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From: [REDACTED], F4 Division, 30 January 1984

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PERMANENT UNDER  
SECRETARY OF STATE  
30 JAN 1985

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cc [REDACTED]  
Mr Partridge  
Mr Hilary  
HMCIC  
Mr Boys Smith  
Mr Harrington  
[REDACTED]

Mr [REDACTED]

HOME AFFAIRS SELECT COMMITTEE

I am sorry to add more to the mountain of paper for the Home Secretary's appearance at the Home Affairs Committee this afternoon, but there are two further points which I need to draw to your attention.

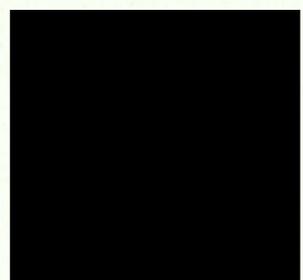
2. First, Sir Brian Cubbon has reminded me that it will be important in presenting issues of subversion not to lose sight of the point that Special Branch work is a proper police activity which stems from the responsibilities of a constable for upholding the Queen's Peace. This is brought out in paragraph 4 of the guidelines. We do not therefore want it to appear that either the Home Secretary or central government is too deeply involved in judgements which are essentially for the chief constable to take in view of his responsibilities for the preservation of the Queen's Peace. You will also note that paragraph 6 of the speaking note under brief 3 brings out the point that a chief officer may decline to provide assistance to the Security Service if what is requested is not considered to come within his responsibilities for law and order and the preservation of the Queen's Peace. On the other hand of course there is difficulty in maintaining that these judgements are entirely at the unfettered discretion of the chief constable. That discretion has to be balanced against the proper role of the Security Service in relation to subversion, and that role also helps to avoid Maverick interpretations of the definition by individual police officers. We also need to leave ourselves room to differ from the chief constables who gave evidence last week on the importance of keeping to the existing definition. Perhaps the key to all this is that the definition and the standards to be applied under it are a matter for the Home Secretary, and for the Security Service with the responsibility that their directive gives them for subversion. But that the application of the definition to particular cases is and must remain ultimately a matter for the chief constables.

3. On the second point we have heard from the Clerk of the Committee that the Committee's attention has been drawn to the Home Secretary's correspondence with John Prescott MP about the involvement of Special Branches in industrial disputes. The Clerk believes that this letter (which of course reflects the briefing that has been provided for the Home Secretary's appearance) usefully brings out some of the points of interest to the Committee and will therefore be advising the chairman and other members of the Committee to ask a set of questions designed to elicit statements on the lines of the letter to Mr Prescott. These questions are as follows:

- 1) What is the difference in the functions of Special Branches in relation to public order, as opposed to subversion?
- 2) To what extent do Special Branches need to look into the activities of persons who aim to injure Parliamentary democracy but who do not formally break the law?
- 3) Do you believe that the definition requires or enables Special Branches to make judgements of a political nature about persons?
- 4) To what extent are Special Branches interested in trade unionists, and why?
- 5) Are you satisfied with the rules for the use of surveillance equipment by the police?

These questions would be put on the basis that the answers would be on the lines set out in the Home Secretary's letter to Mr Prescott. A copy of the correspondence is attached. This development will highlight the surveillance guidelines, and at the request of the Clerk of the Committee I have sent him copies of them so that they can be available to the Committee this afternoon.

4. In addition to what is said about surveillance in the letter to Mr Prescott there is as you know full briefing on this question, together with a copy of the guidelines at brief 8.



F4 Division  
30 January 1985



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Mr Hilary  
Mr Harrington  
HMIC

QUEEN ANNE'S GATE LONDON SW1H 9AT

25 January 1985

*John*

Thank you for your letter of 21 December about the Home Office Guidelines on the work of a Special Branch, issued on 19 December.

It is important to recognise that a Special Branch's functions in relation to public order (paragraph 5 of the Guidelines) are quite distinct from its functions in relation to subversion (paragraph 6). Picketing would be of no interest to Special Branches if it were always conducted peacefully and within the law. But where picketing may pose a threat to public order it is entirely right that a chief officer should have access to any relevant information that his Special Branch can provide to help him determine an appropriate level of picketing.

Turning now to subversion, this concept is interpreted no differently in relation to trade unionists than in relation to any other group in society. Special Branches, in common with all other departments and agencies with responsibilities in this field, apply the definition formulated by Lord Harris when he was a Minister in the Labour Government in 1975 and which is quoted in paragraph 20 of the guidelines:

"Subversive activities are those which threaten the safety or well being of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent means." (House of Lords debates 26 February 1975, Col 947)

I myself made clear in the House, when I was Minister of State in the Home Office, that both limbs of this definition have to apply before an activity can properly be regarded as subversive (Official Report, 7 November 1979, Col 577). The definition is not limited to possible acts of a criminal nature. In an open society such as ours it is all too easy to use tactics which are not themselves unlawful for subversive ends, and those who are entrusted with safeguarding our democratic institutions from subversive attack must not be prevented from looking into the activities of those whose real aim is to harm our democracy but who, for tactical or other reasons, choose to keep (either in the long or the short term) within the letter of the law in what they do.

But I do not accept that the definition allows Special Branches to make what you refer to as "political judgments" as to the involvement of subversive elements in industrial activity or in other aspects of our national life. Under the definition an activity is subversive only if it is carried on with the aim of undermining or overthrowing Parliamentary democracy and only if it threatens the safety or well-being of the state itself. There is a clear distinction between subversion and opposition to the policies of the government of the day or peaceful campaigning to bring about changes in those policies or to influence public opinion generally.

/It is fully

John Prescott, Esq, MP

It is fully recognised in the police service that Special Branches should concern themselves in industrial matters only to the extent necessary for the discharge of the tasks laid upon them in the guidelines - in particular the maintenance of law and order and the protection of the State against subversion. By the same token, Special Branches are not interested in trade unionists as such, but only in such activities of individuals within trade unions (as within any other group or section in society) as are relevant to the tasks laid upon them by the guidelines.

The rules governing the use of surveillance equipment (including cameras and sound recording devices) by Special Branches are the same as those which apply to all other parts of police forces. Revised and tightened Home Office guidelines were issued on 19 December 1984, replacing the previous guidance dating from 1977. The guidelines ensure that surveillance devices of all kinds are used only where strictly necessary for the proper and efficient conduct of police operations, and with due regard for the intrusion of privacy that may result in particular circumstances.

In answer to your last question, if someone is asked to provide information to a Special Branch officer, his duty to co-operate and his rights to refrain from answering questions are precisely the same as in any other case where the police seek the assistance of a member of the public with their enquiries.

✓  
Len B. [Signature]



HOUSE OF COMMONS  
LONDON SW1A 0AA

11. on 2 January. returns me  
Pl. arrange drafting  
as a Minister  
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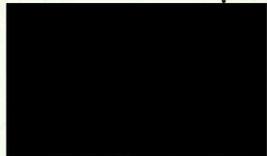
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Rt Hon Leon Brittan, QC, MP  
Secretary of State  
Home Office  
50 Queen Anne's Gate  
LONDON SW1H 9AT

21 December 1984

*Dear Home Secretary*

*Mr Harrington for advice pl  
cc*



I have today read the Home Office guidelines on the work of the Special Branch issued yesterday. Having observed Special Branch activities within the trade union movement for some considerable time I wish to draw to your attention some of my concerns. In previous interviews with past Home Secretaries I have been unable to secure confirmation that the Special Branch are active within the trade union movement. It has been impossible to get previous Home Secretaries to give a definition of an alleged trade union "subversive". Your guidelines acknowledge, for the first time, that such information is acquired but must not be given to employers or their organisations.

*Mr Partridge  
Mr Heery  
HACIE*



In view of this I would be grateful for your observations on the following two points:

- 1 Is the definition of subversive activity one solely limited to possible acts of a criminal nature or does the Home Office allow the Special Branch to make political judgements as to subversives involved in industrial activity?
- 2 I am aware of Special Branch activity involving the photographing of disputes and picketing, the recording of conversations and the production of reports on individual trade unionists' movements. Can you tell me whether you believe such activities take place and whether such information is used to acquire further information? In such a process, what are the rights of individuals who are approached by Special Branch officers and asked to co-operate in identifying

continued . . .



individuals? Are they entitled to refuse to co-operate with the Special Branch unless such acts involve alleged criminal activity?

As you will appreciate, this is a most sensitive area which involves the rights of our citizens and, in particular, trade unionists who, in the judgement of some Government Ministers, are considered to be, and are treated as, the enemy within.

*John Prescott*

John Prescott

Rt Hon Leon Brittan, QC, MP  
Secretary of State  
Home Office  
50 Queen Anne's Gate  
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