but, with the exception of some of the counter-demonstrators, nobody was provoked into any breach of the peace. And the "provocation" to the counter-demonstrators was not anything that they saw the National Front do, but the mere idea that they were marching at all.

70. It is necessary to understand the true nature of this criticism in order that it may be rejected as itself a menace to our liberties. It assumes that the police should be directed to prevent a demonstration taking place not because of any threats to public order but because the views being propagated by the demonstration are regarded as odious by others. The police cannot be allowed to do any such thing, unless Parliament expressly requires it to be done. Parliament has not forbidden the streets to the National Front: and, were the police to do so they would be usurping the political function.

2. Brutality

71. To put it in legal terms, the case against the police is that they used more force than was necessary to quell the disorders. This general case rests on a

number of allegations as to the use of truncheons and the conduct of the mounted police and the Special Patrol Group, and on a body of evidence of forceful arrests. It is the most serious charge against the police, and I shall deal with it in detail.

72. Our police methods are designed to limit the degree of force that the police can use in a public order situation. The police go on duty unarmed save for the truncheon: they carry no riot equipment: there are no water-cannons, no armoured cars, no firearms, no gas. In so doing the police show the demonstrators that they do not expect trouble. The aim and basis of their policy is to prevent and forestall trouble, and to minimise disorder when it occurs. The police accept the risk that when disorder does occur, as it did in Red Lion Square, they are vulnerable to attack; they have nothing to rely on but their own physical strength deployed in a disciplined way, with the support of the mounted police where they are available.

73. The Metropolitan Police approach has been proved successful by experience; Londoners have never seen disorder and violence on the scale of what has happened in Paris, Chicago and other major cities in recent years. The Metropolitan Police have established an international reputation in this field; they have to be judged by their own standards, but it is right to recognise at the outset that, in the international context, those standards are high indeed.

Conduct of the mounted police

74. The deployment of the mounted police against a disorderly crowd will always lead to a certain amount of fright and panic. So it was on this occasion. But there is no evidence that anything serious, in the way of crushing injuries, was done by the horses. When the police cordon was attacked in Red Lion Square there was a considerable amount of noise, and the horses, standing behind the cordon, spun round, but they were quickly brought under control, and so remained throughout the afternoon; indeed the calm of the horses, among the struggling human beings, is a feature of the photographic evidence. I am satisfied that there was never any "charge" by mounted police in Red Lion Square; the horses never reached a pace faster than a walk, and the pressure on the crowd was moderate and reasonable, though firm. At the Vernon Place crossroads the mounted police entered the crowd at a fast walk, but once they had penetrated used their horses as in Red Lion Square, shepherding the crowd onto the pavements.

75. The mounted police are an invaluable tool for a police force which has decided to manage without riot equipment. They can do what many more foot police officers may take much longer to accomplish, and in a police force which is short of men this is not an unimportant consideration. Their technical effectiveness is shown by the Vernon Place operation where, with the support of the foot police, they succeeded in restoring order within a very short time indeed. Mounted police have been used for crowd control for at least fifty years—one recalls photographs of the famous white horse at the first Wembley cup final—

and though their use in dealing with disorder may affront demonstrators (and horse lovers too) they are an irreplaceable police asset. A horse is bigger, can exert more pressure and is less manoeuvrable than the human body of the foot policeman; but how much less formidable it is than the armoured car and water-cannon which are the only alternatives.

76. I find no ground for criticising the control of the horses, or the way they were used; I deal with the use of truncheons by mounted officers separately below.

The Special Patrol Group

77. It was argued before me that the SPG—a riot squad as it was called by some—through an excess of zeal or dislike of demonstrators, used unnecessary force in dealing with the disorders. The point was made that SPG officers were responsible for 34 out of 51 arrests. Since its establishment in 1965 the SPG has been used as a reinforcement for any police job which is beyond the strength of the local police. Its members are volunteers, and are clothed and equipped in exactly the same way as other policemen. The police say that the SPG is in no sense a riot squad. The extent of their use bears out the police contention. Since the beginning of 1972 SPG units have been on duty in 13 per cent of the demonstrations taking place in the Metropolitan Police District. Only in a few of the demonstrations (5 per cent of the total) were they taken out of reserve and employed directly. But when they are used they are particularly valuable because of their mobility—SPG units travel in their own personnel carriers—and because they are accustomed to teamwork. In my view Mr Gerrard was right to deploy the SPG units in the dispersal operation in Red Lion Square. I am satisfied that the large number of SPG arrests reflects their involvement at the stages when arrests could be made rather than aggressive zeal on their part. On the evidence before me I can find no ground for singling out the SPG for criticism; I reject any suggestion that this was an SPG “field day”.

Specific incidents

78. My terms of reference require me to review events and to consider whether lessons may be learned. I have not interpreted them as requiring me to conduct to the point of a finding of guilt or innocence an investigation into specific allegations of misconduct by individual police officers. Such an investigation is not, in my judgment, a part of the task entrusted to me. To have undertaken within the general inquiry a number of separate inquiries relating to the behaviour of individual officers would have seriously protracted its length, if the requirements of natural justice were to be met and a fair hearing ensured to all whose conduct was impugned. I was also aware that investigation carried to such a point might prejudice the enquiries into formal complaints made to the Commissioner of Police of the Metropolis, and the then pending proceedings against those charged with offences arising from the disorders. But more fundamentally it should be understood that a public inquiry under the Police Act is not a court of law. It need not be conducted by a member of the judiciary. It has no rules of evidence to protect the interests of those against whom allegations are made; and its findings have no force in law.

I therefore decided to investigate specific incidents only in so far as I thought it necessary for a proper understanding of the disorders and of the lessons to be drawn as to the policing of the metropolis when public order is threatened.

79. In the course of the Inquiry I was informed of incidents in which police officers were said to have misused their truncheons against demonstrators and to have carried out violent and arbitrary arrests. These allegations were supported by photographs: in some police officers can be seen with their truncheons drawn, and there are others showing some ugly arrests, eg two or three or more policemen carrying a demonstrator by his legs and head with one officer gripping the demonstrator's hair.

80. It must be remembered that a photograph shows only one instant of time, and that the action photographed may be capable of justification by events unseen by the camera which have gone before. Nevertheless the photographic evidence of specific incidents involving identifiable officers (particularly photographs of forceful arrests) does call for explanation by the officers concerned. I recommend that the Commissioner be invited to seek explanation. However I do not extend this recommendation to any of the many allegations made in written or oral evidence. This is not because I dismiss these allegations out of hand—in many cases they were made by witnesses whom I had no reason to disbelieve—but because they do not admit of conclusive enquiry. Complaints about the actions of individual police officers in scenes of crowd disorder are particularly difficult to investigate because of the pace of events and the difficulty of identifying the officer concerned. It became clear in the course of my Inquiry that many of those making allegations of police brutality had only seen the forceful conclusion of an incident, and were in no position to judge whether the degree of force used was justified. Moreover except in one case—where the witness was in my judgment totally unreliable—none of the allegations I heard were supported by the police number of the allegedly offending officer; nor were any detailed descriptions given. In these circumstances I do not see how the Commissioner could even begin an investigation, and I have no intention of inflicting such a task upon him. In coming to this decision I have taken into account the fact that those who feel aggrieved have had the opportunity themselves to complain direct to the Commissioner, or to take legal proceedings. The Commissioner, for his part, was represented at the hearings of evidence, and is aware of the written and oral allegations made against officers of his force. If he decides that any particular allegation can and should be investigated that is a matter for him; but I do not require it of him.

Use of truncheons

(a) Foot police

81. It is clear from the photographs (which show 9 or so officers holding their truncheons in their hands) and from other evidence that some foot police officers did draw their truncheons; I can well understand why they did so. But the evidence as to their use is confused and inconclusive. There is no evidence to support any allegation of general misuse and I reject any such

suggestion. I do not exclude the possibility of one or two incidents of the misuse of a truncheon: but if they occurred, they were isolated lapses, not the general rule. I am satisfied that the police on duty were well aware that the truncheon was to be used only for self-defence. The Police Instruction Book, which is issued to every policeman, is perfectly clear on this point.

(b) Mounted police

82. The same rules govern the use of truncheons by mounted police, but their application is different. A mounted policeman carries a long truncheon as well as a short one. None of the police who gave evidence had ever seen the long truncheon used: and it was not used in these disorders. There must be a case for withdrawing it from service: and I would suggest that consideration be given to the possibility of dispensing with it. Mounted police did draw short truncheons in Red Lion Square and Theobald's Road: and I am satisfied that some officers used them. Two questions arise: did they draw them prematurely, in which event the inference would be that they did so to threaten demonstrators rather than to defend themselves? And did they use them for a purpose other than self-defence? It is for the individual policeman to decide when to draw his truncheon: its only legitimate use is self-defence, and each policeman must judge when he personally is threatened. A mounted policeman may draw his truncheon earlier than one on foot, because, once engaged in the fact of seeking to control a crowd, he has his hands full managing his horse. If he thinks he is going to need his truncheon, he acts sensibly in drawing it before he is committed. I do not, therefore, think it is possible in the circumstances of these disorders to criticise the mounted police for drawing their truncheons before coming into contact with the crowd.

83. It is very much more difficult to reach a judgment as to their use. Powerful though a mounted policeman is, he is at all times very vulnerable: his horse has to be controlled, and his seat kept. Demonstrators were aware of this difficulty and some attempts were made to seize the horses' reins. When this happened, as it did with several officers, it was necessary in self-defence to strike at the demonstrator's arms and hands to force him to let go. Not surprisingly, this was the explanation given by those officers who gave evidence: and, if true, it is a sufficient explanation. A number of demonstrators, however, gave evidence which, if true, meant that, so far from being confined to self-defence, truncheons were used to "club down" members of the crowd.

84. Only one specific incident was described in any detail. It involved Inspector Fleming who openly admitted striking a demonstrator a glancing blow on the head when he went to the assistance of an officer who was in difficulties. Inspector Fleming properly reported this incident at the time. I accept his explanation that he was acting to defend his colleague and did not aim at the demonstrator's head. The rest of the evidence, when tested in cross-examination, established very little one way or the other. I do not doubt that in the disorders at Red Lion Square and in Theobald's Road some mounted officers did hit some demonstrators with their short truncheons. Some blows may well have landed on the head: but there is no evidence of serious injury

having been sustained (always excluding the death of Kevin Gately). I am not prepared to find on the evidence submitted that mounted police misused their truncheons.

Violent and arbitrary arrests

85. Policemen are only human, and we are asking a lot in requiring of them that they exercise restraint at all times, even when they are viciously assaulted. But it is of paramount importance that they should exercise that restraint, particularly in situations where they may be tempted to take extreme measures out of a sense of fear or revenge. I received a considerable body of evidence, written and oral, that the police were guilty of violent and arbitrary arrests. Some photographs were also brought to my attention in this connection. Violent clashes between the police and members of the public are not a pretty sight. Public disorder is ugly and policemen engaged in making arrests against vigorous opposition look no more attractive than anyone else engaged in a fight. The photographs and other evidence establish that there was a considerable number of forceful arrests. In some cases the hostility and aggression of those arrested clearly made the use of force unavoidable. But what matters is the degree of force used. On this I have come to the conclusion, after hearing and seeing all the evidence, that in all probability there were arrests in which excessive force was used. But I am satisfied, particularly after seeing the film evidence, that if excessive force was used in some cases it was the exception, not the rule.

Reporting failures

86. None of the allegedly violent incidents was considered worthy of report by any of the senior officers present. Nor were there any reports on the returns completed after the demonstration that any foot police officers had drawn, let alone used their truncheons—though the mounted police were scrupulous in this regard.

87. This striking failure to report facts may well have an innocent explanation. At the end of the day police of all ranks must have been tired, shocked, and still busy on a myriad of tasks, eg dealing with prisoners, attending to casualties, seeing that men under command got away to rest and refreshment, and so forth. Yet they have only themselves to blame if adverse inferences as to their conduct are drawn from failure to operate their own reporting procedures.

88. In my judgment there is a great public importance in police officers fulfilling their disciplinary duties in a situation of public disorder. This does entail that during the course of the disorders senior police officers must supervise, and, if necessary, restrain police action and must note action which may call for subsequent investigation; and that after order has been restored, they must report with a view to investigation the action of police officers which appears to call for explanation. Senior officers who gave evidence all explained that they saw nothing to report. I will content myself with observing that in the light of the evidence I do not accept that there were no incidents requiring explanation.

89. It does not, however, follow that the allegations of police misconduct and brutality are true, or that senior police officers were motivated by malice towards the demonstrators. Having seen and heard the senior officers give evidence, I was impressed with their quality, their obvious integrity, and their good sense and judgment. I believe the reason for this particular failure was that both at the time of the disorders and afterwards they believed there were other more important things to do than to restrain, rebuke, or report policemen in respect of conduct which upon subsequent investigation might well prove not to be misconduct. I understand this attitude, though I have to say it is one which must be abandoned. The public relations aspect of dealing with public disorder requires that after order has been restored the police should always review their own conduct: public confidence demands what may seem to some officers to be two incompatibles—quick suppression of disorder and a meticulous investigation of allegations of excessive force displayed by police in the operation.

90. I should add that in the course of the Inquiry I heard that one inexperienced officer had panicked when he heard of the death of Kevin Gately and had falsely declared that he had not drawn his truncheon. Another officer who at first denied drawing his truncheon later agreed, after seeing photographs, that he had done so; he explained that this was a brief incident in the course of a confused afternoon and he had forgotten it. These officers may be the subject of disciplinary proceedings and I therefore say no more, except that there is no evidence that either of them was in any way connected with the death of Mr Gately.

Conclusions

91. There were three episodes of serious violence arising between police and demonstrators—the first in Red Lion Square, the second in Theobald's Road, and the third in Boswell Street. It would be wrong to consider these episodes in isolation one from another; they were part of a series. The first in time was the assault upon the police in Red Lion Square—a deliberate, determined and sustained attack, as I have found. The level of the violence then used against the police was high. It had two important consequences: first, a high degree of force had to be exerted by the police to suppress it, and secondly the police then knew that the demonstration included elements who were prepared to mount a violent attack upon the police. The attitude of the police towards the demonstration never could be the same afterwards: for they now had to handle a crowd which contained elements who had committed the very serious crime of riot against the police. The action the police took against the crowd in Theobald's Road and later against the group in Boswell Street must be judged not as isolated incidents but in the light of what elements of the same crowd had already done in Red Lion Square.

92. After their experience in Red Lion Square all ranks of the police, it is clear, thought that they had to deal with a hostile and aggressive crowd, and that strong measures were necessary to prevent further disorder. The many police officers who gave evidence, including Mr Gerrard, Mr Cracknell and other senior officers, were of this opinion: and it conditioned their reaction to the

situations with which they had to deal. By way of example, I make the comment that I have no doubt that the police constables who drew their truncheons did so because they distrusted the crowd after the attack in Red Lion Square: no truncheons were drawn before the attack.

93. I think policemen of all ranks were acting reasonably in regarding the crowd as a threat to public order, once some elements of it had mounted the Red Lion Square attack: and I think it difficult to regard as excessive strong measures taken thereafter to maintain public order. Had there been no attack upon the police in Red Lion Square, it would not have been possible, in my judgment, to have justified the movement of the mounted police into the crowd in Theobald's Road or the pursuit and forceful arrests in Boswell Street. But, as it was, in the circumstances of that afternoon, each move was, in my judgment, justified.

94. Yet nothing justifies the excessive use of force. Truncheons may be used only in self-defence. It does not surprise me that some police officers did draw and use their truncheons, or that there were some forceful arrests in the course of the disorders. Officers must have felt apprehensive for their own safety as they faced the crowd: and I am certain that not all who were arrested co-operated with the arresting officers or "came quietly".

95. Reviewing the evidence as a whole I am satisfied that the police response to the disorders, though forceful, as it had to be, was with some possible exceptions, disciplined and necessary. If one excludes the death of Kevin Gately, which, as I have found, was almost certainly not the result of police action, no serious injury was caused to anyone, and there were surprisingly few reported injuries of any description bearing in mind the numbers involved and the scale of the disorders.

3. Errors of judgment

96. Wisdom after the event is an occupational hazard for judges and arm-chair critics. Policemen are men of action: their duty requires them to assess a situation quickly, to make up their minds, and then to act before the situation slips out of control. They are not to be criticised if hindsight invalidates a decision properly arrived at on the information available at the time. Applying this criterion, I find that the mistakes made by the police in dealing with these disorders were few and caused no disasters. On the whole, their judgment was sound and their operations no more than were necessary, and very successful. I propose to state my findings shortly on the more serious allegations of error of judgment raised in the course of the Inquiry.

(a) The police were wrong to allow the two marches to come so near each other

97. It is easy to make this criticism after the event. But the police were faced with the inescapable fact that both groups of demonstrators had bookings at the Conway Hall. Supporters would find their way there in any event; better

therefore that each should do so in an organised way with their stewards co-operating with the police than that either lot should go unorganised, frustrated, and angry. I consider that in the situation with which they were faced the police were correct in permitting both groups of demonstrators to march on separate routes to the Conway Hall.

98. More questionable was the decision to allow the Liberation overflow meeting to take place in the square itself within sight and sound of the National Front as they passed along the southern side of the square. In some respects this was a calculated risk. The square became the obvious flashpoint: if there were no trouble here there would be no trouble anywhere. The police thus localised the area of possible conflict, making it much easier for them to deal with any disorder. And indeed, as it turned out, they were successful, in spite of the IMG assault, in keeping the two groups apart in the square itself. I do not criticise Mr Gerrard for permitting the Liberation overflow meeting to take place in the square; another officer might have come to a different decision, but there was no option open which was risk-free.

(b) Settling the route

99. The police are to be criticised for having failed to make clear to Miss Beauchamp and Mr Hart at the meeting on the 11 June their requirement that the Liberation march turn right out of Old North Street into the north-western part of Red Lion Square. I am sure this was what the police did require: I am equally sure that neither Miss Beauchamp nor Mr Hart realised that it was. It was the duty of the police to make it clear: they failed to do so, and there resulted the misunderstanding which was not corrected until the Liberation march was on the point of entering the square. The misunderstanding caused no trouble with Liberation. Their leaders were experienced demonstrators who accepted that the police might find it necessary to require a last-minute change of direction: and, when at last they did appreciate that the police required the march to turn right into the square, they had no difficulty in so directing it. The turn to the left was however crucial to the IMG plan to mount a "mass picket" outside the main entrance to the Conway Hall in the square. The misunderstanding between the police and Liberation was, as it happened, a contributory factor to the disorder, but if the IMG had not made their secret plans for a "mass picket" it would have been quite immaterial. The initial disorder was not caused by confusion over the route but by the determination of the IMG to set up their unlawful obstruction outside the main entrance to the Conway Hall, in spite of the directions of the police, and the directions and example of the demonstration organisers.

(c) The police "over-reacted" in clearing Old North Street and Red Lion Square

100. When the police line bulged ominously under the pressure of the assault led by the IMG, Mr Gerrard called up two units of the Special Patrol Group and a serial of mounted police. A wedge of the SPG supported by mounted police first divided and then dispersed the crowd, most of whom retreated north-wards up Old North Street: a few, however, made their way along the north side of the square into Drake Street.

101. The police were criticised—

- (i) because they deployed the SPG
- (ii) for committing mounted police to direct action against the crowd
- (iii) for the “alarming” pressure that built up on Old North Street
- (iv) for over-vigorous action in the square, including interference with the Liberation meeting.

In Red Lion Square the police were faced with a riot. Strong action was needed first to hold it and then to disperse it. If the action was resisted, as it was, violence was inevitable: and, when violence arises, it is unfortunately not possible to ensure that only the guilty get hurt. Whether or not it be sound policy to leave to an unarmed police force supported by mounted police the job of restoring public order after the outbreak of riot is not the question here: the police on the spot had to do what they could with what they had got, while avoiding the excessive use of force. In the light of these general observations, I find—

- (i) and (ii) The SPG were rightly taken from reserve and deployed to assist in dealing with the dangerous disorder that had developed. Similarly, if ever mounted police are to be used to help restore public order, this was the occasion. In the situation in which he found himself Mr Gerrard acted correctly.
- (iii) The pressure in Old North Street arose from a slow police advance northwards at a time when the rear of the march, unaware of what was happening, was still moving southwards. It was short-lived, and there are no reports of crush injuries. Though the street is narrow, a retreat was open into Theobald’s Road, and the demonstrators used it. There were a few police in Theobald’s Road: but they did not interfere with, or attempt to obstruct, the retreat. I reject this criticism.
- (iv) There was interference with the Liberation meeting: but it stopped only momentarily and then continued throughout the rest of the afternoon’s disturbances. The police did well, in my judgment, to disperse the rioters into Drake Street without any greater interference with the meeting than there was.

(d) The police over-reacted to the situation at Vernon Place/Theobald’s Road

102. Though wholly unconnected with the death of Kevin Gately and causing (so far as is known) no serious injury to anyone, police action at this road junction has provoked more criticism among responsible observers than anything else the police did during the afternoon.

103. Mr Gerrard, when he gave the order to “clear the square”, failed to anticipate, and to take steps to prevent, the retreating demonstrators making their way along Theobald’s Road towards the oncoming National Front. If he had so directed some of the police reserves, ideally placed in Bloomsbury Square, could have been brought forward to prevent the movement westwards along

Theobald's Road. But in the event there was nothing to stop the crowd moving to the western end of Theobald's Road and there confronting the National Front across the width of the crossroads.

104. It was argued that Mr Gerrard had failed to appreciate this danger because he had become too preoccupied with the events in Red Lion Square; his place, it was suggested, was in the Operations Room at Scotland Yard, not in the square. On the point of principle I do not criticise Mr Gerrard for being on the scene. It is clear from photographs, which show him assisting the cordon, that he is a man who seeks to lead by example, and I would not criticise any commander of men for so doing. Nor am I convinced that he would have had a better strategic appreciation if he had remained in the Operations Room. At the time he gave the order to "clear the square" he had no reason to expect the demonstrators to reorganise themselves as quickly as they did, and no reason to anticipate that the course of action which they would choose, from a number of possibilities, would be to go westwards to the mouth of Theobald's Road. It was unfortunate that he omitted to take precautions against what did happen but in view of the activity elsewhere, and the other possible disorders which he had to guard against, it was an omission which I am not prepared to condemn.

105. The action which the police eventually took to divide and contain the left-wing crowd at the mouth of Theobald's Road was, as he admitted in evidence, the responsibility of Chief Superintendent Cracknell. There is no doubt that the action he took was within the law. The left-wing crowd were not on any route agreed with the police, they were an unlawful assembly, and they were obstructing the highway. The criticism is not that the police action was illegal but that it was tactically unnecessary, and unnecessarily hazardous. Mr Cracknell himself accepted in evidence that the primary consideration in his mind was tactical and not legal; if he had felt sure that the left-wing crowd would remain peacefully where it was he would not have sought to disrupt it, unlawful assembly though it was.

106. Mr Cracknell's decision to act as he did was based on his view that, if it had the opportunity, the left-wing crowd would very probably attack the exposed flank of the National Front when it moved on down Southampton Row. In making this assessment he had in mind the political hostility of the two groups; he knew that there had been an assault on the police cordon in Red Lion Square; and he could hear the abuse and chanting and see the stones and other objects being thrown into the junction. He did not know—nor did other observers present—that the left-wing crowd was a "mass picket"; it is not clear what effect this information would have had on his subsequent action.

107. In his assessment of the temper and likely behaviour of the left-wing crowd Mr Cracknell differed from nearly all the journalists and other observers. They were impressed by the fact that the crowd had halted on a line stretching across the road junction. They thought it likely that the crowd would not attack the National Front. But he, not they, had the responsibility for ensuring public order. He, not they, had to balance the risks of the various courses of

action open to the police: and he was, very properly, aware of the risk of a serious clash between two groups if he took the wrong decision. In all the circumstances, of which, as I have mentioned in paragraph 93, the most important was the assault upon the police in Red Lion Square, I do not think that Mr Cracknell's assessment of the temper of the crowd was unreasonable.

108. Having decided that he had to take action to prevent an attack as the National Front moved off Mr Cracknell had next to decide its form. He dismissed in evidence the possibility of placing a cordon across the junction. A cordon would have to be stretched across the width of the roadway and would therefore be weak; moreover he was dealing with a crowd which had already attacked one police cordon. He decided that he would have to disrupt the left-wing crowd but in such a way that they did not go back to Red Lion Square. Hence he arrived at the decision to divide the crowd onto the pathways. The mounted police were the obvious force to accomplish this task; they would do it more quickly than the foot police, and it was clearly desirable that any action should be decisive and completed as soon as possible. I find no ground for criticising the use of the mounted police once Mr Cracknell had reached his assessment of the temper and likely action of the left-wing crowd.

109. Neither Mr Cracknell in making his decision to take action against the left-wing crowd, nor Mr Gerrard in giving his assent, knew of the presence of a substantial number of police behind the crowd in Theobald's Road. It is a basic principle of police practice that a crowd which is being dispersed must have a way or, better, several ways of escaping. The situation which arose in Theobald's Road was contrary to that principle, and Mr Gerrard, very properly, accepted in evidence that it was a matter for criticism. If he had known of the police behind the crowd he would have withdrawn them to a position across the mouth of Drake Street.

110. It is at first sight surprising that neither Mr Cracknell nor the mounted police who reinforced him saw these police at the rear. They should have noticed them, I do not doubt: but it is understandable that in their pre-occupation with the immediate situation around them they did not. There was no officer at the rear more senior than an inspector, and none of those in command of the various groups seems to have appreciated the situation at the time.

111. Mr Cracknell took a risk, the full extent of which at the time he did not realise, when he committed the mounted police, giving them the task of clearing the crowd onto the pavements. The street scene itself provided its own immovable obstacles and dangers (subway entrances and railings), and the police behind presented an obstacle to dispersal. On the other hand, there was a great width of street. In the event no disaster occurred, though no observer liked what he saw, and there was understandable alarm felt by some as the horses entered the crowd. Technically speaking, the operation achieved its objective. It was all over in a few minutes. The crowd was divided into two halves, one pushed to the northern side and the other to the southern side of Theobald's Road. There were some dangerous and frightening moments of pressure near the subway entrances: but the pressure was soon relieved and

caused no casualty. Such casualties as occurred arose from scuffles between policemen and individual demonstrators. It is also fair to remember that the police behind the crowd did, in fact, help the operation: they formed a wedge which, linking up with the mounted police, combined to make it a speedy operation, thus helping to shorten the period of danger.

112. To sum up, the arrival of the crowd in Theobald's Road took the police by surprise: they had not anticipated the situation; the man on the spot had to assess the risk to public order and to take some immediate decisions: he had to prevent a clash between the crowd and the National Front: he decided on a strong line of action. He took a risk, and succeeded. It was a matter for criticism that police were present in substantial numbers at the rear of the crowd but fortunately this did not have serious consequences.

113. If he felt it necessary to use the mounted police, should Mr Cracknell have given a warning (there was a public address apparatus available)? Public order is an exercise in public relations. It might well have caused less offence and alarm if a warning had been given to the effect that the police required the crowd to disperse. I do not think it would have materially affected the success of the operation; indeed it might have assisted it. I consider that a warning should have been given.

(e) The police mis-read the situation in Boswell Street and violently attacked from the rear demonstrators who were peaceably departing

114. The police in Drake Street were concerned as they watched what they feared might be a dangerous gathering of demonstrators at or near the junction of Drake Street, Theobald's Road and Boswell Street. It is police policy to follow up the dispersing elements of a crowd that has shown itself disorderly. Inspector Finch with his SPG unit followed the group of some 70 demonstrators as they moved northwards up Boswell Street. The demonstrators were spread across most if not all of the road and had their arms linked. Mr Finch had to decide whether to let them proceed in the hope and faith that they were peaceably departing or to break them up as being a threat to public order. Having heard the evidence of Mr Heron, the IMG leader, who was one of them, I accept that the group consisted of IMG members who were departing—with peaceful intention, but maintaining what they, no doubt, thought was a defensive posture, and, as a group, ready to struggle in combination to resist the arrest of any one of them. Ideally Mr Finch, as one can now perceive, would have been wise to have let them alone: they had almost certainly lost the taste for causing further trouble that afternoon. But he judged differently at the time. I do not attribute his decision to break the group up and make arrests to a “trigger-happy” attitude engendered by membership of the SPG or to any spirit of vengefulness or anger. Indeed I was most impressed with Inspector Finch, when he gave evidence: he did not attempt to evade the issue or to exculpate himself. In my opinion he is entitled to have his decision reviewed not in the light of hindsight but in the circumstances existing as he saw them at the time. The history of the afternoon and the manner of the group's organised progress along the street were factors which might

reasonably lead an experienced policeman to think that they constituted a continuing threat to public order. That being so, I think it would be wrong to blame Mr Finch for his decision. The scuffling and fighting that broke out when he and his officers sought to make arrests is some confirmation of his assessment of the temper of the group.

PART IV—LESSONS

1. The law

115. This has been an Inquiry with limited terms of reference. Knowing the pitfalls that beset the path of the law reformer, I propose to confine myself strictly to the lessons to be learnt from these disorders. There is a case—some would think a strong case—for codifying our law as to public order so as to ensure that the fundamental human rights set out in the United Nations Declaration of 1948 and the European Convention of 1950 are protected by statute: and there may well be a case for re-shaping our race relations legislation: but these disorders, and the way they were handled by the police, throw no light on such broad questions. On the afternoon of 15 June people did exercise their right to march and to protest: they were not interrupted by police action until an unprovoked assault upon a police cordon caused public disorder—a situation which, when it arises, has to be corrected by police action. The real issue arising from the disorders is not whether our law recognises and protects the right to march and protest (it plainly does), but whether our law confers upon those whose duty it is to maintain public order sufficient powers without endangering the right of peaceful protest.

116. Moriarty's *Police Law* (1972, 21st ed.), at p 220 summarises the common law succinctly:—

“The ‘Queen's Peace’ or shortly ‘the peace’ is the normal state of society, and any interruption of that peace and good order which ought to prevail in a civilised country is a breach of the peace.”

A police constable is a public servant, holding office under the Crown, who has a specific responsibility for the maintenance of the Queen's Peace. If he sees an affray, he must quell it and may arrest the offenders without warrant. It is his duty to disperse and put an end to an unlawful assembly. If there is a riot, it is his duty to suppress it, using such force as is necessary.

117. The common law has successfully enshrined the principle of the matter. It concentrates attention on public order. There must be disorder, or the threat of disorder, before police powers may be used: but, when they are needed, the powers exist, and are strong. Moreover it is a policeman's duty to use them. But all of us, not only policemen, are by law under a duty to preserve the Queen's Peace. We must exercise restraint in our own behaviour—even in the face of “provocation”. The law assumes the existence of a tolerant and self-disciplined society. The law requires of the citizen as the necessary condition for the exercise of his rights that he respects the rights of others, even though he may fundamentally disagree with them and totally disapprove of their policies. On 15 June, failure to respect the rights of others, which some carried to the lengths of an aggressive determination to frustrate the rights of others, was the reason for the violence in Red Lion Square.

118. Superimposed upon the common law is the statute law, the principal enactment being the Public Order Act 1936 (as amended). The other relevant enactments are the Race Relations Act 1965 and Section 51 of the Police Act 1964, which makes it an offence to assault (and also to obstruct) a police officer in the execution of his duty.

The Public Order Act 1936 (as amended)

119. Section 1 makes it a summary offence to wear a political uniform: there was some evidence of a few National Front marchers wearing black shirts—which, if they were “uniforms”, played no part in these disorders. The police neither observed nor reported them—an indication, once one accepts, as I do, that the police were acting impartially, of the weight to be attributed to the allegation that the National Front march included men in uniform.

120. Section 2, which prohibits quasi-military organisations, has no relevance to these disorders. The sections which do matter to my Inquiry are:—

Section 3(1)—power of a chief officer of police to give directions to the organisers of a public procession;

Section 3(3)—which gives the Commissioner power to make an order (if the Home Secretary consents) banning processions generally or a specific class of procession from a specified area; this power may only be exercised if the Commissioner considers that his powers under section 3(1) to issue directions will not be sufficient to enable him to prevent serious public disorder;

Section 4— which makes it a summary offence for any person present at a public meeting or public procession to have with him an offensive weapon;

Section 5— (as substituted by section 7 of the Race Relations Act 1965) which makes it a summary offence for a person in a public place or at a public meeting to do anything that is threatening, abusive, or insulting either with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned.

Race Relations Act 1965

121. Section 6 of the Race Relations Act 1965 makes it an offence, with intent to stir up hatred against any section of the public on grounds of colour, race, or ethnic or national origins, to use in a public place or at a public meeting threatening, abusive, or insulting words (written or spoken) which are likely to stir up such hatred. The Attorney-General’s consent is required for a prosecution under the section.

Demonstrations and the public highway

122. Little attention was given in argument before me to one of the more important reconciliations that the law has to effect in this field. There is a conflict of interest between those who seek to use the streets for the purpose of passage and those who seek to use them for the purpose of demonstration. English law recognises as paramount the right of passage: a demonstration which obstructs passage along the highway is unlawful. The paramount right of passage is, however, subject to the reasonable use of the highway by others. A procession, therefore, which allows room for others to go on their way is lawful: but it is open to question whether a public meeting held on a highway

could ever be lawful, for it is not in any way incidental to the exercise of the right of passage. Most certainly a “mass picket” such as the IMG contemplated in Red Lion Square would be unlawful: see *Hubbard v Pitt* (Times Newspaper 12 November 1974), where the law is reviewed.

123. I think the priority that the law gives to the right of passage is sound. Free movement between place and place and access to premises may seem workaday matters when compared with such rights as those of demonstration and protest: but society could grind to a halt if the law adopted any other priority. There is, therefore, a case, as was suggested by one party, for the specific provision of public meeting-places in our towns and cities. Public meeting-places, whether they be a speaker’s corner in the centre of a great city or a village green, are as essential to civilised life as is priority for the right of passage along our highways.

Reform of the law

124. Only those who completely distrusted the established authorities criticised in the course of the Inquiry the principle of the law. I fancy from what they said about the rights of the National Front that they would like the law to contain more prohibitions than it does, to be less liberal and more restrictive. In my opinion, the principle of the law and the balance that it strikes between freedom, public order and the right of passage have not been shown by these disorders to be unsound: and I do not recommend any fundamental reform.

125. The statute law does, however, call for scrutiny. Section 6 of the Race Relations Act is merely an embarrassment to the police. Hedged about with restrictions (proof of intent, requirement of the Attorney-General’s consent) it is useless to a policeman on the street. The police made no report of any infringement of the section by the National Front: and I think they were right. I very much doubt whether a case could have been proved—particularly when one recollects that the general public appeared to have treated the National Front march with indifference. And it was only the thought that the National Front were marching, not their visible appearance, which could be said to have played any part in the causation of the disorders. The section needs radical amendment to make it an effective sanction, particularly, I think, in relation to its formulation of the intent to be proved before an offence can be established.

126. Sections 3, 4 and 5 of the Public Order Act are directly concerned with demonstrations and public processions. The first point to note is that the Act does not oblige the organisers of a public procession to give notice to the police of their intention to demonstrate—though some local acts do impose the requirement in some places, eg the Warley Corporation Act 1969, Section 82, the Wolverhampton Corporation Act 1969, Section 102, and the Kidderminster Corporation Act 1969, Section 73.

127. The Commissioner of Police of the Metropolis, in a submission to the Inquiry, recommended that the law should be changed so as to include a requirement of seven clear days’ notice. His proposal is that:

“No person shall organise, arrange or advertise any public procession unless, within seven clear days before the holding of the said procession,

notice has been given to the Superintendent of Police for the district or districts in which the same is to be held, of the proposed route, purpose and arrangements for the control of the said procession, and the numbers expected to take part therein, provided that the period of seven days may be reduced to one of twenty-four hours if notice is given to the chief officer of police of the matters hereinbefore referred to and he consents to the holding of the said procession.”

Under his proposal, a public procession taking place without the appropriate notice having been given would not be unlawful: but its organisers, by their omission, would have committed an offence. The proposal envisages a shortened period of notice in the event of the need for an immediate or early demonstration, eg outside the embassy of a state threatening to execute somebody believed not to merit execution.

128. The law of most Western European states (including France, West Germany, Italy and Holland) contains a requirement of notice: it is difficult, therefore, to argue that it represents an unacceptable encroachment upon liberty. But I do not think the need for it has been established: and it does present really insuperable difficulty for the urgently called demonstration. Certainly the lack of any such requirement played no part in the causation of these disorders: for the police had all the notice they needed.

129. It cannot be said too often that our law assumes that people will be tolerant, self-disciplined, and willing to co-operate with the police. The assumption is still sound: that is why the police go unarmed, and also why, with no legal requirement of notice, the police are in fact notified in at least 80 per cent of the cases. There are some who—law or no law—would never give notice: but they are on the very fringe of our society and should not, I suggest, force upon the law a largely unnecessary requirement, which can at times be an embarrassment to law-abiding citizens. In the few instances where no notification is given, the police have so far experienced no difficulty in finding out that a demonstration is planned. An effective demonstration needs a degree of advance publicity: the police, therefore, are seldom ignorant of what is planned. I do not, therefore, recommend this change in the law.

130. In the present instance the police did fail to make proper use of the notice that they had. Their failure to make clear to Liberation the route to be followed when entering Red Lion Square did not provide any excuse for the rioting: but it did afford a pretext which will continue to be regarded as sufficient by those who wish to exculpate themselves—at least in their own opinion. It was suggested that the police should be required to give notice in writing of the route to be taken by a march. A legal requirement to such effect is, in my judgment, undesirable. But I recommend that in planning for major demonstrations and in other suitable cases the police should confirm in writing the route agreed or acceptable to them—always provided that it is made clear that at any time thereafter, even in the course of the demonstration itself, the police retain the right to change the route if they consider it necessary.

131. Section 3(1) of the Public Order Act, which confers power, subject to certain conditions, upon a chief officer of police to give directions, is obscurely drafted. Undoubtedly it confers a power to give directions before the procession takes place: but it is doubtful whether it confers any effective power once the procession has started. For this reason the Commissioner proposed that the law should be amended so as to make it an offence to disobey the directions of a police constable when taking part in a public procession. This, I think, goes too far but it is of critical importance that the law should be clarified. It should not be possible to challenge a route direction given by a senior police officer to a procession that is under way. I think it likely that a police officer already has the power to direct a procession *en route* if a breach of the peace is reasonably apprehended, or if it is required by the exigencies of traffic exercising its right of passage. I recommend that the statute be amended so as to confer upon the senior officer present a power to give a direction as to the route to be taken, if he thinks it necessary in the interests of public order.

132. The Commissioner also proposed that:

“When a public procession is taking place a constable may direct that any article which in his opinion is likely to provoke a breach of the peace may not be carried or worn by any person taking part in the said procession.”

I appreciate the difficulty under the existing law of proving that a weapon is offensive. It is obvious that a heavy banner pole or a flag pole with a metal tip may appear an innocent thing when carried in a procession and yet a few minutes later may be used as an offensive weapon. But it would, I think, cause trouble rather than lead to the maintenance of peace if at an early stage, before the threat of trouble, a police officer intervened to direct that such articles may not be carried in the procession. Though I sympathise with the police in the difficulty which prompted this proposal, I think it would be unwise to extend the law in the way proposed.

133. A large number of law reform proposals were put forward in response to my request made to the public as well as to the parties represented. Many of them have no relation whatsoever to the disorders under inquiry: and I think I would be going outside my terms of reference to discuss them, though they are, with the papers of this Inquiry, available for study by the Home Office.

134. Those that are relevant I summarise in my own words as follows, giving briefly my views on each:

1. “that all demonstrations and public activities by the National Front be banned.” I reject this proposal: I need not rehearse my reasons.
2. “that a police officer, who molests or interferes with a journalist or press photographer, should be dismissed the force.” The law is strong enough to deal with the police officer who exceeds his duty: there is no need to make special provision protecting the press on duty at demonstrations. No complaint was made to me of any police interference with journalists or photographers on 15 June, and I am satisfied that no such interference took place.

3. Equally, there is no need for specific legal provision to prevent misconduct by police in the use of truncheons—or any other equipment. The general law suffices.
4. “Local Acts relating to demonstrations should be brought into line with an amended Public Order Act.” I agree.
5. “that there should be available a judicial review (eg by an appeal to a judge in chambers) of any decision to ban or impose conditions on a demonstration.” I think any such review undesirable (involving the courts in “political” decisions), and impracticable. It is best that a decision to ban a march should require the consent of a politically responsible minister such as the Home Secretary—which under the existing law it does.
6. “that a positive right to demonstrate should be enacted”: unnecessary, in my view, except as part of a general codification of this branch of the law—a problem beyond my terms of reference. The right of course exists, subject only to limits required by the need for good order and the passage of traffic.
7. “that ‘speaker’s corners’ be provided in towns and cities”: I agree. But their provision would not have obviated these disorders.
8. “that a chief officer of police should have power to order the cancellation of one demonstration where two opposing parties are planning to march in the same area.” Superficially attractive, this proposal should, I think, be rejected. Even if accompanied by a “first come, first served” rule, it would inevitably draw the police into the political arena: and how, as a matter of law, does one define “the same area”? If that question be left to a judge on appeal, the judiciary as well as the police would be required to make politically controversial decisions. Further, any such rule would encourage the “pre-emptive bid” to make sure that the other party did not march. In my judgment, the separation of the marchers of opposing factions is best left to the police routing directions subject to the power (exercisable only with the consent of the Home Secretary) to ban a specified procession in a specified area, if it is thought necessary in order to prevent serious public disorder: this power already exists (Public Order Act 1936, section 3(2), (3)).
9. “that complaints against the police should be investigated by an independent body.” My experience in this Inquiry convinces me of the need for an effective complaints procedure enjoying public confidence. I strongly recommend the early introduction of an effective independent element into the procedure for the investigation of complaints. I know attention is being given to the problem, and therefore say no more.

2. The police

135. The principle that lies behind the Metropolitan Police method for the maintenance of public order is that it is the job of ordinary policemen operating without firearms, without special equipment, but enjoying the support and, if necessary, the co-operation of the general public. The method assumes a society united on essentials. I do not consider that these disorders proved the method inadequate or the assumption unjustified.

136. With the exception of the two fringe groups, IMG and the Communist Party of England (Marxist-Leninist), all those represented at the Inquiry proclaimed their belief in the importance of effective co-operation with the police, but made the legitimate point that the police must so conduct their operations as to retain the confidence of demonstrators as well as the general public.

137. I have already said in Part III that, in my judgment, the police met the standard required of them (though I accept that there may have been individual exceptions). In this section I restrict myself to points not fully elaborated in previous parts of the report.

(a) Before the event

138. Planning discussions with organisers are valuable, almost to the point of indispensability. The need for clarity of communication at this stage I have already emphasised. Consideration should be given to the publication of a pamphlet under some such title as "Ways and means of co-operation between demonstrators and police".

139. In making their plans for a double event of demonstration and counter-demonstration, separation in time and place sufficient to avoid confrontation should be for the police their first consideration. The degree of separation must remain a matter for informed and experienced police judgment; but in my view the police would be wise, in the light of the events of 15 June, not to allow a future counter-demonstration to come as close to the object of its opposition as Liberation did, with police blessing, in Red Lion Square. The disorders of that afternoon suggest that the risk in allowing opposing demonstrations to come so close to each other—though reasonable at the time, as I have found—cannot now be accepted. It is better however that the decision should rest with the police than that the law should ban counter-demonstrations. If the police fear serious disorder, the Commissioner can, and should, exercise his power to give directions: if this power is insufficient, he can seek the Home Secretary's consent to ban the procession from a specified area.

140. If discussions are held with the organisers of both demonstrations it is likely that there will be no need to invoke the statutory powers: agreement is the surest guarantee of good order.

(b) The event

141. The police carried out two major operations on 15 June, the first in Red Lion Square, and the second at the Vernon Place crossroads. The particular point of future importance to be adduced from the first operation is that care

must be taken in dispersing a disorderly crowd to ensure that it does not have the opportunity to attack at another vulnerable point. The Vernon Place operation, and the criticisms made of it, confirm that it is important for the officer in charge to ensure, wherever possible, that a crowd has sufficient means of moving away before taking action to disperse or disrupt it. Similarly policemen behind a crowd should bear in mind that their action may be of critical importance to any action taken at the front of the crowd. These are points which could profitably be incorporated in Metropolitan Police training.

142. There are also lessons to be learned in regard to warnings. Current Metropolitan Police thinking seems to be that warnings are ineffective; they frequently attract abuse and are sometimes overridden by the noise of the crowd—"spitting in the wind" as it was described by one police officer. I accept that in a riot situation such as that in Red Lion Square warnings are a waste of time and effort: the police have the immediate duty of restoring order. But the Vernon Place affair was different. Here there was no riot, and the crowd, though it appeared to be hostile and threatening, had not moved to attack either the police or the National Front. A warning could have done no harm; it might have enabled those without violent intent to have left the crowd, and those who remained would not have been able to claim that police action came as a total surprise. There will be some occasions where the police need to keep the element of surprise in order to secure the success of their operation, and decide for that reason not to give any warning; but this was not the situation at Vernon Place. I think it would be a good general principle that where they propose to take action against a static crowd, the police should first give a warning; only exceptionally should no warning be given.

143. It was suggested to me that the mounted police should be withdrawn from demonstration duty. In my view mounted police are essential, if we are to avoid riot squads and riot equipment, both of which, when they appear, increase tension, alarm, and anger: an illustration of the disastrous effect upon people's minds when the police put on their riot equipment is to be found in what happened in Londonderry on 12 August 1969 at Waterloo Place. The appearance of riot equipment is a sign of trouble ahead but mounted police are as much part of the London scene as the policeman on his beat: and their presence is not an indication of a police intention to resort to force.

144. When used to suppress disorder, mounted police do cause apprehension: but, properly used they do not cause casualties. The proper use of mounted police should be kept under continuous review. If they are to be available for a specific event, one of their senior officers should participate in police planning (this was not done in the planning for Red Lion Square). Normally, they should be used to support foot police: sending them in first, as Mr Cracknell did in Theobald's Road, should be the exception, and is justifiable only if the circumstances are exceptional.

145. So far as the SPG is concerned it is for the Commissioner to organise his police force as he thinks fit. Nevertheless, since my Inquiry is concerned with the policing of the metropolis, it would be my duty to make recommendations about the SPG if the evidence warranted. I am aware of the unease felt in

some quarters about the activities of the SPG long before 15 June 1974. But there is no evidence before me to justify either a recommendation that the SPG should be disbanded (as some of its critics asked of me) or that it should be removed from duty on demonstrations. Where they are available for demonstration duty, and are used, as at present, as a mobile reserve to provide reinforcement in case of urgent need, SPG units perform a valuable function. It would be wrong, in my judgment, to give the SPG a more prominent role; if the police are to maintain public co-operation and confidence—upon which they depend so much—it is important that the major part in controlling and managing demonstrations should continue to be played by the ordinary divisional policemen. But providing its involvement, in terms of numbers and duties, is kept at the present reasonable level, I see no objection in principle to the employment of the SPG on demonstration duty.

146. The Metropolitan Police pursue a “low profile” approach towards demonstrators. A peaceful demonstration is managed exclusively by foot policemen equipped only with truncheons. But there are occasions (for example in Red Lion Square) where the police need to take decisive action to stop disorder, and to prevent it spreading; the deployment of the SPG (if available) and the mounted police enhance the ability of the police to cope on such occasions without introducing unacceptable riot control equipment. I am not prepared to make any recommendations which would have the effect of reducing the ability of the most lightly equipped urban police force in the world to deal swiftly and decisively with disorder.

(c) After the event

147. Making arrests is an unpopular and often an ugly sequel of public disorder. But it is an essential part of the policeman’s duty to enforce the law. In these disorders there was a number of forceful arrests. It is, of course, the duty of the courts to investigate allegations of excessive force in making an arrest, when the man stands his trial or himself prefers a charge against the policeman. But I accept that, if the police are to retain public confidence, an effective complaints procedure is needed.

148. The “aftermath” situation presents particular problems for police officers in terms of control. As police officers deal with individual scuffles police formations break down; some policemen will be making arrests, others removing those arrested. It is at this point that the senior officer needs to be at his most active, retaining what control he can over a disintegrating situation. I wish to make three points. First, a high standard of discipline and control is required of police at this stage. Secondly, although holding a prisoner by the hair may be justified in cases where he is butting, biting or spitting, it is only justified where there is great difficulty in the physical control of the prisoner, and should be resorted to only in exceptional circumstances. The third point is that it is surely good police practice for only as many officers to get involved in an arrest as are required; it should rarely be necessary for more than three officers to take part. These are points to be emphasised in police training.

149. When the disorder has been dealt with and the demonstration has come to an end it is important for the police to conduct an effective debriefing, keen though they will naturally be to get away to their homes and families. It is at this stage that reports of the drawing and use of truncheons, and of violent incidents and other matters should be made. These details—which may seem to some an irksome administrative chore at the end of a long afternoon—are, as I have indicated above, important if public confidence is to be maintained. Following major demonstrations senior officers should consider whether there are any lessons to be learned for the future. Public inquiries cannot, and should not, be held after every disorderly demonstration; police officers concerned with public order need to develop a continuing capacity for analysing, assessing, and learning from, their own operations

150. In his written submission the Commissioner did criticise the level of penalties imposed by magistrates for breaches of public order. He did not criticise the law, but in this one respect its administration. On such evidence as I have seen there may well be good reason to wonder whether magistrates do always appreciate the gravity of an offence against public order. Abuse of liberty endangers liberty itself: it is a serious offence to depreciate the currency of freedom by resorting to violence and public disorder—thereby encouraging a move to introduce into the law greater restriction upon the rights of all of us.

3. Demonstrators

151. I know that Liberation has already given thought to the lessons to be learned from the events of 15 June, as befits a responsible organisation. I accept without reservation that Miss Beauchamp, Mr Gilbert and Mr Bidwell, all of whom gave evidence to the Inquiry, are dedicated to the principle of peaceful protest, were horrified by the violence which did occur, and did what they could to stop it. All three were impressive witnesses, particularly Mr Gilbert, who openly and frankly withdrew a rash statement he had made about police action immediately after the disorders. I also accept that Miss Beauchamp and Mr Hart were not envisaging any sort of physical action against the National Front when they booked the small hall at the Conway Hall; but it was a mischievous ploy, and carried public order implications which Liberation ought to have foreseen. In the week before the demonstration Liberation seem to have closed their eyes to the dangers ahead—dangers which were apparent to the NUS, Mr Cadogan, the police and the press. Within the ranks of Liberation only Lord Brockway was apprehensive; the situation in which he was warning about the activities of fringe groups, who were being invited to participate by the General Secretary (Mr Hart) suggests that something went wrong with Liberation's internal communications. There are lessons here to digest; I have sufficient faith in Liberation to leave it to them to come to their own conclusions as to their future conduct, in the light of my comments.

152. Whatever one's view of the policies of the National Front the fact remains that their demonstration on 15 June was disciplined and orderly. They did co-operate with the police throughout and except for one or two incidents involving individuals at the Vernon Place confrontation and in Red Lion Square itself they did not become involved in the disorders. Restricting

myself to their conduct as demonstrators I have only three comparatively minor recommendations; they should discard the pointed tips of their flagpoles which may be dangerous in crowd situations, exercise what control they can to prevent insults and abuse being shouted at members of the public, and abandon threatening chants.

153. As for the IMG I have already found that they initiated the disorder by their inexcusable assault on the police cordon in Red Lion Square, and that they bear a heavy moral responsibility for the violence and injuries which followed. I do not expect that the IMG would accept any recommendations I might make as to their future conduct. But we might find common ground on one point. What happened at the foot of Old North Street was a defeat for the IMG. They failed to reach their tactical objective—the main entrance to the Conway Hall—and they isolated themselves, both physically and politically, from Liberation and other groups taking part. The lesson to be drawn is that there is no profit to be gained in attacking the police. IMG would be well advised in future to obey police directions and remain within the law.

154. The overall lesson for demonstrators is clear: co-operate with the police. (The law and police practice must of course be such as to convince fair-minded people that the police are not politically motivated but concerned only to maintain or, if need be, to restore public order.) Demonstrators should, whenever possible, give notice to the police and accept limits upon the time and routing of their demonstration as a necessary condition for the protection of their right to demonstrate. Within the Metropolitan Police District alone the police have to handle some 500 demonstrations each year: the burden of this work imposes very great strain on the police, and it would be unrealistic to imagine that demonstrations in this sort of number could be handled by the police without the co-operation of the demonstrators. If demonstrators do not co-operate they have only themselves to blame if the law loses its present freedom and becomes more restrictive, less flexible.

155. Finally, I would emphasise that demonstration is only one of several purposes to which our streets may be put: and, perhaps, not the most important. It is a means of protest, not a substitute for political discussion or parliamentary debate. The streets are not the place for carrying on the discussion necessary for democratic government, though they can accommodate the voice of protest provided public order and the right of passage are not endangered.

PART V—CONCLUSIONS AND RECOMMENDATIONS

The disorders

156. The disorders began at 3.38 pm on 15 June 1974 when an unexpected, unprovoked and viciously violent assault was made on a police cordon across the northern carriageway of Red Lion Square just to the east of the junction with Old North Street by the International Marxist Group contingent in a demonstration organised by Liberation; it was inexcusable (paras 19–25).

157. There thus began a riot. The police cordon was under severe pressure for some minutes, and mounted police came into contact with the crowd. Eventually two units of the Special Patrol Group divided the rioters into two sections, driving most of them up Old North Street, and the rest along the northern carriageway of the square past a peaceful meeting being held by Liberation which was briefly disturbed (paras 26–36).

158. I am unable to make any definite finding as to the specific cause of the fatal injury which Mr Kevin Gately suffered in the course of the riot; but in my judgment those who started the riot carry a measure of moral responsibility for his death (paras 37–40).

159. After being pushed out of Red Lion Square, the rioters made their way along Theobald's Road to its western end where they confronted a demonstration organised by the National Front, the object of their opposition, which was halted by police at the mouth of Vernon Place. Police reinforcements rushed to the scene and at 4 pm the mounted police advanced into the left-wing crowd. With the assistance of the foot police they divided the crowd into two sections and pushed them onto the northern and southern pavements. The National Front moved on to their meeting in the Conway Hall (paras 41–58).

160. Subsequently a unit of the Special Patrol Group dispersed a group of some 70 International Marxist Group demonstrators in Boswell Street. Order was finally restored by 4.26 pm (paras 59–65).

161. At least 13 demonstrators were injured in the disorders, one fatally. 46 police officers were also injured. 51 people were arrested (para 66).

Criticisms of the police

162. I am satisfied that police action in the course of the afternoon was conditioned by the behaviour of the demonstrators, not by their politics. The police were right not to ban the National Front demonstration (paras 68–70).

163. I find no ground for criticising the control of the horses of the mounted police, nor the way they were used (paras 74–76).

164. I can find no ground for singling out SPG officers for criticism (para 77).

165. I have investigated allegations about the conduct of individual officers only in so far as I consider it necessary for a proper understanding of the disorders and the lessons to be learned. I recommend that some photographic evidence showing police action against individual demonstrators should be investigated by the Commissioner of Police of the Metropolis (paras 78–80).

166. Some foot police officers drew their truncheons, and some officers used them. I do not exclude the possibility of one or two incidents of the misuse of truncheons, but I reject any suggestion of general misuse (para 81).

167. A number of mounted officers drew their short truncheons. I do not criticise the mounted police for drawing their truncheons before coming into contact with the crowd. I am not prepared to find on the evidence submitted that the mounted officers misused their truncheons. No officer used or even drew his long truncheon in these disorders; consideration should be given to the possibility of dispensing with it (paras 82–84).

168. I accept that in all probability there were cases in which excessive force was used in making arrests, but if this occurred it was the exception not the rule (para 85).

169. The foot policemen who drew their truncheons should have reported the fact. There were also incidents when senior officers should have demanded an explanation, at the time or later, of the policemen involved as to the reasons for the action taken (paras 86–90).

170. The level of violence used against the police in Red Lion Square was high, and the police had to exert a high degree of force to suppress it. The police action at Vernon Place and in Boswell Street would not have been justified, but for the attack on the police in Red Lion Square; however in the event each was justified (paras 91–94).

171. I am satisfied that the police response to the disorders, though forceful as it had to be, was with some possible exceptions disciplined and necessary. There were surprisingly few reported injuries bearing in mind the numbers involved and the scale of the disorders (para 95).

172. In the situation with which they were faced the police were correct in permitting both groups of demonstrators to march on separate routes to the Conway Hall. I do not condemn the police for permitting the Liberation overflow meeting in the square; there was no option open which was risk-free (paras 97–98).

173. The police are to be criticised for failing to make their route requirements clear to Liberation; but confusion over the route was not the cause of the disorders (para 99).

174. The SPG units and the mounted police were rightly taken from reserve to assist the police cordon in Red Lion Square. I do not accept the criticism of the police for the pressure on the crowd in Old North Street. The police did well, in clearing some of the rioters along the northern carriageway of the square, to cause so little interference with the Liberation meeting (paras 100–101).

175. I do not criticise the police commander (Deputy Assistant Commissioner Gerrard) for being in the square rather than in the Operations Room at New Scotland Yard. It was an unfortunate omission that he did not take action to prevent the movement of the rioters westwards along Theobald's Road; but I do not condemn him for it (paras 103–104).

176. In all the circumstances I do not think that the police officer in charge at Vernon Place (Chief Superintendent Cracknell) was being unreasonable in coming to the assessment that the left-wing crowd would probably attack the National Front as they moved off down Southampton Row. I find no ground for criticising the use of the mounted police once this assessment had been reached (paras 105–108).

177. It is a matter for criticism that there were police officers at the rear of the crowd in Theobald's Road; they should have been noticed by officers at the front of the crowd, though it is understandable that they were not (paras 109–110).

178. The action taken by police in Theobald's Road carried risks, the full extent of which they did not realise at the time. There were some dangerous and frightening moments of pressure against barriers which divide the pavements from the road and protect subway entrances, but no reported casualty was so caused (para 111).

179. A warning should have been given before the mounted police entered the crowd (para 113).

180. With the benefit of hindsight one can now see that the police would have been wise to leave the group of demonstrators in Boswell Street alone; but in the circumstances of the afternoon I think it would be wrong to blame the police for the action they took (para 114).

Lessons

(a) Law reform

181. In my opinion the principle of the law and the balance it strikes between freedom, public order, and the right of passage have not been shown by these disorders to be unsound; and I do not recommend any fundamental reform (para 124).

182. However the statute law calls for scrutiny. Section 6 of the Race Relations Act 1965 needs radical amendment to make it an effective sanction, particularly I think in relation to its formulation of the intent to be proved before an offence can be established (para 125).

183. The Commissioner of Police of the Metropolis submitted to my Inquiry that it should be an offence to organise a demonstration without giving prior notice to the police. I do not think the need for this has been established, and I do not recommend this proposed change in the law (paras 126–128).

184. I recommend that the Public Order Act 1936 be amended to confer upon the senior officer present a power to give a direction as to the route to be followed by a demonstration if he thinks it necessary in the interests of public order (para 131).

185. I sympathise with the police difficulty in dealing with objects which may be used as offensive weapons but I think it would be unwise to give the police power to direct that such articles should not be carried or worn (Para 132).

186. I reject the proposal that National Front demonstrations should be banned; and also proposals for specific legal provisions to deal with, first, police interference with journalists and photographers, and second, police misuse of truncheons (para 134 (1), (2) and (3)).

187. I agree with the proposal that Local Acts should be brought into line with the Public Order Act (as amended) (para 134 (4)).

188. I reject a proposal that there should be available a judicial review of any decision to ban or impose conditions on a demonstration (para 134(5)).

189. In my view it is unnecessary to enact a positive right to demonstrate except as part of a general codification of the law (para 134 (6)).

190. I agree that public meeting-places should be provided in towns and cities (para 134 (7)).

191. I reject the proposal that the police should have the power to cancel one demonstration where two opposing parties are planning to march in the same area. Present police powers are sufficient (para 134 (8)).

192. I strongly recommend the early introduction of an effective independent element into the procedure for the investigation of complaints (para 134 (9)).

193. On such evidence as I have seen there may well be good reason to wonder whether magistrates do always appreciate the gravity of a breach of public order (para 150).

194. There are also lessons for demonstrators; above all the need to co-operate with the police. If they do not do so they have only themselves to blame if the law becomes more restrictive (paras 151–155).

(b) Policing

195. I recommend that the police should confirm the route of a demonstration in writing, in suitable cases—while making it clear that the route might have to be changed in the course of the demonstration, if necessary (para 130).

196. Consideration should be given to the publication of a pamphlet under a title such as “Ways and means of co-operation between demonstrators and police” (para 138).

197. In the light of the events of 15 June police would be wise not to allow a future counter-demonstration to come so close to the object of its opposition. The statutory powers should be used where necessary (paras 139–140).

198. In dispersing a crowd the police should take care, as far as is possible in the circumstances, to ensure that it does not have the opportunity to attack at another vulnerable point. Police at the front of a crowd should do what they can to ensure that it has sufficient means of moving away before taking action against it. Police at the rear of a crowd should bear in mind that their action may be of critical importance. These points should be incorporated in police training (para 141).

199. Warnings should be given before taking action against a static crowd; only exceptionally should no warning be given (para 142).

200. I reject suggestions that the mounted police and the Special Patrol Group should be withdrawn from duty in relation to demonstrations (paras 143–146).

201. The “aftermath” situation presents particular problems for police officers in terms of control. A high standard of discipline and control is required of police at this stage. Only so much force and only so many officers should be used in making arrests as are necessary in the circumstances (para 148).

202. It is important for the police to conduct an effective debriefing when reports of the drawing and use of truncheons, violent incidents and other matters should be made. Senior officers need to develop a continuing capacity for learning from public order operations (para 149).

Costs

203. I recommend that the costs, as taxed or agreed, of the parties represented at the Inquiry be paid out of public funds. I was greatly assisted throughout the Inquiry by the counsel and solicitors instructed, all of whom served well not only the interests of their clients but also the public interest.

Conclusion

204. Finally, I wish to express my gratitude and admiration for the services rendered to the Inquiry by Counsel for the Inquiry, the Treasury Solicitor and the members of his staff who acted for the Inquiry, and Mr David Belfall, the Secretary of the Inquiry. The staff of the Treasury Solicitor brought an unrivalled experience and great skill to bear on the task of assembling the mass of evidence and documents necessary to my task. To Counsel for the Inquiry, and particularly to their leader, I am greatly indebted for a fair, but probing, presentation of the evidence and an invaluable review of the evidence at the conclusion of the hearings. Mr Belfall was my indispensable helper and friend throughout all stages of the Inquiry: I would wish to make a special mention of his sustained and shrewd contribution to the preparation of the report. Last, but by no means least, I wish to pay my tribute to the unnamed but devoted civil servants without whose work in the office and at the typewriter the report could never have been written.

205. I take leave of Red Lion Square with a quotation from the evidence of Miss Cathryn Sykes, a school-teacher, who watched from a rooftop the disorders in the square. Asked if it was her impression that the police left it a long time before they started using the horses, she replied,

“Yes. We wondered why they did not bring the horses in earlier: we thought they should have done because the foot police were taking an awful battering.”

And, asked if she thought the police were dealing with the thing calmly, she replied:

“Yes, we thought very well.”

Her assessment of the provocation to which the police in the square were subjected and the quality of their response may stand as the final word. It is the key to a proper understanding of the disorders.

LESLIE SCARMAN

D J BELFALL

(Secretary)

7 February 1975

APPENDIX A

ROUTES AND TIMINGS OF THE DEMONSTRATIONS

1. NATIONAL FRONT DEMONSTRATION

<i>Route</i>	<i>Time</i>
Tothill Street (assembly point)	Moved off at 2.59 pm
Broad Sanctuary	
Parliament Square	
Parliament Street	
Whitehall	
Trafalgar Square (south side)	
Pall Mall East	
Lower Regent Street	
Piccadilly Circus	
Shaftesbury Avenue	
Charing Cross Road	
New Oxford Street	
Bloomsbury Way	
Vernon Place	
Vernon Place junction with Southampton Row	Arrived c 3.53 pm, departed c 4 pm
Southampton Row (western carriageway, against traffic)	
Fisher Street	
Red Lion Square (south and east sides)	Arrived Conway Hall c 4.10 pm

2. LIBERATION DEMONSTRATION

<i>Route</i>	<i>Time</i>
Victoria Embankment near Charing Cross Underground Station (assembly point)	Moved off at 2.48 pm
Temple Place	
Arundel Street	
Strand (westwards)	
Aldwych (eastwards)	
Kingsway	
High Holborn (against traffic)	
Red Lion Street	
Theobald's Road	Arrived at side entrance to Conway Hall 3.33 pm
Old North Street	
Red Lion Square (western part of northern carriageway)	Head reached Red Lion Square at 3.36 pm

APPENDIX B
POLICE DISPOSITIONS

FOOT POLICE

(Note: a foot police serial at full complement consists of one inspector, three sergeants, twenty constables and one WPC/Radio Operator.)

1. 4 serials accompanying the National Front march
2. 4 serials accompanying the Liberation march
3. 7 serials in Red Lion Square drawn up as follows:—
 - (i) 1 serial at the main entrance to Conway Hall
 - (ii) 2 serials on the north side of the square to the east side of the junction with Old North Street
 - (iii) 2 serials on the east side of the square at the junction with Princeton Street
 - (iv) 2 serials in the gardens in the centre of the square
4. 2 serials in Dane Street, in reserve
5. 8 serials in Bloomsbury Square, in reserve

SPECIAL PATROL GROUP

(Note: an SPG unit at full complement consists of an inspector, three sergeants and twenty-four constables.)

4 units in reserve in Richbell Place

MOUNTED POLICE

(Note: a mounted police serial at full complement consists of one inspector, one sergeant and eight constables.)

2 serials in Red Lion Square, one on the north side and one on the east side

APPENDIX C

LIST OF THOSE WHO GAVE ORAL EVIDENCE TO THE INQUIRY

Chief Superintendent L Adams	Mr D M Herbstein
Mr D Bailey	Mr B Heron
Ms K Beauchamp	Sergeant D P Hillyard
Mr S J Bidwell MP	Inspector F S Howard
Police Constable A G Black	Mr R D Hutton
Mr J J Bugler	Mr G I Lakeman
Mr P W Cadogan	Mr D J Lay
Mr C Chambers	Mr C E Marlow
Mr P D Chippindale	Mr S Martinez
Chief Superintendent J H Cracknell	Chief Superintendent W C Matthews
Police Constable I M C Crew	Mr J L Meiklejohn
Mr H S Cross	Inspector R J Moore
Mr T M Davies	Mr N Mullen
Superintendent N J Diver	Mr R W Mullis
Mr T J Donaldson	Mr C N Myant
Police Constable W Drummond	Mr P W O'Kill
Mr D Ellis	Police Constable R K Parry
Sergeant J P Farmery	Mr S Peak
Ms G Farr	Mr D Phillips
Mr D Fenton	Mr S Potter
Mr B J P J Ferris	Police Constable A P Richards
Inspector R C E Finch	Chief Inspector B Smart
Inspector G W Fleming	Ms C V Sykes
Mr D I Ford	Mr S Truswell
Mr A E Frost	Mr M G A Webster
Deputy Assistant Commissioner J H Gerrard OBE MC	Ms U W Wells
Mr T Gilbert	Police Constable J C Whitman
Mr P Harrap	Chief Superintendent W G Wykes
Mr S C Hart	Deputy Assistant Commissioner W H Gibson

APPENDIX D
LIST OF EXHIBITS

- Small plan of the Red Lion Square/Theobald's Road area.
- Large wall plan of the Red Lion Square/Theobald's Road area.
- Royal Automobile Club map of central London with a sketch plan of Red Lion Square.
- Plan of Red Lion Square/Theobald's Road area indicating where demonstrators and police were injured and arrests made.
- Extracts from Metropolitan Police Instruction Book and General Orders.
- Metropolitan Police Operations Room log book of radio messages concerning the National Front and Liberation demonstrations.
- Metropolitan Police returns of serials on duty (particulars of property lost and damaged; use of truncheons; arrests etc).
- Extracts from the Metropolitan Police Mounted Branch manual.
- Metropolitan Police press notice about the Special Patrol Group.
- Transcript of Metropolitan Police radio messages relating to the demonstrations on 15 June 1974 (from 15.26 hours to 17.00 hours).
- Miscellaneous Metropolitan Police documents including letters and forms in respect of the letting of Conway Hall, and notes of meetings.
- Metropolitan Police report (dated 16 June 1974) by Deputy Assistant Commissioner J H Gerrard OBE MC to the Assistant Commissioner "A" Department, New Scotland Yard on the marches and demonstrations of 15 June 1974.
- Transcript of the evidence given at the Coroner's Inquest on Mr Kevin Gately (11 and 12 July 1974).
- Constitution of Liberation (with a short list of affiliated organisations).
- Excerpt from House of Commons Official Report (Hansard) Vol. 352, No 38, 17 June 1974.
- Notes of Evidence in the case of Mr D J Ripley, Bow Street Magistrate's Court, London, 2 August 1974.
- Analysis of arrests (showing time and place).
- IMG pamphlet entitled: "Fascism, smash it now!"
- Several placards and flags; a number of banners, banner supports made of wood and bamboo; 2 (cardboard) smoke canisters; 3 lengths of pedestrian guard rail; and two other metal objects.
- Films of the marches and demonstrations taken by:
- (i) BBC cameramen
 - (ii) ITN cameramen
 - (iii) a resident of Red Lion Square
 - (iv) a member of the National Front
- A Metropolitan Police training film.
- 201 Photographs by various photographers.

APPENDIX E

HISTORY OF THE INQUIRY

APPOINTMENT

On 28 June 1974 the Home Secretary (the Right Honourable Roy Jenkins MP) announced in answer to a Parliamentary Question that he was appointing Lord Justice Scarman to conduct a local inquiry under section 32 of the Police Act 1964 with the following terms of reference:

“To review the events and actions which led to disorder in Red Lion Square on 15 June and to consider whether any lessons may be learned for the better maintenance of public order when demonstrations take place.”

The Warrant of Appointment is set out at page iii of this Report.

HEARINGS

Lord Justice Scarman held a preliminary public hearing in the Convocation Hall, Church House, Westminster on 31 July. He sat in the Assembly Hall, Church House, and subsequently in the Hoare Memorial Hall, Church House on 23 days between 2 September and 2 October to hear evidence from 57 witnesses on the events of 15 June, and their antecedents. (Of these witnesses 19 were police officers, 17 were demonstrators associated with one or other of the demonstrations on 15 June, 12 were journalists or others employed on news-gathering activities, 5 were residents in the area or bystanders, and there were 4 others.)

Evidence was heard from one witness (Deputy Assistant Commissioner Gibson) on the “lessons to be learned” on 18 November at the Royal Courts of Justice, Strand, and on 19, 20 and 22 November closing speeches were made on behalf of the various parties granted leave to be represented before the Inquiry.

Lord Justice Scarman did not find it necessary to exercise the discretion given him under the term of the Warrant of Appointment to hear evidence in private.

COLLECTION OF MATERIAL

Advertisements were placed in the national daily and London evening newspapers on 8 and 9 July inviting members of the public to submit written evidence to the Inquiry via the Treasury Solicitor, the solicitor for the Inquiry. In a further advertisement on 19 July interested parties were invited to submit applications for leave to be represented before the Inquiry at the public hearings of evidence. In all 338 written statements were received or obtained from witnesses of the events of 15 June and their antecedents.

In addition the photographs, documents, film and other material set out in Appendix D were made available to the Inquiry. Copies of the documents and photographs exhibited (together with copies of the statements of witnesses to be heard by the Inquiry) were circulated to the parties represented. The films were shown to the parties represented and to the public in the Convocation Hall, Church House on 13 September. (Certain untransmitted ITN film, which the company was reluctant to make available to the Inquiry, was obtained under summons.)

Lord Justice Scarman issued a further invitation for written submissions on the "lessons to be learned" on 19 September. In response he received 21 submissions from organisations and individuals.

REPRESENTATION BEFORE THE INQUIRY

Counsel for the Inquiry were Mr C L Hawser QC, Mr G Slynn QC, Mr P Scott and Mr I Glick, instructed by the Treasury Solicitor. Five parties were represented before the Inquiry throughout the hearings of evidence, as follows:—

Commissioner of Police of the Metropolis and his Force	Mr D Farquharson QC, Mr A Scrivener and Mr D Dow of Counsel, instructed by the Solicitor to the Metropolitan Police
London Area Council of Liberation	Mr D Turner-Samuels QC and Mr D Altaras of Counsel, instructed by Messrs Seifert, Sedley and Co. Solicitors
International Marxist Group	Mr R Tansey and Mr R Harvey of Counsel, instructed by Messrs Bowling and Co. Solicitors
Warwick University Students Union and the National Union of Students	Mr S Sedley and Mr W Birtles of Counsel, instructed by Messrs Cecil Angel and Co. Solicitors
Communist Party of England (Marxist-Leninist)	Mr P Rowe (a member of the party)

The following party was granted leave to be represented on 6 September, and was represented from 16 September:

National Front	Mr J J Selwyn of Counsel, instructed by Messrs Owen and Briggs, Solicitors
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Witnesses before the Inquiry were first examined by counsel for the Inquiry, then cross-examined by representatives of other parties and finally re-examined by counsel for the Inquiry.

IMMUNITY

In a letter to Lord Justice Scarman dated 26 July the Attorney-General gave the following undertaking:—

"I undertake that the immunity of any witness who appears before the Red Lion Square Inquiry will be extended so that neither his evidence before the Inquiry nor any documents he is required to produce to the Inquiry shall be used against him in any subsequent criminal proceedings, except in criminal proceedings in which he may be charged with having given false evidence before the Inquiry or conspired with or procured others to do so."

COSTS

Under subsection (5) of section 32 of the Police Act 1964 the Home Secretary has power to direct that the whole or part of the costs incurred by any person for the purposes of a local inquiry shall be defrayed out of the police fund,

subject to taxation. On 9 July the Home Office invited Lord Justice Scarman to make recommendations to the Home Secretary as to the exercise of this power of direction, at the conclusion of the Inquiry. Subsequently the Home Office indicated that they would "save in exceptional and unforeseen circumstances" accept Lord Justice Scarman's recommendations.

Lord Justice Scarman informed the parties concerned, before the hearings of evidence began, that he intended to recommend to the Home Secretary that the reasonable costs of each party granted leave to be represented be met from the police fund, subject to taxation, with the sole proviso that he would not so recommend where he considered that the person representing the party concerned had wasted the time of the Inquiry. He would expect and hope to be able to give a warning when he considered that that point was about to be reached. He further indicated that he would not make an adverse recommendation as to costs without giving the party concerned an opportunity to make representations to him.

At the conclusion of the hearings of evidence Lord Justice Scarman indicated that he would recommend to the Home Secretary that the reasonable taxed costs of all the represented parties be met from the police fund.

